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## A Study on Authority

*Luther, Calvin, Kant*

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The authority relationship, as understood in these analyses, assumes two essential elements in the mental attitude of he who is subject to authority: a certain measure of freedom (voluntariness: recognition and affirmation of the bearer of authority, which is not based purely on coercion) and conversely, submission, the tying of will (indeed of thought and reason) to the authoritative will of an Other. Thus in the authority relationship freedom and unfreedom, autonomy and heteronomy, are yoked in the same concept and united in the single person of he who is subject. The recognition of authority as a basic force of social praxis attacks the very roots of human freedom: it means (in a different sense in each case) the surrender of autonomy (of thought, will, action), the tying of the subject's reason and will to pre-established contents, in such a way that these contents do not form the "material" to be changed by the will of the individual but are taken over as they stand as the obligatory norms for his reason and will. Yet bourgeois philosophy put the autonomy of the person right at the centre of its theory: Kant's teachings on freedom are only the clearest and highest expression of a tendency which has been in operation since Luther's essay on the freedom of the Christian man.

The concept of authority thus leads back to the concept of freedom: it is the practical freedom of the individual, his social freedom and its absence, which is at stake. The union of internal autonomy and external heteronomy, the disintegration of freedom in the direction of its opposite is the decisive characteristic of the concept of freedom which has dominated bourgeois theory since the

Reformation. Bourgeois theory has taken very great pains to justify these contradictions and antagonisms.

The individual cannot be simultaneously free and unfree, autonomous and heteronomous, unless the being of the person is conceived as divisible and belonging to various spheres. This is quite possible once one ceases to hypostatize the I as the “substance.” But the decisive factor is the mode of this division. If it is undertaken dualistically, the world is split in half: two relatively self-enclosed spheres are set up and freedom and unfreedom as totalities divided between them in such a way that one sphere is wholly a realm of freedom and the other wholly a realm of unfreedom. Second, what is internal to the person is claimed as the realm of freedom: the person as member of the realm of Reason or of God (as “Christian,” as “thing in itself,” as intelligible being) is free. Meanwhile, the whole “external world,” the person as member of a natural realm or, as the case may be, of a world of concupiscence which has fallen away from God (as “man,” as “appearance”), becomes a place of unfreedom. The Christian conception of man as “created being” “between” *natura naturata* and *natura naturans*, with the unalterable inheritance of the Fall, still remains the unshaken basis of the bourgeois concept of freedom in German Idealism.

But the realm of freedom and the realm of unfreedom are not simply contiguous with or superimposed on each other. They are founded together in a specific relation. For freedom—and we must hold fast to this astonishing phrase despite its paradoxical nature—is the condition of unfreedom. Only because and in so far as man is free can he be unfree; precisely because he is “actually” (as a Christian, as a rational person) completely free must he “unactually” (as a member of the “external” world) be unfree. For the full freedom of man in the “external” world as well would indeed simultaneously denote his complete liberation from God, his enslavement to the Devil. This thought reappears in a secularized form in Kant: man’s freedom as a rational being can only be “saved” if as a sensual being he is entirely abandoned to natural necessity. The Christian doctrine of freedom pushes the liberation of man back until it pre-dates his actual history, which then, as the history of his unfreedom, becomes an “eternal” consequence of this liberation. In fact, strictly speaking there is no liberation of man in history according to this doctrine or, to put it more precisely, Christian doctrine has good reasons for viewing such a liberation as primarily something negative and evil, namely the partial liberation from God, the achievement of freedom to sin (as symbolized in the Fall).

As an “internally” free being man is born into a social order which, while it may have been posited or permitted by God, by no means represents the realm in which the existence or non-existence of man is decided upon. Whatever the nature of this order may be, the inner freedom of man (his pure belief and his pure will, provided they remain pure) cannot be broken in it. “The power of the temporal authority, whether it does right or wrong, cannot harm the soul.”<sup>1</sup>

This absolute inwardness of the person, the transcendent nature of Christian freedom *vis-à-vis* all worldly authority, must at the same time mean an “internal” weakening and breaking of the authority relationship, however completely the individual may submit externally to the earthly power. For the free Christian knows that he is “actually” raised above worldly law, that his essence and his being cannot be assailed by it and that his subordination to the worldly authorities is a “free” act, which he does not “owe” them. “Here we see that all works and all things are free to a Christian through his faith. And yet because the others do not yet believe, the Christian bears and holds with them, *although he is not obliged to do these things*. He does this freely . . .”<sup>2</sup> This simultaneous recognition and transcendence of the whole system of earthly authorities announces a very important element in the Christian-bourgeois doctrine of freedom—its *anti-authoritarian tendency*. The social meaning of this doctrine of freedom is not simply that the individual should submit *in toto* to any earthly authority and thus affirm *in toto* the given system of authorities at any time. The Protestantism of Luther and Calvin which gave the Christian doctrine of freedom its decisive form for bourgeois society, is bound up with the emergence of a new, “young” society which had first to conquer its right to exist in a bitter struggle against existing authorities. Faced with the universal bonds of traditionalist feudalism it absolutely required the liberation of the individual within the earthly order as well (the individual free subject of the economic sphere later essentially became the model of its concept of the individual)—it required the liberation of the territorial sovereign from the authority of an internationally centralized Church and a central imperial power. It further required the liberation of the “conscience” from numerous religious and ethical norms in order to clear the way for the rise of the bourgeoisie. In all these directions an *anti-authoritarian attitude* was necessary: and this will find its expression in the writers we shall discuss.

However, this anti-authoritarian tendency is only the complement of an order which is directly tied to the functioning of as yet opaque relationships of authority. From the very outset the bourgeois concept of freedom left the way open for the recognition of certain metaphysical authorities and this recognition permits external unfreedom to be perpetuated within the human soul.

This point announced a fresh duality in the Protestant-bourgeois concept of freedom: an opposition between Reason and Faith, rational and irrational (in fact anti-rational) factors. As opposed to the rational, “calculating” character of the Protestant-capitalist “spirit” which is often all too strongly emphasized, its irrational features must be particularly pointed out. There lies an ultimate lack of order at the very root of this whole way of life, rationalized and calculated down to the last detail as an “ideal type,” this whole “business” of private life, family and firm: the accounts do not, after all, add up—neither in the particular, nor in the general “business.” The everyday self-torture of “inner-worldly

asceticism” for the sake of success and profit still ultimately has to experience these things, if they really occur, as unforeseeable good fortune. The individual is confronted again and again with the fear of loss: the reproduction of the whole society is only possible at the price of continual crises. The fact that the production and reproduction of life cannot be rationally mastered by this society constantly breaks through in the theological and philosophical reflections on its existence. The terrible hidden God of Calvinism is only one of the most severe forms of such a breakthrough: Luther’s strong defence of the “unfree will” is a similar case, as is the yawning gulf between the pure form of the universal law and the material for its fulfilment in Kant’s ethic. The bourgeoisie fought its greatest battles under the banner of “Reason” but it is precisely bourgeois society which totally deprives reason of its realization. The sector of nature controlled by man through rational methods is infinitely larger than in the Middle Ages; society’s material process of production has in many instances been rationalized down to the last detail—but as a *whole* it remains “irrational.” These antagonisms appear in the most varied forms in the ambivalence of bourgeois relationships of authority: they are rational, yet fortuitous, objective, yet anarchic, necessary, yet bad.

### I. Luther and Calvin

Luther’s pamphlet *The Freedom of a Christian* brought together for the first time the elements which constitute the specifically bourgeois concept of freedom and which became the ideological basis for the specifically bourgeois articulation of authority: freedom was assigned to the “inner” sphere of the person, to the “inner” man, and at the same time the “outer” person was subjected to the system of worldly powers; this system of earthly authorities was transcended through private autonomy and reason; person and work were separated (person and office) with the resultant “double morality”; actual unfreedom and inequality were justified as a consequence of “inner” freedom and equality. Right at the start of the work<sup>3</sup> are those two theses which, following on from St Paul, express the internally contradictory nature of the Christian concept of freedom with a conscious emphasis on this paradoxical antinomy: “A Christian is free and independent in every respect, a bondservant to none. A Christian is a dutiful servant in every respect, owing a duty to everyone” (p. 357). And the dissolution of the contradiction: the first sentence deals with “the spiritual man, his freedom and his supreme righteousness,” the second sentence refers to “the outer man”: “In as far as he is free, he requires to do nothing. In as far as he is a servant he must do everything” (p. 369). That expresses clearly and sharply the dualistic doctrine of the two realms, with freedom entirely assigned to the one, and unfreedom entirely assigned to the other.

