

FREE SPEECH & WRITING BETWEEN THE LINES:
STRAUSS, MILL, & WEBER

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The sustainability and desirability of free expression in society and academia is a deeply relevant and divisive debate. Understanding this debate necessarily involves asking questions about the role of public education and the ability of society to defend its existence and goodness. Free speech is a debate about gray area and boundaries. For example, can a society defend itself if it does not hold certain beliefs beyond general questioning? And if a society holds certain beliefs beyond question, how then can it leave room for the discovery of truth? Furthermore, what is the role of academia in discovering and conveying truth, and is free expression in the academy essentially different than free expression in society? That is, are society and academia so linked that free expression in academia cannot help but bleed into, and thus potentially harm, society at large? This paper seeks to map out the fundamentals of this debate through a comparison of Strauss, Mill, and Weber on the question of the desirability and sustainability of free speech in both society and academia. By extension, this study compares a more ancient view of free speech with the modern view of free speech.

The question of the desirability and sustainability of free speech for Strauss, Mill, and Weber hinges on their respective answers to two key questions, or facets of the reconciliation between the discovery of truth and the stability of society. First, is there a universally equal capacity for independent thought? This question has important ramifications for the purpose and extent of popular education. Second, is all truth inherently good for society? This second question is directly tied to the answer given to the first question. As this paper will show, these two questions form the basis for disagreement between Strauss, Mill, and Weber on question of free speech. Ultimately, I argue that Strauss provides the more compelling theory of free speech, or for reconciling the discovery of truth with the stability of society.

Equal Capacity for Independent Thought

The first essential difference between Strauss, on one side, and Mill and Weber, on the other, regarding the desirability and sustainability of free speech is found in the question of independent thought. Are all men equally capable of independent thinking? Or, perhaps more accurately, can all men be educated? If all men cannot be equally educated, then what is the purpose of popular education?

Strauss' answer to this first question depends, of course, on what is meant by independent thinking. In *Persecution and the Art of Writing*, Strauss argues that “what is called freedom of thought in a large number of cases amounts to - and even for all practical purposes consists of – the ability to choose between two or more different views by the small minority of people who are public speakers or writers.¹ That is, the majority of men can only pick between a presented number of ideas. The majority of men do not discover new ideas. This is not a uniquely ancient point of view. In *Areopagitica*, Milton argues that “reason is but choosing”. However, the implication for the equal capacity of independent thought is clear, for this choosing is the “only kind of intellectual independence of which many people are capable...”.² Thus the majority of men can only engage in a limited form of independent thought. They are not philosophers.

In contrast, a small number of men – Strauss' “intelligent minority” - are capable of the fullest extent of independent thinking. Their thinking is not confined to the two or more views presented by the government or major public thinkers, for the truly independent thinkers break free from the narrow circle of choice into the realm of discovery. Moreover, the mind of such a man can never be successfully restricted by persecution, whether implemented as social ostracism or a type and shadow of the Spanish inquisition.³ Persecution can neither prevent independent thinking or the private

1 Strauss, “Persecution and the Art of Writing”, 488-489.

2 Ibid, 489.

3 Ibid, 499.

expression of these few men's independent thought. Indeed, "persecution cannot prevent even public expression of the heterodox truth, for a man of independent thought can utter his view in public and remain unharmed, provided he moves with circumspection... [and] even utter them in print...provided he is capable of writing between the lines".⁴

Writing between the lines is a peculiar technique of writing that allows the writer to express both an exoteric general message and an esoteric teaching discoverable only by a careful reader. The writer accomplishes this feat through "enigmatic features in the presentation" of the exoteric, or popular, teaching, such as contradictions in the paper, obscurity of the plan, pseudonyms, inexact repetitions of earlier statements, and strange expressions.⁵ The author may even admit to deliberate errors in the text. Only thoughtful men are careful readers, so only the intelligent and meticulous reader will pick up on these enigmatic features and discover the crucial teaching expressed exclusively between the lines. Of course, an important objection is that intelligent men who are not trustworthy may also perceive this second layer. For example, a careful censor may perceive the author's true convictions. In response to this opposition, Strauss relies on the Socratic dictum that "virtue is knowledge, and therefore thoughtful men as such are trustworthy and not cruel".⁶ A censor capable of perceiving the author's true convictions is therefore unlikely to expose him. Of course, this dictum need not be true in all cases, only in the majority of cases.