The more specific determinations of internal freedom are all given in a counter-attack on external freedom, as negations of a merely external state of freedom: “No outer thing . . .” can make the free Christian “free or religious,” for his freedom and his “servitude” are “neither bodily nor outward”; none of the external things “touches the soul, either to make it free or captive” (pp. 357–358). Nothing which is in the world and stems from the world can attack the “soul” and its freedom; this terrible utterance, which already makes it possible entirely to deprecate “outer” misery and to justify it “transcendentally,” persists as the basis of the Kantian doctrine of freedom; through it, actual unfreedom is subsumed into the concept of freedom. As a result, a peculiar (positive and negative) ambiguity enters into this concept of freedom: the man who is enclosed in his inner freedom has so much freedom over all outer things that he becomes free *from* them—he doesn’t even *have* them any more, he has no control over them (p. 367). Man no longer *needs* things and “works”—not because he already has them, or has control over them, but because in his self-sufficient inner freedom he doesn’t need them at all. “If such works are no longer a prerequisite, then assuredly all commandments and laws are like broken chains; and if his chains are broken, he is assuredly free” (p. 362). Internal freedom. But the realm of external freedom which opens up is, from the standpoint of “spiritual” salvation as a whole, a realm of “things indifferent”: what man is free to do here, what can be done or not done, is in itself irrelevant to the salvation of his soul. “But ‘free’ is that in which I have choice, and may use or not, yet in such a way that it profit my brother and not me.”<sup>4</sup> The “free” things in this realm can also be called the “unnecessary” things: “Things which are not necessary, but are left to our free choice by God, and which we keep or not.”<sup>5</sup> Freedom is a total release and independence, but a release and independence which can never be freely fulfilled or realized through a deed or work. For this freedom so far precedes every deed and every work that it is always already realized when man begins to act. His freedom can never be the result of an action; the action can neither add to nor diminish his freedom. Earthly “works” are not done to fulfil the person who requires this; the fulfilment must have occurred “through faith before all works . . . works follow, once the commandments have been met” (p. 364).

But what sense is left in the earthly work of man if it always lags behind fulfilment? For the “internal” man there is in fact no sense at all. Luther is quite clear on this point: “Works are lifeless things, they can neither honour nor praise God . . .” (loc. cit). A sentence pregnant with consequences: it stands at the beginning of a development which ends with the total “reification” and “alienation” of the capitalist world. Luther here hit on the nodal points of the new bourgeois *Weltanschauung* with great accuracy: it is one of the origins of the modern concept of the subject as person. Straight after he has proclaimed

that works are “lifeless things” he continues: “But here we seek him who is not done, as works are, but is an initiator and a master of work” (loc. cit). What is sought is the person (or that aspect of the person) who (or which) is not done (by another) but who is and stays the real subject of activity, the real master over his works: the autonomously acting person. And at the same time—this is the decisive point—this person is sought in contradistinction to his (“lifeless”) works: as the negation and negativity of the works. Doer and deed, person and work are torn asunder: the person as such essentially never enters into the work, can never be fulfilled in the work, eternally precedes any and every work. The true human subject is never the subject of *praxis*. Thereby the person is relieved to a previously unknown degree from the responsibility for his praxis, while at the same time he has become free for all types of praxis: the person secure in his inner freedom and fullness can only now really throw himself into outer praxis, for he knows that in so doing nothing can basically happen to him. And the separation of deed and doer, person and praxis, already posits the “double morality” which, in the form of the separation of “office” and “person” forms one of the foundation stones of Luther’s ethics:<sup>6</sup> later we shall have to return to the significance of this divorce.

But we have not yet answered the question. What meaning can the praxis of a person thus separated from his works still possess? His praxis is at first completely “in vain”: it is obvious that man as a person “is free from all commandments, and quite voluntarily does all that he does without recompense, and apart from seeking his own advantage or salvation. He already has sufficient, and he is already saved through his faith and God’s grace. What he does is done just to please God” (p. 372). The person does not need the works, but they must nevertheless be done, so that “man may not go idle and may discipline and care for his body” (p. 371). The praxis which has been separated from the being of the person serves the sinful body, which is struggling against inner freedom, as a discipline, an incentive and a divine service. Here we cannot elaborate any further on this conception of inner-worldly ascetism, or its suitability for rationalizing life and its various modifications in Lutheranism and Calvinism; we need only point out that it is implanted in the Protestant concept of freedom, to which we now return.

Man is embedded in a system of earthly order which by no means corresponds to the fundamental teachings of Christianity. This contradiction provides a function for the “double morality” as combined with the sharp distinction between the “Christian” and the worldly human existence, between “Christian” morality and “external morality, which is the motive force in offices and works.” The former refers only to the “inner” man: his “inner” freedom and equality,<sup>7</sup> his “inner” poverty, love and happiness (at its clearest in Luther’s interpretation of the Sermon on the Mount, 1530).<sup>8</sup> The “external” order, on the other hand, is measured completely by the rules to which praxis and works are subjected



when taken in isolation from the person. It is very characteristic that here—in accordance with the idea of praxis as the discipline and service performed by an utterly sinful existence—the earthly order appears essentially as a system of “authorities” and “offices,” as an order of universal subordination, and that these authorities and offices in turn essentially appear under the sign of the “sword.” (In one of his fiercest passages about worldly authority, still in anti-authoritarian idiom, Luther calls the Princes of God “jailers,” “hangmen” and “bailiffs.”)<sup>9</sup> This whole system of subordination to authorities and offices can admittedly be justified as a whole by referring to the ordinances of God: it has been set up to punish the bad, to protect the faithful and to preserve the peace—but this justification is by no means sufficient to sanction the system of subordination that exists at any one time, the particular office or the particular authority and the way it uses the “sword.” Can an un-Christian authority be ordained by God and lay claim to unconditional subordination? Here the separation of office and person opens up a path which has far reaching consequences: it holds fast to the unconditional authority of the office, while it surrenders the officiating person to the fate of possible rejection. “First a distinction must be made: office and person, work and doer, are different things. For an office or a deed may well be good and right in itself which is yet evil and wrong if the person or doer is not good or right or does not do his work properly.”<sup>10</sup> There was already a separation of this kind before Luther, in Catholicism, but in the context of the doctrine of the inner freedom of the Christian man and of the rejection of any justification by “works” it paves the way for the theoretical justification of the coming, specifically bourgeois, structure of authority.

The dignity of the office and the worthiness of the officiating person no longer coincide in principle. The office retains its unconditional authority, even if the officiating person does not deserve this authority. From the other side, as seen by those subject to authority, in principle every “under-person” is equal as a person to every “over-person”: with regard to “inner” worthiness he can be vastly superior to the authority. Despite this he must give it his complete obedience. There is a positive and a negative justification for this. Negatively: because after all the power of the worldly authority only extends over “life and property, and external affairs on earth,”<sup>11</sup> and thus can never affect the being of the person, which is all that matters. Positively: because without the unconditional recognition of the ruling authorities the whole system of earthly order would fall apart, otherwise “everyone would become a judge against the other, no power or authority, no law or order would remain in the world; there would be nothing but murder and bloodshed.”<sup>12</sup> For in this order there is no way in which one person can measure the worthiness of another or measure right and wrong at all. The system of authority proclaimed here is only tenable if earthly justice is taken out of the power of the people or if the existing injustice is included in the concept of earthly justice. God alone is judge over earthly injustice, and “what

is the justice of the world other than that everyone does what he owes in his estate, which is the law of his own estate: the law of man or woman, child, servant or maid in the house, the law of the citizen or of the city in the land . . . ”<sup>13</sup> There is no tribunal that could pass judgement on the existing earthly order—except its own existing tribunal: “the fact that the authority is wicked and unjust does not excuse tumult and rebellion. For it is not everyone who is competent to punish wickedness, but only the worldly authority which wields the sword . . . ”<sup>14</sup> And just as the system of worldly authorities is its own judge in matters of justice, so also in matters of mercy: the man who appeals to God’s mercy in the face of the blood and terror of this system is turned away. “Mercy is neither here nor there; we are now speaking of the word of God, whose will is that the King be honoured and rebels ruined, and who is yet surely as merciful as we are. If you desire mercy, do not become mixed up with rebels, but fear authority and do good.”<sup>15</sup>

We are looking here only at those consequences which arise from this conception for the new social structure of authority. A rational justification of the existing system of worldly authorities becomes impossible, given the absolutely transcendental character of “actual” justice in relation to the worldly order on the one hand, and the separation of office and person and the essential immanence of injustice in earthly justice on the other. In the Middle Ages authority was tied to the particular bearer of authority at the time; it is the “characteristic of him who communicates the cognition of a judgement”<sup>16</sup> and as a “characteristic” it is inseparable from him; he always “has” it for particular reasons (which again can be rational or irrational). Now the two are torn apart: the particular authority of a particular worldly bearer of authority can now only be justified if we have recourse to authority in general. Authority must exist, for otherwise the worldly order would collapse. The separation of office and person is only an expression for the autonomization (*Verselbständigung*) and reification of authority freed from its bearer. The authority-system of the existing order assumes the form of a set of relationships freed from the actual social relationships of which it is a function; it becomes eternal, ordained by God, a second “nature” against which there is no appeal. “When we are born God dresses and adorns us as another person, he makes you a child, me a father, the one a lord, the other a servant, this one a prince, that one a citizen and so on.”<sup>17</sup> And Luther accuses the peasants who protested against serfdom of turning Christian freedom into “something completely of the flesh”: “Did not Abraham and other patriarchs and prophets also have slaves?”<sup>18</sup>

It is no coincidence that it is the essence of “Christian freedom” which is held up to the rebellious peasants, and that this does not make them free but actually confirms their slavery. The recognition of actual unfreedom (particularly the unfreedom caused by property relations) is in fact part of the sense of this concept of freedom. For if “outer” unfreedom can attack the actual being



of the person, then the freedom or unfreedom of man is decided on earth itself, in social praxis, and man is, in the most dangerous sense of the word, free from God and can freely become himself. The “inner,” *a priori* freedom makes man completely helpless, while seeming to elevate him to the highest honour: it logically precedes all his action and thought, but he can never catch his freedom up and take possession of it.

In the young Marx’s formulation, this unfreedom conditioned by the internalization of freedom, this dialectic between the release from old authorities and the establishment of new ones is a decisive characteristic of Protestantism: “Luther, without question, defeated servitude through devotion, but only by substituting servitude through conviction. He shattered the faith in authority, by restoring the authority of faith. . . . He freed man from external religiosity by making religiosity the innermost essence of man.”<sup>19</sup>

One of the most characteristic passages for the unconditional acceptance of actual unfreedom is Luther’s admonition to the Christian slaves who had fallen into the hands of the Turks, telling them not to run away from their new lords or to harm them in any other way: “You must bear in mind that you have lost your freedom and become someone’s property, and that without the will and knowledge of your master you cannot get out of this without sin and disobedience.” And then the interesting justification: “For thus you would rob and steal your body from your master, which he has bought or otherwise acquired, after which it is not your property but his, like a beast or other goods in his possession.”<sup>20</sup> Here, therefore, certain worldly property and power relationships are made the justification of a state of unfreedom in which even the total abandonment of the Christian to the unbeliever is of subordinate importance to the preservation of these property relationships.<sup>21</sup>

With the emergence of the independence of worldly authority, and its reifications, the breach of this authority, rebellion and disobedience, becomes the social sin pure and simple, a “greater sin than murder, unchastity, theft, dishonesty and all that goes with them.”<sup>22</sup> “No evil deed on earth” is equal to rebellion; it is a “flood of all wickedness.”<sup>23</sup> The justification which Luther gives for such a hysterical condemnation of rebellion reveals one of the central features of the social mechanism. While all other evil deeds only attack individual “pieces” of the whole, rebellion attacks “the head itself.” The robber and murderer leave the head that can punish them intact and thus give punishment its chance; but rebellion “attacks punishment itself” and thereby not just disparate portions of the existing order, but this order itself (op. cit., pp. 380–381), which basically rests on the credibility of its power of punishment and on the recognition of its authority. “The donkey needs to feel the whip and the people need to be ruled with force; God knew that well. Hence he put a sword in the hands of the authorities and not a featherduster” (op. cit., p. 376). The condition of absolute isolation and atomization into which the individual is thrown after

the dissolution of the medieval universe appears here, at the inception of the new bourgeois order, in the terribly truthful image of the isolation of the prisoner in his cell: "For God has fully ordained that the under-person shall be alone unto himself and has taken the sword from him and put him into prison. If he rebels against this and combines with others and breaks out and takes the sword, then before God he deserves condemnation and death."<sup>24</sup>

Every metaphysical interpretation of the earthly order embodies a very significant tendency: a tendency towards *formalization*. When the existing order, in the particular manner of its materiality, the material production and reproduction of life, becomes ultimately valueless with regard to its "actual" fulfilment, then it is no more than the form of a social organization as such, which is central to the organization of this life. This form of a social order ordained by God for the sinful world was for Luther basically a system of "over-persons" and "under-persons." Its formalization expressed itself in the separation of dignity and worthiness, of office and person, without this contradiction giving any rightful basis for criticism or even for the reform of this order. It was thus that the encompassing system of worldly authorities was safeguarded: it required unconditional obedience (or, if it intruded on "Christian freedom," it was to be countered with spiritual weapons or evaded).

But danger threatened from another quarter. Initially, the unconditional freedom of the "person," proclaimed by Luther, encouraged an anti-authoritarian tendency, and, indeed, precisely on account of the reification of authority. The dignity of the office was independent of the worthiness of its incumbent; the bourgeois individual was "privately" independent of authority. The assertion of Christian freedom and the allied conception of a "natural realm" of love, equality and justice was even more destructive. Although it was separated from the existing social order by an abyss of meaning, it must still have threatened the completely formalized social order simply by its claims and its full materiality. The ideas of love, equality and justice, which were still effective enough even in their suppressed Lutheran form, were a recurrent source of anxiety to the rising bourgeois society owing to their revolutionary application in peasant revolts, Anabaptism and other religious sects. The smoothing-out of the contradictions appearing here, and the incorporation of these destructive tendencies into the bourgeois order, was one of the major achievements of Calvin. It is significant that this synthesis was possible only because the contradictions were simultaneously breaking out anew in a different dimension—although now in a sphere no longer transcending the bourgeois order as a whole but immanent in it. The most important marks of this tendency are Calvin's "legalism" and his doctrine of the "right to resist."

It has often been pointed out in the relevant literature that in Calvin the Lutheran "natural law" disappears. The dualism of the two "realms" is removed:<sup>25</sup> admittedly Calvin too had sharply to emphasize that (precisely because of his

increased interest in the bourgeois order) “the spiritual kingdom of Christ and civil government are things very widely separated,”<sup>26</sup> but the Christian realm of freedom is no longer effective as the material antithesis of the earthly order. In the face of the completely sinful and evil world there is ultimately only the person of God who, through the sole mediation of Christ, has chosen individuals for redemption by a completely irrational system of predestination. Luther had been greatly disturbed by the tensions between his teaching and the teachings of the “Sermon on the Mount,” where the transcendence of the existing order is most clearly expressed and a devastating critique of this order made, which no degree of “internalization” could ever completely suppress: in Calvin these tensions no longer exist. The more inexorably Calvin elaborates the doctrine of eternal damnation, the more the positive biblical promises lose their radical impulse.<sup>27</sup> The way is made clear for a view of the wordly order which does not recognize its dubious antithesis. This does not mean that the world is somehow “sanctified” in the Christian sense: it is and remains an order of evil men for evil men, an order of concupiscence. But in it, as the absolutely prescribed and sole field for their probation, Christians must live their life to the honour and glory of the divine majesty, and in it the success of their praxis is the *ratio cognoscendi* (reason of knowing) of their selection. The *ratio essendi* (reason of existence) of this selection belongs to God and is eternally hidden from men. Not love and justice, but the terrible majesty of God was at work in the creation of this world, and the desires and drives, the hopes and laments of men are correspondingly directed not towards love and justice but towards unconditional obedience and humble adoration. Very characteristically, Calvin conceived original sin, i.e., the act which once and for all determined the being and essence of historical man, as disobedience, *inoboedientia*,<sup>28</sup> or as the crime of lese-majesty (while in St. Augustine’s interpretation of original sin as *superbia* [overwhelming pride]—which Calvin aimed to follow here—there is still an element of the defiant freedom of the self-affirming man). And obedience is also the mechanism which holds the wordly order together: a system, emanating from the family, of *subjectio* and *superioritas*, to which God has given his name for protection: “The titles of Father, God and Lord, all meet in him alone, and hence, whenever any one of them is mentioned our mind should be impressed with the same feeling of reverence” (*Institutes*, Book II, ch. VIII, para. 35).

By freeing the worldly order from the counter-image of a Christian realm of love, equality and justice and making it as a whole a means for the glorification of God, the formalization operative in Luther is withdrawn; the sanction granted it now also affects its materiality: “. . . in all our cares, toils, annoyances, and other burdens, it will be no small alleviation to know that all these are under the superintendence of God. The magistrate will more willingly perform his office, and the father of the family confine himself to his proper sphere. Every one in his particular mode of life will, without refining, suffer its inconveniences,

cares, uneasiness, and anxiety, persuaded that God has laid on the burden" (op. cit., Book III, ch. X, para. 6). The new direction manifests itself in the often described activism and realism of Calvin's disciples: in the concept of an occupation as a vocation, in Calvin's "state rationalism," in his extensive and intensive practico-social organization. With the abolition of Luther's formalization, the separation of office and person and the "double morality" linked with it also disappear in Calvin (although it will be shown that this does not remove the reification of authority, i.e., the understanding of it as an element of a natural or divine feature of an institution or a person instead of as a function of social relationships): the religious moral law—and essentially in the form represented in the decalogue, which it is claimed is also a "natural" law—is regarded as the obligatory norm for the practical social organization of the Christian "community." This was a step of great significance. It is true that the decalogue complied to a much greater degree with the demands of the existing social order than with the radical transcendental Christianity of the New Testament, and that it provided a considerably greater amount of latitude. Nevertheless, the new form of the law stabilized a norm, against which the officiating authorities could be "critically" measured. "But now the whole doctrine is pervaded by a spirit which desires to see society shaped and moulded for a definite purpose, and a spirit which can criticize law and authority according to the eternal standards of divine and natural law."<sup>29</sup> Luther's irrationalist doctrine of authority as "power for power's sake," as Troeltsch characterized it in a much disputed phrase, has been abandoned. In so far as obedience to the officiating authority leads to a transgression of the law, this authority loses its right to obedience.<sup>30</sup> It is a straight line from here to the struggle of the *Monarchomachi* against absolutism. From a source very close to Calvin, from his pupil, Théodore de Beza, comes the famous work *De jure magistratum in subditos* which presents the opinion that "even armed revolution is permissible, if no other means remain . . ."<sup>31</sup>

Yet these tendencies already belong to the later development of the bourgeoisie; in Calvin the right to resist in the face of worldly authorities is in principle limited from the start. Immediately after his warning to unworthy princes ("May the princes hear, and be afraid") Calvin continues: "But let us at the same time guard most carefully against spurning or violating the venerable and majestic authority of rulers, an authority which God has sanctioned by the surest edicts, although those invested with it should be most unworthy of it, and, as far as in them lies, pollute it with their iniquity. Although the lord takes vengeance on unbridled domination, let us not therefore suppose that that vengeance is committed to us, to whom no command has been given but to obey and suffer. I speak only of private men" (*Institutes*, Book IV, ch. XX, para. 31). Worldly authority retains its independence and its reification. And in a characteristic modification of the Lutheran concept of the *homo privatus* as a free

person, this *homo privatus* is now primarily unfree: he is the man who obeys and suffers. In no case is the *homo privatus* entitled to change the system of officiating authorities:<sup>32</sup> “The subject as a private person has no independent political rights, rather he has the ethical-religious duty to bear patiently even the extremities of oppression and persecution.”<sup>33</sup> Even in the case of the most blatant transgression of the Law, when obedience to the worldly authority must lead to disobedience to God, Calvin allows only a “right of passive resistance.” Where the Christian organization of society is actually already under attack the right of veto is allowed only to the lower magistrates themselves, never to the “people” or to any postulated representatives of the people. And so in Calvin too we encounter the Lutheran idea of the immanence of the law within the existing system of worldly authorities: decisions regarding their rightness or wrongness are made exclusively within their own order, among themselves.