This literary technique of writing between the lines combines the benefits of private and public communication, namely a breadth of reach across time and space limited only by the reader's capacity to understand, while avoiding the respective disadvantages of limited reach and capital punishment.⁷ This ability to speak cautiously and write esoterically thus creates room for these few men to discover truth and discuss it with similarly deep thinkers and readers. That is, esoteric writing both protects the

4 Ibid, 490.

5 Ibid, 504.

6 Ibid, 492.

7 Ibid, 491.

artful writer from persecution and allows him to communicate and discover truth. The few owners of this peculiar ability, this art of writing, are philosophers, which is the purest form of independent thinking. Thus a certain degree of philosophy persists even at the height of persecution.

With independent thinking understood in this light, Strauss clearly denies a universally equal capacity for independent thought. Moreover, since “the gulf separating the wise and the vulgar is a basic fact of human nature which cannot be influenced by any progress of popular education”, the purpose of popular education is necessarily limited as well.⁸ The goal of education is not to turn all men into philosophers. Rather, the goal is to cultivate virtue in the general population, with teachings proper to such an audience, while leaving a door open for potential philosophers through enigmatic features in speech and writing. That is, unlike Mill and Weber, Strauss does not anticipate the ability of education to fundamentally change human nature. Education can increase piety and civic virtue; it can enhance the best parts of human nature and mitigate against the worst inclinations of human nature. Such an education is the bulwark of a truly free society because it teaches self restraint and duty in the exercise of freedom. Human nature will not, however, be fundamentally altered or evolved through popular education.

In contrast, Mill asserts that human nature can change and become more rational. Along with Weber, Mill adopts a transformational view of human nature. Through the implementation of proper mechanisms, human nature can evolve and progress. However, instead of removing property to cause this evolution of nature, as in the writings of Karl Marx, Mill seeks to change human nature, and thereby maximize happiness, through education. Indeed, Mill passionately supports a government mandate for universal education. Mill argues that “...to bring a child into existence without a fair prospect of being able, not only to provide food for its body, but instruction and training for its mind is a moral crime, both against the unfortunate offspring and against society...”⁹ As such, the state should

⁸ Ibid, 501.

⁹ Mill, *On Liberty*, 104.

require education, up to a certain standard, for every citizen. Yet Mill worries that a general state education is “a mere contrivance for molding people to be exactly like one another” and “establishes a despotism over the mind”.¹⁰ So the state should mandate public education while still upholding the standard of diversity of opinion and modes of conduct through a diversity of education. That is, the state need not run every educational institution. It need only mandate that such an education be received, which can be enforced through public examinations. These examinations should be “confined to facts and positive sciences exclusively” to prevent any government sponsored homogenization of opinion, which would undermine the purpose of education.¹¹ Though Mill is writing specifically about institutional education, we will see that free speech more generally serves as its counterpart in educating the public, and thereby changing human nature.

This emphasis on education as the means whereby human nature can be changed and society progress is the essential difference between Strauss and Mill on the question of the universality of independent thinking. Indeed, Mill and Strauss are, at first glance, strikingly similar in their response to the question of the universality of independent thinking. Though Mill allows a more generous view of the universal capacity for independent thought, he too narrows this thought to the majority’s choice among several presented views. Mill likewise harkens back to Milton’s argument that “reason is but choosing”.¹² The majority will not create new ideas to challenge the orthodox selections. Rather, “the majority, being satisfied with the ways of mankind as they now are...cannot comprehend why those ways should not be good enough for everybody...”.¹³ The majority is inherently conservative and suspicious of new modes, even if such modes are more in harmony with truth. Consequently, the eccentric geniuses, those who will actually discover truth and promote change and progress, will naturally be stymied and stigmatized, for “spontaneity...is looked on with jealousy, as a troublesome

10 Ibid, 104-105.

11 Ibid, 106.

12 Milton, *Areopagitica*.

13 Mill, *On Liberty*, 54.

and perhaps rebellious obstruction to the general acceptance...of what would be best for mankind.¹⁴ This jealousy echoes Strauss' observation that because philosophy is essentially a privilege of the few, "it is suspect to, and hated by, the majority of men".¹⁵