The direct ordination of the system of worldly authorities by God, when combined with the Calvinist concept of God as the absolute “sovereign,” means both a strengthening and a weakening of worldly authorities—one of the many contradictions which arose when the Christian idea of transcendence ceased to be effective. Direct divine sanction increases the power of the earthly authorities: “The lord has not only declared that he approves of and is pleased with the function of magistrates, but also strongly recommended it to us by the very honourable titles which he has conferred upon it”<sup>34</sup>—although at the same time it should not thereby under any circumstances be allowed to lead to a diminution or a division of the sovereignty of God. All worldly power can only be a “derivative right”: authority is a “jurisdiction as it were delegated by God.” But for the people this delegacy is irremovable and irrevocable.<sup>35</sup> The relationship of God to the world appears essentially as the relationship of an unlimited sovereign to his subjects. Beyerhans has pointed out, with due caution, although clearly enough, that Calvin’s concept of God “betrays the influence of worldly conceptions of law and power.”<sup>36</sup>

A good index for the status of Protestant-bourgeois man in relation to the system of worldly order is the contemporary version of the concept of freedom. On the road from Luther to Calvin the concept of *libertas christiana* becomes a “negative” concept. “Christian freedom ... is not understood positively as mastery over the world but in a purely negative manner as the freedom from the damning effect of the law.”<sup>37</sup> Calvin’s interpretation of *libertas christiana* was essentially based on the polemic interpretation of Christian freedom. Luther’s concept of freedom had not been positive in Lobstein’s sense either. But in the establishment of an unconditional “inner” freedom of the person there was none the less an element which pointed forward towards the real autonomy of the individual. In Calvin this moment is forced into the background. The threefold definition of *libertas christiana* in the *Institutes* (Book III, ch. XIX, paras 2, 4, 7) is primarily negative in all its three elements: (a)



freedom of the conscience from the necessity of the law—not indeed as a higher authority to be relied on against the validity of the law, but (b) as “voluntary” subordination to the law as to the will of God: “they voluntarily obey the will of God, being free from the yoke of the law itself,”<sup>38</sup> and (in the sense already indicated in Luther) (c) freedom from external things “which in themselves are but matters indifferent,” and which “we are now at full liberty either to use or omit.”<sup>39</sup> We should stress, precisely in view of this last definition that, combined with Calvin’s idea of vocation and of probation in the vocation, the adiaphorous character of the external things has become a strong ideological support for Protestant economic praxis under capitalism. The negativity of this concept of freedom is revealed here by its inner connection with a social order which despite all external rationalization is basically anti-rational and anarchic, and which, in view of its final goal, is itself negative.

What remains as a positive definition of freedom is freedom in the sense of freedom to obey. For Calvin it is no longer a problem that “spiritual freedom can very well coexist with political servitude” (*Institutes*, Book IV, ch. XIX, para 1). But the difficulty of uniting freedom and unfreedom reappears in the derivative form of the union of freedom and the unfree will. Calvin agrees with Luther that Christian freedom not only does not require free will, but that it excludes it. Both Luther and Calvin base the unfree will on a power which man simply cannot eradicate: on the depravity of human nature which arose from the Fall and the absolute omnipotence of the divine will. The unfree will is an expression of the eternal earthly servitude of men:<sup>40</sup> it cannot and may not be removed without exploding the whole Christian-Protestant conception of man and the world. For Calvin, not only man’s sensuality but also his reason is ultimately corrupt. This provides the theological justification for an anti-rationalism which strongly contrasts with Catholic teaching. In the Catholic doctrine there was still an awareness that reason and freedom are correlative concepts, that man’s rationality will be destroyed if it is separated from the free possibility of rational acting and thinking. For Thomas Aquinas, man, as a rational animal, is necessarily also free and equipped with free will: “And forasmuch as man is rational is it necessary that man have a free will.”<sup>41</sup> In Luther reason itself attests to the fact “that there is no free will either in man or in any other creature.”<sup>42</sup> Reason is here characteristically appraised as the index of human unfreedom and heteronomy: thus we read in Luther’s *Treatise on Good Works*, after the interpretation of the first four commandments: “These four preceding commandments do their work in the mind, that is, they take man prisoner, rule him and bring him into subjection so that he does not rule himself, does not think himself good, but rather acknowledges his humility and lets himself be led, so that his pride is restrained.”<sup>43</sup> To this should be added the loud warnings which Luther gives against an overestimation of human reason and its realm (“We must not start something by trusting in the great power of human



reason . . . for God cannot and will not suffer that a good work begin by relying upon one's own power and reason"),<sup>44</sup> and the rejection of a rational reform of the social order in Calvin. This is all a necessary support for the demand for unconditional subordination to independent and reified worldly authorities, for which any rational justification is rejected.

But this doctrine of the "unfree will" contains a new contradiction which must be resolved. How can man conceivably still be responsible for himself if the human will is fully determined? Man's responsibility must be salvaged: the Christian doctrine of sin and guilt, the punishment and redemption of man requires it, but the existing system of worldly order requires it too, for—as we have indicated—this system for both Luther and Calvin is essentially tied to the mechanism of guilt and punishment. Here the concept of "psychological freedom" offers a way out: Calvin expounds the concept of a necessity (*necessitas*) which is not coercion (*coactio*) but a "spontaneous necessity." The human will is necessarily corrupt and necessarily chooses evil. This does not mean, however, that man is forced, "against his will" to choose evil; his enslavement in sin is a "voluntary enslavement" (*servitus voluntaria*). "For we did not consider it necessary to sin, other than through weakness of the will; whence it follows that this was voluntary."<sup>45</sup> Thus despite the *necessitas* of the will, responsibility can be ascribed for human deeds. The concept of enslavement or voluntary necessity signifies one of the most important steps forward in the effort to perpetuate unfreedom in the essence of human freedom: it remains operative right up until German Idealism. Necessity loses its character both as affliction and as the removal of affliction; it is taken from the field of man's social praxis and transferred back into his "nature." In fact necessity is restored to nature in general and thus all possibility of overcoming it is removed. Man is directed not towards increasingly overcoming necessity but towards voluntarily accepting it.

As is well known, a programmatic reorganization of the family and a notable strengthening of the authority of the *pater familias* took place in the context of the bourgeois-Protestant teachings of the Reformation. It was firstly a necessary consequence of the toppling of the Catholic hierarchy; with the collapse of the (personal and instrumental) mediations it had set up between the individual and God, the responsibility for the salvation of the souls of those not yet responsible for themselves, and for their preparation for the Christian life, fell back on the family and on its head, who was given an almost priestly consecration. On the other hand, since the authority of the temporal rulers was tied directly to the authority of the *pater familias* (all temporal rulers, all "lords" become "fathers"), their authority was consolidated in a very particular direction. The subordination of the individual to the temporal ruler appears just as "natural," obvious, and "eternal" as subordination to the authority of the father is meant to be, both deriving from the same divinely ordained source. Max

Weber emphasizes the entry of “calculation into traditional organizations brotherhood” as a decisive feature of the transformation of the family through the penetration of the “capitalist spirit”: the old relationships of piety decay as soon as things are no longer shared communally within the family but “settled” along business lines.<sup>46</sup> But the obverse side of this development is that the primitive, “naïve” authority of the *pater familias* becomes more and more a planned authority, which is artificially generated and maintained.