Yet Mill argues that society cannot progress without the eccentricities of the few who are not satisfied with the way that things are. These geniuses, these salt of the earth, must be given the room to breathe freely in an "atmosphere of freedom".¹⁶ If forced to conform to the social mores of the day, their genius will be stymied and they will become common. If they break out of their social chains, these few truly independent thinkers will be stigmatized and beaten down. In either case, society will not reap the benefits of their genius. Hence Mill argues for the liberty of the individual; by protecting the eccentricities and thoughts of the many, he seeks to protect the eccentricity and the independent thinking of the genius.

Both Mill and Strauss are thus concerned with the few, the philosophers and eccentric geniuses, and ultimately with the discovery of truth. However, Mill and Strauss have different conceptions of the social role and responsibility of the philosophers and eccentric geniuses. Strauss' philosopher is protected in his pursuit of truth by his ability to express himself esoterically. His ability to philosophize can survive even in the midst of persecution. Mill's eccentric genius, whose discovery of new truths will lead to social progress, is protected by free speech, or the allowance of everyone else's eccentricities. Thus the necessary follow up question is whether all truth is inherently good for society, or whether truth can be harmful to the stability of society?

Is All Truth Good For Society?

14 Ibid.

15 Strauss, "Persecution and the Art of Writing", 501.

16 Mill, *On Liberty*, 54.

In *Areopagitica*, Milton argues that society is not based upon a noble lie but upon the truth, which is Christ. As such, truth is inherently good, and the energetic pursuit and defense of this truth is of utmost importance. The best method to encourage this discovery of truth is a basic freedom of thought and expression. “And though all the windes of doctrin were let loose to play upon the earth, so Truth be in the field, we do injuriously by licencing and prohibiting to misdoubt her strength. Let her and Falshood grapple; who ever knew Truth put to the wors, in a free and open encounter”.¹⁷ Though this freedom will mean allowing falsehood to coexist alongside truth, the strength of truth will ultimately win the day.

Mill picks up and expands Milton’s classically liberal argument. Truth is inherently good; it is the vehicle for social progress. Thus the pursuit and discovery of this truth is a paramount objective for society. Like Tocqueville, Mill worries that the rule of reason is undermined by the tyranny of majority opinion in a democracy.¹⁸ Majority opinion is rarely challenged once it mind is made up because the mind of the mass is held to have greater power to attain unto truth than the mind of one aberrant or eccentric thinker. Once such an opinion is established, it creates an almost overwhelming force upon the minds of men. The few that withstand this force of opinion will nevertheless rarely transgress it for fear of an onslaught of social stigmatization. Mill seeks to correct for this dilemma by establishing tolerance, or a general freedom of expression, as the dogma of the majority. In a way, confrontation with social mores and orthodox dogmas itself becomes the new orthodox dogma. This leaves room for the discovery of truth through a free and open exchange of ideas and modes of conduct.

Moreover, not only will truth ultimately win the day against falsehood, but Mill further argues that true opinion can be refined, and truth itself discovered, only through contact with false opinions. “Both teachers and learners go to sleep at their post as soon as there is no enemy in the field”.¹⁹ This is

¹⁷ Milton, *Areopagitica*.

¹⁸ Tocqueville, *Democracy in America*.

¹⁹ Mill, *On Liberty*, 49.

Mill's great dialectic of truth. Interestingly, this dialectic is best seen in Strauss' hypothetical in *Persecution and the Art of Writing*. In this hypothetical, Strauss considers a writer in a Soviet bloc country writing a paper condemning the evils of liberalism. In order to condemn the evil of liberalism, the writer must make a statement of the general precepts of liberalism. Though the exoteric teaching of this writer is an explicit rejection of liberalism, his esoteric teaching can be found in this statement of liberalism's precepts. These three or four sentences would "state the case of the adversaries more clearly, compellingly and mercilessly than it had ever been stated in the heyday of liberalism, for he would drop all the foolish excrescences of the liberal creed which were allowed to grow up during the time when liberalism had succeeded and therefore was approaching dormancy".²⁰ It is persecution and constant contact with the opposite view that produces a refined true opinion. Hence Mill argues that society cannot reject or ban false opinions because they clarify and strengthen true opinions. Nor can society prohibit partial truth or opinions of unknown worth because society can never be sure that it has arrived at the absolute truth.