The key passages for the doctrine of the authority of the *pater familias* and of the “derivation” of worldly authorities from it are Luther’s exegeses of the Fourth Commandment in the *Sermon on Good Works* and in the *Large Catechism*, and Calvin’s interpretation in the *Institutes*, Book II, ch. VIII. Luther directly includes within the Fourth Commandment “obedience to over-persons, who have to give orders and rule,” although there is no explicit mention of these. His justification, thus, characteristically, runs as follows: “For all authority has its root and source in parental authority. For where a father is unable to bring up his child alone, he takes a teacher to teach him; if he is too weak, he takes his friend or neighbour to help him; when he departs this life, he gives authority to others who are chosen for the purpose. So he must also have servants, men and maids, under him for the household, so that all who are called master stand in the place of parents, and must obtain from them authority and power to command. Wherefore in the bible they are all called fathers.”<sup>47</sup> Luther saw clearly that the system of temporal authorities constantly depends on the effectiveness of authority within the family. Where obedience to father and mother are not in force “there are no good ways and no good governance. For where obedience is not maintained in houses, one will never achieve good governance, in a whole city, province, principality or kingdom.”<sup>48</sup> Luther saw that the system of society which he envisaged depended for its survival as such on the continued functioning of parental authority; “where the rule of the parents is absent, this would mean the end of the whole world, for without governance it cannot survive.”<sup>49</sup> For the maintenance of this world “there is no greater dominion on earth than the dominion of the parents,”<sup>50</sup> for there is “nothing more essential than that we should raise people who will come after us and govern.”<sup>51</sup> The worldly order always remains in view as a system of rulers and ruled to be maintained unquestioningly.

On the other hand, however, parental authority (which is always paternal authority in Luther) is also dependent on worldly authority: the *pater familias* is not in a position to carry out the upbringing and education of the child on his own. Alongside the parents, there is the school, and the task of educating the future rulers in all spheres of social life is impressed on it too. Luther sees the reason for divinely sanctioned parental authority in the breaking and humiliation of the child’s will: “The commandment gives parents a position of honour so that the self-will of the children can be broken, and they are made humble

and meek”:<sup>52</sup> “for everyone must be ruled, and subject to other men.”<sup>53</sup> Once again it is the image of the wordly order as universal subordination and servitude which is envisaged by Luther, a servitude whose simple “must” is no longer even questioned. The freedom of the Christian is darkened by the shadow of the coming bourgeois society; the dependence and exploitation of the greatest part of humanity appears implanted in the “natural” and divine soil of the family; the reality of class antagonisms is turned into the appearance of a natural-divine hierarchy, exploitation becomes the grateful return of gifts already received. For that is the second ground for unconditional obedience: “God gives to us and preserves to us through them [the authorities] as through our parents, our food, our homes, protection and security”;<sup>54</sup> “we owe it to the world to be grateful for the kindness and benefits that we have received from our parents.”<sup>55</sup> And servants and maids ought even to “give up wages” out of pure gratefulness and joy at being able to fulfil God’s commandment in servitude.<sup>56</sup>

The personal characteristics which the coming social order wishes to produce require a change in all human values from earliest childhood. Honour (*Ehrung*) and fear (*Furcht*) or, taken together, reverence (*Ehrfurcht*) take the place of love as the determining factor in the relationship between the child and its parents.<sup>57</sup> “For it is a far higher thing to honour than to love, since honouring does not simply comprise love [but] obedience, humility and reverence, as though towards some sovereign hidden there.”<sup>58</sup> The terrible majesty of Calvin’s God comes to the surface in the authority of the *pater familias*. It is precisely discipline and fear which raises honouring one’s parents above love: “honour is higher than mere love, for it includes within it a kind of fear which, combined with love, has such an effect on a man that he is more afraid of injuring them than of the ensuing punishment.”<sup>59</sup> Just as disobedience is the greatest sin, obedience is the highest “work” after those commanded in Moses’s first tablet; “so that to give alms and all other work for one’s neighbour is not equal to this.”<sup>60</sup>

There are also passages in Luther in which parental and governmental authority are explicitly contrasted. Thus in the *Table Talks*: “Parents look after their children much more and are more diligent in their care of them than the government is with its subjects . . . The power of the father and mother is a natural and voluntary power and a dominion over children which has grown of itself. But the rule of the government is forced, an artificial rule.”<sup>61</sup> There is also some wavering on the question of the extension of the “double morality” of office and person to parental authority. In the *Sermon on Good Works* (1520) Luther says: “Where the parents are foolish and raise their children in a wordly manner, the children should in no way be obedient to them. For according to the first three Commandments God is to be held in higher esteem than parents.”<sup>62</sup> Nine years later, in the *Large Catechism*, he writes: “Their [the parents’] condition or defect does not deprive them of their due honour. We must not

regard their persons as they are, but the will of God, who ordered and arranged things thus.”<sup>63</sup>

In the passages quoted above one can see the tendency towards a separation of natural and social authority. Luther did not advance any further along the road from the “natural” unity of the family to the “artificial” and “forced” unity of society; he was satisfied with establishing that the family is the “first rule, in which all other types of rule and domination have their origins.”<sup>64</sup> Calvin went a little further in this direction; he presents an exceptionally interesting psychological interpretation: “But as this command to submit is very repugnant to the perversity of the human mind (which, puffed up with ambitious longings, will scarcely allow itself to be subjected) that superiority which is most attractive and least invidious is set forth as an example calculated to soften and bend our minds to the habits of submission. From that subjection which is most tolerable, the lord gradually accustoms us to every kind of legitimate subjection, the same principle regulating all.”<sup>65</sup>

Calvin agrees with Luther on the close association between subjection to authority in general and parental authority;<sup>66</sup> we saw how for him too the titles *Dominus* and *Pater* are interchangeable. But Calvin ascribes to the authority relationship of the family a quite definite function within the mechanism of subjection to social authorities. This function is psychological. Since subjection is actually repugnant to human nature, man should, through a type of subordination which by its nature is pleasant and will arouse the minimum of ill will, be gradually prepared for types of subordination which are harder to bear. This preparation occurs in the manner of a softening, bowing and bending; it is a continual habituation, through which man becomes accustomed to subjection. Nothing need be added to these words: the social function of the family in the bourgeois authority-system has rarely been more clearly expressed.

## II. Kant

There are two ways of coming to an appreciation of the level reached by Kant in dealing with the problem of authority: the impact and the transformation of the “Protestant ethic” could be traced in the Kantian doctrine of freedom, or the problem of authority and freedom could be developed immanently from the centre of Kant’s ethics. The inner connections between Lutheran and Kantian ethics are plainly apparent. We shall point only to the parallels given by Delekat:<sup>67</sup> the conception of “inner” freedom as the freedom of the autonomous person: the transfer of ethical “value” from the legality of the “works” to the morality of the person; the “formalization” of ethics; the centring of morality on reverential obedience to duty as the secularization of “Christian obedience”; the doctrine of the actual unconditional authority of worldly government. But with this method those levels of Kantian ethics which cannot be comprehended under

the heading of the “Protestant ethic” would be given too short a shrift and appear in a false light. The second way would indeed be a genuine approach, but would require an extensive elaboration of the whole conceptual apparatus of Kantian ethics, which we cannot provide within the framework of this investigation. We will necessarily have to choose a less adequate route: there are as it were two central points around which the problematic of authority and freedom in Kant’s philosophy is concentrated: firstly, the philosophical foundation itself, under the heading of the autonomy of the free person under the law of duty, and secondly the sphere of the “application” of ethics, under the heading of the “right of resistance.” In this second section Kant deals with the problem in the context of a comprehensive philosophical interpretation of the legal framework of bourgeois society.<sup>68</sup> The level of concreteness of the present treatment admittedly cannot compensate for its vast distance from the actual philosophical foundation, but it offers a good starting point.

In the small treatise, *Reply to the Question: What is Enlightenment?* (1784), Kant explicitly poses the question of the relation between social authority and freedom. To think and to act according to an authority is for Kant characteristic of “immaturity,” a “self-inflicted immaturity,” for which the person is himself to blame. This self-enslavement of man to authority has in turn a particular social purpose, in that civil society “requires a certain mechanism, for some affairs which are in the interests of the community, whereby some members of the community must behave purely passively, so that they may, by means of an artificial consensus, be employed by the government for public ends (or at least deterred from vitiating them).”<sup>69</sup> Bourgeois society has an “interest” in “disciplining” men by handling them in an authoritarian manner, for here its whole survival is at stake. In the closing note of his *Anthropology*, Kant described religion as a means of introducing such a discipline and as a “requirement” of the constituted bourgeois order “so that what cannot be achieved through external compulsion can be effected through the inner compulsion of the conscience. Man’s moral disposition is utilized for political ends by the legislators . . .”<sup>70</sup>

How can one square man’s “natural” freedom with society’s interest in discipline? For Kant firmly believes that the free autonomy of man is the supreme law. It presupposes the exit of man from the state of immaturity which is his own fault; this process is, precisely, “enlightenment.” Nothing is needed for this except freedom, the freedom “to make *public* use of one’s reason in all matters.”<sup>71</sup> The freedom which confronts authority thus has a public character; it is only through this that it enters the concrete dimension of social existence; authority and freedom meet within *bourgeois society* and are posed as problems of bourgeois society. The contradiction is no longer between the “inner” freedom of the Christian man and divinely ordained authority, but between the “public” freedom of the citizen and bourgeois society’s interest in discipline. Kant’s solution remains dualistic; his problematic is in parallel with Luther’s:



“the *public* use of man’s reason must always be free, and this alone can bring about enlightenment among men; the *private* use of the same may often be very strictly limited, yet without there by particularly hindering the progress of enlightenment.”<sup>72</sup> That seems to be the exact opposite of Luther’s solution, which, while unconditionally preserving the “inner” freedom of the private person, had also unconditionally subordinated public freedom to the worldly authority. But let us see what Kant means by the “public” and “private” use of freedom. “But by the public use of one’s own reason I mean that use which anyone may make of it *as a man of learning* addressing the entire *reading public*. What I term the private use of reason is that which a person may make of it in a particular *civil* post or office with which he is entrusted.”<sup>73</sup> What is “private” is now the bourgeois “office,” and its bearer has to subordinate his freedom to society’s interest in discipline. Freedom in its unrestricted, public nature, on the other hand, is shunted off into the dimension of pure scholarship and the “world of readers.” Social organization is privatized (the civil “office” becomes a private possession) and in its privatized form appears as a world of disciplined, controlled freedom, a world of authority. Meanwhile the “intellectual world” is given the appearance of being actually public and free but is separated from public and free *action*, from real social praxis.

Kant places the problem of authority and freedom on the foundation of the actual social order, as a problem of “bourgeois society.” Even if this concept is by no means historically defined in Kant, but signifies the overall “idea” of a social order (as a “legal order”), the actual features of bourgeois society are so much a part of it that the above formulation is justified. We must examine Kant’s explication of bourgeois society more closely in order to describe adequately his attitude to the problem of authority. It is to be found in the first part of the *Metaphysics of Morals*, in the *Metaphysical Elements of the Theory of Law*.

Bourgeois society is, for Kant, the society which “safeguards Mine and Thine by means of public laws.”<sup>74</sup> Only in a bourgeois context can there be an external Mine and Thine, for only in this context do public laws “accompanied by power” guarantee “to everyone his own”;<sup>75</sup> only in bourgeois society does all “provisional” acquisition and possession become “peremptory.”<sup>76</sup> Bourgeois society essentially achieves this legally secure position for the Mine and the Thine in its capacity as “legal order,” indeed, it is regarded as the “ultimate purpose of all public right” to ensure the peremptory security of the Mine and Thine.

What then is “right,” this highest principle of the bourgeois order? Right is “the sum total of those conditions under which the will of one person can be united with the will of another in accordance with a universal law of freedom.”<sup>77</sup> All formulations of Kant’s concept of right signify a synthesis of opposites: the unity of arbitrary will and right, freedom and compulsion, the individual and the general community. This synthesis must not be thought of as a union which



is the sum of individual “parts”; instead, one should “see the concept of right as consisting immediately of the possibility of combining universal reciprocal coercion with the freedom of everyone.”<sup>78</sup>

“Only the external aspect of an action”<sup>79</sup> is subject to right in Kant’s view. The person as a “moral” subject, as the locus of transcendental freedom, stands entirely outside the dimension of right. But the meaning of right here is the order of bourgeois society. Transcendental freedom only enters into the legal order in a very indirect way, in so far as the universal law of rights is meant to counteract certain hindrances to the “manifestations” of transcendental freedom.<sup>80</sup> With this relegation of law to the sphere of “externality,” both law and the society ordered by law are relieved of the responsibility for “actual” freedom and opened up for the first time to unfreedom. In the synthesis of law we thus have the concerns of the “externally” acting man before us; what do they look like?

We see a society of individuals, each one of whom appears with the natural claim to the “free exercise of his will,” and confronts everyone else with this claim (since the field of possible claims is limited); a society of individuals, for each one of whom it is a “postulate of practical reason” to have as his own very external object of his will<sup>81</sup> and who all, with equal rights, confront each other with the natural striving after “appropriation” and “acquisition.”<sup>82</sup> Such a society is a society of universal insecurity, general disruption and all-round vulnerability. It can only exist under a similarly universal, general and all-round order of coercion and subordination, the essence of which consists in securing what is insecure, stabilizing what is tottering and preventing “lesions.” It is highly significant that almost all the basic concepts of Kant’s theory of right are defined by negative characteristics like securing, lesion, restriction, prevention and coercion. The subordination of individual freedom to the general authority of coercion is no longer “irrationally” grounded in the concupiscence of the “created being” and in the divinely ordained nature of government, but grows immanently out of the requirements of bourgeois society—as the condition of its existence.

But Kant still feels the contradiction between a society of universal coercion and the conception of the “naturally” free individual. The synthesis of freedom and coercion must not occur in such a way that the original freedom of the individual is sacrificed to social heteronomy. Coercion must not be brought to the individual from without, the limitation of freedom must be a self-limitation, the unfreedom must be voluntary. The possibility of a synthesis is found in the idea of an original “collective-general” will to which all individuals agree in a resolution of generally binding self-limitation under laws backed by power. That this “original contract” is only an “Idea”<sup>83</sup> needs no further discussion, but before we examine its content we must note the significance of its “ideal” character for the development of the problem under discussion.

First it transforms the historical facticity of bourgeois society into an *a priori* ideal. This transformation, which is demonstrable in Kant's theory of right at the very moment of its occurrence, does not simply mean the justification of a particular social order for all eternity; there is also at work in it that tendency towards the transcendence of the bourgeois authority-system which had already emerged in the Reformers of the sixteenth century. These destructive moments appear in the replacement of a (believed and accepted) fact by a (postulated) "as if." For Luther, divinely ordained authority was a given fact; in Kant the statement "All authority is from God" only means we must conceive of authority "as if" it did not come from men, "but none the less must have come from a supreme and infallible legislator."<sup>84</sup> Correspondingly, the idea of a "general will" only requires that every citizen be regarded "as if he had consented within the general will."<sup>85</sup> Certainly the "transcendental As If" signifies a marked shift in the weight of authority towards its free recognition by the autonomous individual, and this means that the structure of authority has become rational—but the guarantees which are set up within the legal order itself against the destruction of the authority relationship are correspondingly stronger.

The "original contract" is, so to speak, a treaty framework into which the most varied social contents are inserted. But this multiplicity of elements is centred on one point; on the universal, mutual effort to make possible and secure "peremptory" property, the "external Mine and Thine," on the "necessary unification of everyone's private property."<sup>86</sup> In this way the mere "fortuitousness" and arbitrariness of "empirical" property is transformed into the legal validity and regularity of "intelligible" property in accordance with the postulate of practical reason.<sup>87</sup> We must briefly follow this road through its most important stages, for it is at the same time the route towards the foundation of (social) authority.

Our starting-point is the peculiar (and defining) character of private property as something external, with which "I am so connected that the use which another would like to make of it without my permission would injure me."<sup>88</sup> The fact that someone else can use something possessed by me at all presupposes a very definite divorce between the possession and its possessor, presupposes that property does not merely consist in physical possession. The actual "technical explanation" of the concept of "private property" must therefore include this feature of "property with physical possession": "that which is externally mine is that which, if I am hindered in its use, would injure me, *even if I am not then in possession of it* (if the object is not in my hands)."<sup>89</sup> What type of property is this property "even without possession," which is the real subject dealt with by the legal order?

The separation of empirical and intelligible property lies at the basis of one of Kant's most profound insights into the actual structure of bourgeois society: the insight that all empirical property is essentially "fortuitous" and is based

on acquisition by “unilateral will” (“appropriation”) and thus can never present a universally binding legal title; “for the unilateral will cannot impose on everyone an obligation which is in itself fortuitous. . . .”<sup>90</sup> This empirical property is not therefore sufficient to justify its all-round and lasting security at the centre of the bourgeois legal order; instead of this, the possibility of an external Mine and Thine as a “legal relationship” is “completely based on the axiom that a purely rational form of property without possession is possible.”<sup>91</sup>

The way in which Kant constructs this axiom and in which he effects the return from empirical property to a “purely rational form of property” in many ways corresponds to bourgeois sociology’s handling of the problem. Kant says: “In order to be able to extend the concept of property beyond the empirical and to be able to say that every external entity subjected to my will can be counted as mine by right if it is . . . in my power without being in possession of it, all conditions of the attitude which justifies empirical property must be eliminated [ignored] . . .”<sup>92</sup> The “removal of all empirical conditions in space and time,” abstraction from the “sensuous conditions of property”<sup>93</sup> leads to the concept of “intellectual appropriation.” By this route Kant arrives at the idea of an original joint ownership of the land and on the basis of this collectivity a collective general will can be established which legally empowers every individual to have private property. “The owner bases himself on the innate *communal ownership* of the land and a general will which corresponds *a priori* to this and allows *private ownership* on the land. . . .”<sup>94</sup> Thus in a highly paradoxical manner communal property becomes the “legal basis” for private property; total ownership “is the only condition under which it is possible for me to exclude every other owner from the private use of the object in question. . . .”<sup>95</sup> No one can oblige anyone else through unilateral will to refrain from the use of an object: the private appropriation of what is universal is only possible as a legal state of affairs through the “united will of all in total ownership.” And this “united will” is then also the foundation of that general community which puts every individual under a universal coercive order backed by force and which takes over the defence, regulation and “peremptory” securing of the society based on private property.

Thus in the origins of bourgeois society the private and general interest, will and coercion, freedom and subordination, are meant to be united. The bourgeois individual’s lack of freedom under the legal authority of the rulers of his society is meant to be reconciled with the basic conception of the essentially free person by being thought of as the mutual self-limitation of all individuals which is of equally primitive origin. The formal purpose of this self-limitation is the establishment of a general community which, in uniting all individuals, becomes the real subject of social existence.

“The general community” is society viewed as the totality of associated individuals. This in turn has two connotations:

1. A *total communality* of the kind that reconciles the interests of every individual with the interests of the other individuals—so that there is really a general interest which supersedes private interests.
2. A *universal validity* of such a kind that the general interest represents a *norm equally binding* on all individuals (a law). In so far as the interests of the individuals do not prevail “on their own,” and do not become reconciled with each other “on their own” (in a natural manner), but rather require social planning, the general community confronts the individuals as a *priority* and as a *demand*: in virtue of its general “validity” it must demand recognition and achieve and safeguard this by coercion if necessary.