Just as dogma and a homogenization of opinion must be confronted in society, space must also be left open for the discovery of truth in academia as well. This requires that professors teach, and public examinations test, only the facts. The point of the university is not to inculcate the truthfulness or falseness of a given opinion into the majority of students. Rather, the university must give a basic training in logic and reasoning and then get out of the way and allow a diversity of opinions to flower and clash. The same limit on free expression in society – namely, the harm principle – is also the sole limit on the free expression of opinion and modes of conduct by students. Indeed, the academy is a type of a miniature society, with its own smaller marketplace of ideas and theories. Importantly, the harm principle does not extend to, or even acknowledge, the potential harm that truth can cause to the stability of society. Indeed, acknowledging the potentiality of such harm would itself be the greatest

20 Strauss, "Persecution and the Art of Writing", 490-491.

harm, for such logic presupposes that society's are built, at least in part, on untruths. In a way, then, Mill's argument poses less of a threat to society, though it simultaneously renders it defenseless, than Strauss' argument that not all truths are good for the health of society. This dilemma will be addressed later in this paper.

Mill's argument regarding limits on free speech in academia is taken a step further by Weber's rigorous fact-value distinction. Facts can be known, values only debated. As such, the majority of education is dedicated to the conveyance of facts in the positive sciences, with values left to religion and philosophy. Yet even in a course on philosophy, or when a political issue arises, the professor must present that issue systematically and factually without an attempt to convey his own subjective opinion.²¹ The students benefit from the equal presentation of opinions and arguments. Such an education refines public debate. Moreover, the teacher is compelled to impart knowledge equally to all students because truth is inherently good and beneficial.

Strauss, on the other hand, starts from the position that not all truth is beneficial to society. Importantly, in *Persecution and the Art of Writing*, Strauss paraphrases the humanist thinker Lessing's argument that there are truths which should not or cannot be pronounced, and that all ancient philosophers had distinguished between their exoteric and esoteric teachings.²² This conveys three significant ideas. First, truth is not equally accessible to the human mind. Some truth cannot be pronounced, even by the philosophers who have the capacity to discover such truths. Second, truth is not inherently harmless to the stability of society. Truth, and the free expression of true opinion by extension, can have a deleterious effect on the foundations upon which a society is built, and so certain truths should not be pronounced by those who have discovered them. Third, these two facts – the inexpressible nature of some truths and the potential harm of true opinion on social stability – are

21 Weber, "Science as a Vocation".

22 Strauss, "Persecution and the Art of Writing", 494.

necessarily linked to the philosopher's decision to distinguish between his esoteric and exoteric teachings.

The first use for esoteric writing, or writing between the lines, is the protection of the writer from persecution. The philosopher writes between the lines to protect himself from persecution while still upholding his commitment to truth. However, there are two additional uses of this peculiar technique of writing of equal, and perhaps even greater, practical value. The first use for esoteric writing is as a pedagogical method. Strauss nods to this use at the end of *Persecution and the Art of Writing*: "All books of [this] kind owe their existence to the love of the mature philosopher for the puppies of his race, by whom he wants to be loved in return".²³ The philosopher does not take the time to write esoterically, or bury an esoteric teaching within an exoteric teaching, without the expectation of an audience to understand and further his work. That is, the philosopher is writing for the sake of potential philosophers. He yearns to share his pursuit of knowledge; he seeks the company of likeminded men, even if only through a shared acknowledgment of an esoteric teaching in an essay. The difficult work of reading carefully, of taking seriously the enigmatic features of the work, is itself a training tool for, and sifter of, the burgeoning class of philosopher. So this peculiar technique of writing is both a pedagogical method and a tool of self preservation.