But now everything depends on whether the general community as the particular form of social organization does in fact represent a supersession of private interests by the general interest, and whether the people’s interests are really guarded and administered in it in the best possible way. When Kant deals with social problems in the context of the “general community,” this already signifies a decisive step in the history of social theory: it is no longer God but man himself who gives man freedom and unfreedom. The unchaining of the conscious bourgeois individual is completed in theory: this individual is so free that he alone can abrogate his freedom. And he can only be free if at the same time freedom is taken away from all others: through all-round, mutual subordination to the authority of the law. The bearer of authority (in the sense of being the source of authority) is not God, or a person or a multiplicity of persons, but the general community of all (free) persons in which every individual is both the person delegated and the person delegating.

But not every general community, i.e., every actually constituted society, is truly universal. German Idealism uses bourgeois society as a model for its exposition of the concept of universality: in this sense, its theory signifies a new justification of social unfreedom. The characteristics of real universality are not fulfilled in this society. The interests of the ruling strata stand in contradiction with the interests of the vast majority of the other groups. The universally obligatory authority of the law is thus finally based not on a “genuine” universality (in which the interests of all the individuals are common to all) but on an appearance of universality; there is an apparent universality because the particular interests of certain strata assume the character of general interests by making themselves apparently independent within the state apparatus. The true constituents of this universality are property relationships as they existed at the “beginning” of bourgeois society and these can only be peremptorily guaranteed through the creation of a universally binding organization of social coercion.

This universality retains its “private” character; in it the opposing interests of individuals are not transcended by the interests of the community but

cancelled out by the executive authority of the law. The “fortuitousness” of property is not eliminated by the “elimination” of the empirical conditions under which it was appropriated: right rather perpetuates this fortuitous character while driving it out of human consciousness. The universality which comes from the combination of private possessions can only produce a universal order of injustice. Kant knew that he had constituted his theory of right for a society whose very foundations had this inbuilt injustice. He knew that “given man’s present condition . . . the good fortune of states grows commensurably with the misery of men,”<sup>96</sup> and that it must be a “principle of the art of education” that “children should be educated not towards the present, but towards the future, possibly better, conditions of the human race.”<sup>97</sup> He has said that in this order justice itself must become injustice and that “the legislation itself (hence also the civil constitution), so long as it remains barbarous and undeveloped, is to blame for the fact that the motives of honour obeyed by the people are subjectively incompatible with those measures which are objectively suited to their realization, so that public justice as dispensed by the state is *injustice* in the eyes of the people.”<sup>98</sup>

None the less Kant stuck to the view that the universality of the “united will” was the basis of society and the foundation of authority. He drew all the resultant consequences from the unconditional recognition of the government ruling at any particular time to the exclusion of economically dependent individuals from civil rights.<sup>99</sup> Like Luther he maintained that right was immanent in the civil order and described rebellion against this order as the “overthrow of all right,”<sup>100</sup> and as “the road to an abyss which irrevocably swallows everything,”<sup>101</sup> the road to the destruction of social existence altogether. “There can thus be no legitimate resistance of the people to the legislative head of state; for a state of right is only possible through submission to his universal legislative will. . . .”<sup>102</sup> His justification is in the first place purely formal: since every existing system of domination rests only on the basis of the presupposed general will in its favour, the destruction of the system of domination would mean the “self-destruction” of the general will. The legal justification is of the same formal kind: in a conflict between people and sovereign there can be no tribunal which makes decisions having the force of law apart from the sovereign himself, because any such tribunal would contravene the “original contract”; the sovereign is and remains, says Kant in a characteristic phrase, in sole “possession of the ultimate enforcement of the public law.”<sup>103</sup> This is the consequence of the immanence of the law in the ruling system of authority already observed in Luther: the sovereign is his own judge and only the judge himself can be the plaintiff: “Any alteration to a defective political constitution, which may certainly be necessary at times, can thus be carried out only by the sovereign himself through *reform*, but not by the people, and, consequently, not by *revolution*. . . .”<sup>104</sup>



It has been pointed out in connection with Kant's strict rejection of the right of resistance that although he does not acknowledge a (positive) "right" of resistance as a component of any conceivable legal order, the idea of possible resistance or even of the overthrow by force of a "defective" social order, is fully in line with his practical philosophy. The main support for this interpretation (which can be reconciled with the wording of the quoted passages of his theory of right) is Kant's apotheosis of the French Revolution in the *Contest of the Faculties*,<sup>105</sup> and the unconditional demand for the recognition of every new order arising from a revolution.<sup>106</sup> Such an interpretation strikes us as correct, as long as it does not attempt to resolve the contradiction present in Kant's position in favour of one side or the other. The transcendental freedom of man, the unconditional autonomy of the rational person, remains the highest principle in all dimensions of Kant's philosophy; here there is no haggling and calculating and no compromise. This freedom does not become a practical social force, and freedom to think does not include the "freedom to act";<sup>107</sup> this is a feature of precisely that social order in the context of which Kant brought his philosophy to concreteness.

The internal antinomy between freedom and coercion is not resolved in the "external" sphere of social action. Here all freedom remains a state of merely free existence under "coercive laws," and each individual has an absolutely *equal* inborn right "to coerce others to use their freedom in a way which harmonizes with his freedom."<sup>108</sup> But mere self-subordination to general coercion does not yet provide the foundation for a generality in which the freedom of individuals is superseded. On the road from empirical to intelligible property, from the existent social universality to the Idea of an original universality, the solution of the antinomy is transferred to the transcendental dimension of Kant's philosophy. Here too the problem appears under the heading of a universality in which the freedom of the individual is realized within a general system of legislation.

In the "external" sphere the relationship between freedom and coercion was defined in such a way that coercion was made the basis of freedom, and freedom the basis of coercion. This notion is most pregnantly expressed in the formula which Kant uses in his discussion of a "purely republican" constitution: it is the only state form "which makes *freedom* into the principle, indeed the *condition*, of all coercion."<sup>109</sup> Just as "legitimate" coercion is only possible on the basis of freedom, so "legitimate" freedom itself demands coercion in order to survive. This has its rationale within the "external" sphere: "bourgeois" freedom (this is what is at stake here), is only possible through all-round coercion. But the result is not a supersession but a reinforcement of actual unfreedom: how then can this be reconciled with transcendental freedom?

The concept of transcendental freedom (the following discussion will be limited to this, unless otherwise indicated) appears in Kant as a concept of causality. This concept stands in opposition to that of causality in nature: it



refers to causality resulting from free actions as opposed to causality resulting from necessity and its causal factors, which are of “external” origin (i.e. causality in the sequence of temporal phenomena). People have seen in this definition of freedom as a type of causality an early derivation of the problem of freedom—a dubious transference of the categories of natural science into the dimension of human existence, and a failure to understand the “existential” character of human freedom. But we believe that what shows the superiority of Kant’s ethics over all later existential ontology is precisely this understanding of freedom as, from the start, a particular type of actual effectiveness in the world; freedom is not relegated to a static mode of existence. And since the definition of causation resulting from freedom has to meet from the outset the demand for “universal validity” and since the individual is placed in a universal, a general rational realm of free persons which exists “before” and “over” all natural aspects of the community, all later misinterpretations of the organicist theory of society are refuted from the start. However, freedom is now set up as unconditional autonomy and pure self-determination of the personal will, and the required universal validity is posited as *a priori* and formal: here we see the impact of the inner limits of Kant’s theory of freedom (and these limits are by no means overcome by proposing a “material ethic of value” as against “formal” ethics).

Freedom for Kant is a transcendental “actuality,” a “fact”; it is something which man always already has if he wants to become free. As in Luther, freedom always “precedes” any free act, as its eternal *a priori*; it is never the result of a liberation and it does not first require liberation. Admittedly freedom “exists” for Kant only in activity in accordance with the moral law, but this activity is, in principle, free to everyone everywhere. By the ultimate reference of freedom to the moral law as its only “reality,” freedom becomes compatible with every type of unfreedom; owing to its transcendental nature it cannot be affected by any kind of restriction imposed on actual freedom. Admittedly freedom is also a liberation—man making himself free from all “empirical” determinants of the will, the liberation of the person from the domination of sensuality which enters into the constitution of the human animal as a “created being”—but this liberation leaves all types of actual servitude untouched.

The self-imposed and self-observed moral law of the free person possesses “universal validity” in itself as the reason of knowing of its truth, but this means that it contains reference to a “world” of universality consisting of the mutual coexistence of individuals. Nevertheless, this universality is formal and aprioristic; it may not carry over anything of the material quality of this mutual coexistence into the law of action. Yet another “form” is concealed in the bare “form” of the moral law; namely the bare form of the coexistence of individuals, the form of a “society as such.” This means that in all his actual decisions about action the individual only has the form of social existence in view: he must disregard or, so to speak, leap over the social materiality before him. Precisely

to the extent that the individual acts under the law of freedom can no element of this materiality be permitted to become a determinant of his will. The fact that it is entirely excluded from the determinants of free praxis means that the individual comes up against it as a brute fact. Transcendental freedom is by its nature accompanied by social unfreedom.