The second additional use for this technique of writing between the lines is the protection of society, or the stability of society. This is the purpose hinted at in Strauss' invocation of Lessing. Some truths ought not to be communicated publicly, and so all ancient philosophers distinguished between their exoteric and esoteric teachings. That is, the ancient philosophers wrote between the lines to preserve societal stability, to prevent a deteriorating confrontation with the very foundational orthodoxies of a society. In turn, this logic relies upon two dictums. First, virtue is knowledge, so thoughtful men are trustworthy and not cruel. This is the Socratic dictum mentioned previously in this

²³ Ibid, 504.

paper. This dictum assumes that men capable of reading between the lines are virtuous and trustworthy enough not to expose the esoteric teaching to the public. That is, this dictum assumes that philosophers in general are reasonable enough to understand the potential danger to both the author and society of exposing the esoteric teaching. Knowledge, which is virtue, teaches these philosophers prudence.

Consequently, these truly independent thinkers must conceal their opinions from all but philosophers, limiting themselves by writing about the most important subjects by means of brief indication.²⁴ Strauss argues that this pattern of stating publicly only those teachings fit for the majority, while including an esoteric teaching for fellow philosophers, is reconcilable with the democratic creed. For example, Spinoza, who was a champion of both liberalism and democracy, wrote in this peculiar manner. One argument may trace Spinoza's allusive and evasive writing style to his social status. As a Jew in a non-Jewish environment, the argument may go, Spinoza subconsciously did not feel free to speak his mind. Yet Strauss argues that Spinoza understood the real cause of his enigmatic writing style perfectly well, and he would have been "equally cautious, hesitant, and reserved if he had lived in a purely Jewish environment".²⁵

The cause of Spinoza's reserve was his recognition of the potential danger both to himself and society from pronouncing his esoteric teaching publicly. Strauss further demonstrates this principle using a letter from Hobbes to the Marquess of Newcastle:

I must confess, if we consider the greatest part of Mankinde, not as they should be, but as they are...I must, I say, confess that the dispute of this question will rather hurt than help their piety, and therefore if his Lordship had not desired this answer, I should not have written it, nor do I write it but in hopes your Lordship and his, will keep it private.²⁶

Interestingly, Strauss first includes Hobbes' statement that "Suppression of doctrines does not but unite and exasperate, that is, increase both the malice and power of them that have already believed them".

²⁴ Ibid, 501.

²⁵ Ibid, 501-502. This very important discussion comes at the end of an extended footnote attached to the quotation "brief indication".

²⁶ Ibid, 501.

Yet the extended quote above, drawn from Hobbes' letter to the Marquess of Newcastle, demonstrates a different side of Hobbes' logic. The suppression of doctrine may unite and exasperate the philosophers and eccentrics, but the public rebuttal of such doctrine carries the danger of undermining piety. Hence Hobbes' request for privacy. On one hand, this request for privacy is for the protection of the author from persecution. Yet the bishop's public silence is also for the sake of the public itself.

This assumption of prudence will not necessarily prove true in every case. In *The Laws*, the theological argument given by the Athenian Stranger, "the best prelude on behalf of all the laws" is made to defend the city against the threat posed by the impious youth.²⁷ That is, the Athenian Stranger seeks to defend the fundamental laws, which require the reverence that comes from divine origin for their preservation, from the impious and imprudent youth. These youth are potential philosophers, the "young puppies of the race", who have not yet learned prudence. The youth who disregard this theological argument are put on trial before the city in speech's nocturnal council. The point of this presentation before the council is not simply punishment but education. The council seeks to persuade the impious young man to exercise prudence and not question the origin of the fundamental law publicly. Debate about the fundamental laws, and the pursuit of truth more generally, is restricted to the nocturnal council. If the impious youth still refuses to exercise prudence after his tenure with the nocturnal council, he is cast out of society. This process in the city-in-speech is the practical equivalent of the philosopher's use of the peculiar technique of writing between the lines. Though the nocturnal council speaks in secret instead of writing between the lines, the underlying logic is the same. Both the nocturnal council and the philosopher balance the pursuit of truth with their "social responsibilities" through the employ of esoteric writing and speaking in highly selective, private chambers.²⁸

The second dictum upon which Lessing's logic relies is society's right to defend itself. Weber argues that no science is free from suppositions, and the value of science is lost when its key

²⁷ Plato, *The Laws*, Book 10, 887C.

²⁸ Strauss, "Persecution and the Art of Writing", 503.

suppositions are rejected.²⁹ Consequently, scientists must take these suppositions on faith in order to push the boundaries of scientific knowledge. This same basic principle holds true for society as a whole. In a very real sense, society must have the ability to contain public speech within the boundaries of its basic suppositions. That is, discourse must build upon the foundational suppositions if that society is to be of any use to its citizens. These suppositions are the fundamental dogmas, or orthodoxies, upon which a society is founded. Within a liberal society, liberalism is itself an orthodoxy that must be held beyond question. This leads to the question of whether a society can protect itself from speech or discoveries of truth dangerous to its health independent of the philosopher's solicitude. That is, is the burden of protecting society shared between society and the philosopher?

In his 1861 message to Congress, Lincoln asks: "Is there, in all republics, this inherent and fatal weakness? Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?"³⁰ The specific liberty that Lincoln had in mind in this particular speech was the writ of habeus corpus, which he had recently suspended while Congress was not in session. Lincoln understood the dictum that government must have the right to defend itself. That is, "every good thing the people of the United States seek to accomplish in and through their government depends upon the ability of government to preserve itself".³¹ Hence Lincoln justified his suspension of the writ of habeus corpus as fulfilling his oath of office to "faithfully execute the Office of President of the United States, and...preserve, protect, and defend the Constitution of the United States".³² Importantly, the suspension of habeus corpus led to a the practical suspension of free speech and protest as well.

29 Weber, *Science as a Vocation*.

30 Lincoln, message to Congress, July 4th, 1861.

31 Jaffa, *Civil Liberties*, 171.

32 United States Constitution, Article II, Section I, Clause VIII. See also Jaffa, *Civil Liberties*, 170-173.

Jaffa further argues that civil liberties, such as free speech, must be understood as the liberties of men in civil society. These liberties cannot be detached from the society itself. Indeed, the protection of these liberties is civil society's *raison d'être*:

As such, they are to be correlated with the duties of men in civil society, and they are therefore subject to that interpretation which is consistent with the duty of men to preserve the polity that incorporates their rights. But the preservation of a civil society does not and cannot mean merely its physical preservation or territorial integrity; nor can it mean merely its freedom from foreign domination or, for that matter, from domestic usurpation. For Lincoln, the preservation of the Union meant all of these things, but it meant above all the preservation of a body whose soul remained dedicated to the principles of the Declaration of Independence.

In other words, the safeguarding of society extends to the preservation of the body of society dedicated to the foundational suppositions, or the fundamental orthodoxies, upon which that society exists. This is the second essential dictum upon which Lessing's argument – and Strauss' conception of free speech – ultimately depends. Not only does the philosopher recognize that some speech is inherently harmful to social stability, but society also recognizes this potential harm and has the right and ability to guard against it. The burden for protecting the fundamental suppositions of society is shared between the philosopher and society.

Thus on one side, the virtuous philosopher will not make his esoteric teaching public. Rather, he will constrict his pursuit and discussion of truth to his esoteric teaching, which is hidden between the lines of his writing, and to private conversation with fellow philosophers. Through enigmatic features in his writing and speech, the philosopher will also lead potential philosophers “step by step from popular views which are indispensable for all practical and political purposes to the truth which is merely and purely theoretical”.³³ The philosopher does this for his own safety, for social stability, and as a useful pedagogical method. In public, the philosopher will expound only such ideas as are suitable for the non-philosophic majority, which would not be in all respects consonant with the truth.³⁴ That is, the philosopher will defend the noble lie. In this deliberate deception, this edifying teaching not entirely

³³ Strauss, “Persecution and the Art of Writing, 503-504.

³⁴ Ibid, 502.

consonant with the truth, the philosopher is fulfilling his “social responsibilities” in the fullest sense of the term.

Meanwhile, a society capable of perpetuating itself exercises its right to self preservation by containing speech within the boundaries of its own fundamental suppositions. When the Socratic dictum fails and the ideas of the truly independent thinker – whether Strauss’ philosopher or Mill’s eccentric genius – risk making their way into the public conscience, society must be able to protect the sanctity of its most fundamental orthodoxies using the multiple forces available to the body politic. That is, even a liberal society should engage in some level of persecution, perhaps against the modern equivalent of the impious youth in Plato’s *Laws*, when it is deemed necessary for its preservation. This does not mean the enactment of heresy laws or speech codes. Rather, this may merely entail the implementation of social stigmatization against Mill’s eccentrics – instead of Mill’s proposed abolition of such stigmatization - and public affirmation of society’s basic dogmas.

Moreover, it seems such a society’s efforts at self preservation must extend to the erection of boundaries for free speech in the academy as well. Social stigmas and public affirmations are not enough if the universities are not held to a similar standard. The modern university is not a replica of the nocturnal council, wherein truths can be safely discussed or explored that would be detrimental to social stability. The university is not an exclusive sphere of philosophers and potential philosophers. Particularly in the modern age, the university is the training ground for the majority of society’s young adults. The work of the university extends beyond professional and technical training to civic education and training. That is, the primary goal of the university is to make capable and virtuous citizens, not to allow room for the philosopher’s pursuit of truth or the potential philosopher’s education. Hence the philosopher should not teach, and the university should not allow, any theories that would fundamentally undermine this effort. In short, if we assume that society has both the need and the capacity to protect itself, then the university cannot be allowed to become the free domain of *The Laws*’

young atheists. How then does Strauss propose a detente between the pursuit of truth and the safeguarding of social stability? The answer lies in the title of Strauss' *Persecution and the Art of Writing*.

Between these two spheres, the philosopher's prudence and society's self preservation, Strauss offers a tenable solution to the problem of free speech. This formulation allows for both the pursuit of truth and social stability and relies on a peculiar style of writing, or, more accurately, the logic behind the technique of writing between the lines. In this formulation, the philosopher is reserved a space to philosophize and society is given the stability it requires to perform its essential function as a protector of rights. Strauss' formulation relies upon an understanding of human nature, with its inherent inequalities regarding independent thinking, and an acknowledgement that truth is not altogether harmless. Moreover, Strauss' alternative to the current free speech approach relies on a moderate, perhaps even inherently conservative, estimation of society's capacity. Unlike Mill and Weber, Strauss does not anticipate the transformation and perfection of human nature, and thereby society itself, through the progress of truth or a regime of rationality. Rather, the goals of government must be limited by the realities of human nature. A stable society can inculcate virtue and promote general satisfaction in the polity, while still allowing the philosopher to philosophize. In short, Strauss' answer to the question of free speech, or the balance between the pursuit of truth and the stability of society, rests upon an ancient conception of politics.

Still at least one essential question remains regarding Strauss' answer to the question of free speech. Strauss' acknowledgement that truth, or the pursuit of truth, poses a potentially great threat to the stability of society is itself dangerous. Indeed, it appears counterproductive to base a functional balance between the pursuit of truth and social stability, or a free speech regime, upon an acknowledgement that truth is potentially harmful to society. Truth can only be harmful to a society if that society is based upon certain accepted untruths, or truths that are not the whole truth and nothing

but the truth – noble lies, in other words. Even the implicit affirmation of such untruth poses the very existential threat to social stability that Strauss seeks to prevent in his formulation for free speech. This affirmation is, in turn, fundamentally tied to Strauss' unmasking of esoteric writing. Thus the reader is left wondering why Strauss would expose esoteric writing to a general audience in the first place. Why admit to the existence and practice of the technique and thereby the dangerous logic underlying the technique? A broader evaluation of this question is beyond the scope of this paper; however, two possible answers come to light in the context of free speech.

First, admitting that philosophers have both an exoteric and esoteric teaching is not equivalent to exposing the contents of the philosophers' esoteric teaching. A broader audience informed of this literary technique is no more likely to discover it without a careful rereading of the texts in question. And, according to the socratic dictum, a man capable of reading between the lines is likely knowledgeable and virtuous enough not to expose the contents of that teaching. Second, if writing between the lines, and particularly the logic underlying such a technique, is the linchpin to a functional free speech formulation, then perhaps the functionality justifies the exposure of the technique. That is, perhaps the dominant free speech formulation of the liberal democratic age is so unstable and threatened that the exposure of esoteric writing, with its implicit acknowledgement that truth can be harmful to a society built upon half truths or untruths, is justified by its ability to preserve free speech itself.

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