The criterion for decisions concerning action under the moral law is, as already in the sphere of the theory of right, the internal coherence of maxims as a universal law: a bad maxim, if it were made into a “universal system of legislation,” would abolish the order of human coexistence; it would signify the self-destruction of social existence. It has already been shown elsewhere that this criterion cannot operate in the intended sense in a single one of the applications which Kant himself adduces.<sup>110</sup> It would not be the form of a social order as such which would be destroyed by “false” maxims but always only a particular social order (Kant’s ethics are by no means as formal as is claimed by the material ethics of value). Between the formal universality of the moral law and its possible universal material validity, there yawns a contradiction which cannot be overcome within the Kantian ethic. The existing order, in which the moral law is meant to become a practical reality, is not a field of real universal validity. And the alteration of this order cannot in principle serve as a maxim of free praxis, for it would in actual fact, judged according to Kant’s criterion, transcend social existence as such (a universal law for the alteration of the existing order would be an absurdity).

The reversion from personal and institutional authority to the authority of the law corresponds to the justificatory reversion from the subject-matter of praxis to the form of the “law.” This “formalization” is something quite different from Luther’s “formal” recognition of the existing wordly authorities, without reference to their individual and social basis. For Kant, every personal and institutional authority has to justify itself in face of the idea of a universal law, which the united individuals have given themselves and which they themselves observe. In the “external” sphere of social existence this law—as we have seen in the theory of right—justifies not only the authority of the actual system of “governments” but also authority in general as a social necessity; universal voluntary self-limitation of individual freedom in a general system of the subordination of some and the domination of others is necessary for the peremptory securing of bourgeois society, which is built up on relations of private property. This is the highest rationalization of social authority within bourgeois philosophy.

But just as, with the application of the law, rationalization is brought to a standstill in face of the internal contradictions of bourgeois society, in face of its immanent “injustice,” so it is with the origin of legislation itself: “the possibility of an intelligible property, and thus also of the external Mine and Thine, is not self-evident, but must be deduced from the postulate of practical reason.”<sup>111</sup>

The law remains an authority which right back to its origins cannot be rationally justified without going beyond the limits of precisely that society for whose existence it is necessary.

## Notes

1. Luther, *Treatise on Good Works* (1520), in *Selected Writings of Martin Luther*, vol. I, Philadelphia, 1967, p. 174.
2. Op. cit., p. 118 (my italics).
3. Luther, *The Freedom of a Christian* (1520), in *Reformation Writings of Martin Luther*, vol. I, London, 1952, pp. 357ff.
4. Luther, *The First Lent Sermon at Wittenberg* (9 March 1522), in *Selected Writings*, vol. II, p. 238.
5. Luther, *The Third Lent Sermon at Wittenberg* (11 March 1522), in op. cit. vol. II, p. 243.
6. Luther, *Sermon on the Ban* (1520), in *Luther's Works*, vol. 39, ed. H. Lehmann, Philadelphia, 1970, p. 8; and *Whether Soldiers, Too, Can Be Saved* (1526), in *Selected Writings*, vol. III, p. 434.
7. Luther, *Temporal Authority: To What Extent It Should be Obeyed* (1523), *Selected Writings*, vol. II, p. 307: emphasizing the exclusively "inner" equality of men.
8. Translated into English in *Luther's Works*, vol. 21, ed. J. Pelikan, Philadelphia, 1956, pp. 3ff.
9. *Selected Writings*, vol. II, p. 303.
10. *Selected Writings*, vol. III, p. 434, and cf. *Werke*, ed. Buchwald, Berlin 1905, vol. III, pt 2, p. 393.
11. *Temporal Authority* (1523), in *Selected Writings*, vol. II, p. 295.
12. *Admonition to Peace: A Reply to the Twelve Articles of the Peasants in Swabia* (1525), in *Selected Writings*, vol. III, p. 327.
13. *Werke*, ed. Buchwald, Berlin, 1905, vol. III, pt 2, p. 300.
14. *Admonition to Peace*, in *Selected Writings*, vol. III, p. 325.
15. *An Open Letter on the Harsh Book against the Peasants* (1525), in *Selected Writings*, vol. III, p. 371.
16. Grimmich, *Lehrbuch der theoretischen Philosophie auf themistischer Grundlage*, Freiburg, 1893, p. 177.
17. *Werke*, ed. Buchwald, Berlin, 1905, vol. II, pt. 2, p. 296.
18. *Admonition to Peace*, in *Selected Writings*, vol. III, p. 339.
19. Marx, *Introduction to a Contribution to the Critique of Hegel's Philosophy of Right*, in *Karl Marx: Early Writings*, trans. T. B. Bottomore, London, 1963, p. 53.

The contradiction between anti-authoritarian and authoritarian tendencies which pervades the whole of Luther's work has been clearly elaborated by R. Pascal, *The Social Basis of the German Reformation*, London, 1933. Pascal shows that this contradiction is determined by the social and economic situation of the urban petty bourgeoisie, to whose interests Luther's Reformation corresponds. Pascal further strongly emphasizes the basically authoritarian character of Lutheranism, into which the anti-authoritarian streams are ultimately also fitted, so that after the achievement of the socially necessary economic and psychological liberations they work completely in the interests of the stabilization and strengthening of the existing world order. Even on the rare occasions when Luther breaks his doctrine of unconditional obedience to the worldly authority (as in 1531 with regard to the question of armed resistance to the Emperor by the Princes, after Luther had finally had to abandon his hope of winning the Emperor for the Protestant cause), the position he takes is by no means revolutionary but conservative: the Emperor appears as the wanton destroyer of an order which must be preserved under all circumstances.

20. *On War Against the Turk* (1529), in *Selected Writings*, vol. IV, p. 42.
21. Thomas Münzer's attack on Luther deals precisely with this connection between Luther's concept of authority and a particular property order: "The poor flatterer wants to cover himself with Christ in apparent goodness. . . . But he says in his book on trading that one can with certainty count the princes among the thieves and robbers. But at the same time he conceals the real origin of all robbery. . . . For see, our lords and princes are the basis of

- all profiteering, theft and robbery; they make all creatures their property. The fish in the water, the birds of the air, the plants on the earth must all be theirs (Isaiah 5). Concerning this they spread God's commandment among the poor and say that God has commanded that you shall not steal, but it does them no good. So they turn the poor peasant, the artisan and all living things into exploiters and evil-doers" (*Hoch verursachte Schutzrede* (1525), in *Flugschriften aus der Reformationszeit*, vol. X, Halle, 1893, p. 25).
22. *Treatise on Good Works*, in *Selected Writings*, vol. I, p. 163.
  23. An Open Letter, in *Selected Writings*, vol. III, p. 381.
  24. *Selected Writings*, vol. III, p. 466.
  25. Beyerhaus, *Studien zur Staatsanschauung Calvins*, Berlin, 1910, points out that although "theoretically" a distinction is made between the two spheres, 'practically' they become a unity precisely in the realization of Calvin's idea of the state (p. 50).
  26. Calvin, *Institutes of the Christian Religion*, trans. F. L. Battles, London, 1961, Book IV, ch. XX, para. 1.
  27. H. Engelland, *Gott und Mensch bei Calvin*, Munich, 1934, pp. 113ff.
  28. cf. Barnikel, *Die Lehre Calvins vom unfreien Willen . . .*, Bonn dissertation, 1927, pp. 104ff; Beyerhaus, op. cit., p. 79.
  29. Troeltsch, *The Social Teaching of the Christian Churches*, trans. O. Wyon, vol. II, London, 1931, p. 616.
  30. Ibid., p. 618.
  31. Ibid., p. 629.
  32. Troeltsch, op. cit., p. 616; Lobstein, *Die Ethik Calvins*, Strasburg, 1877, p. 116.
  33. Beyerhaus, op. cit., p. 97.
  34. *Institutes*, Book IV, ch. XX, para. 4.
  35. Beyerhaus, op. cit., p. 87.
  36. Beyerhaus, op. cit., p. 79.
  37. Lobstein, op. cit., p. 148.
  38. Op. cit., Book III, ch. XIX, para. 4. cf.. in I Peter, ch. 2, verse 16: "The purpose of our liberty is this, that we should obey more readily and more easily" (Lobstein, op. cit., p. 37).
  39. Op. cit., Book III, ch. XIX, para. 7.
  40. "For where there is servitude, there is also necessity." cf. Barnikel, op. cit., p. 113.
  41. *Summa Theol.* I, quaestio 83, art. 1.
  42. Martin Luther on the *Bondage of the Will*, translation of *De Servo Arbitrio*, (1525) by J. I. Packer and O. R. Johnston, London, 1957, p. 317; cf. Barnikel, op. cit., p. 46.
  43. *Treatise on Good Works*, in *Selected Writings*, vol. I, p. 182.
  44. *To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate* (1520), in *Selected Writings*, vol. I, p. 261.
  45. Calvin, *Opera*, vol. VI, p. 280.
  46. Max Weber, *General Economic History*, trans. F. H. Knight, Glencoe, 1930, p. 356.
  47. *The Large Catechism* (1529), in *Luther's Primary Works*, trans. H. Wace and C. A. Buchheim, London, 1896, p. 58.
  48. Quoted from *Luther als Pädagog*, ed. E. Wagner (Klassiker der Pädagogik, Vol. II), Langensalza, 1892, p. 70.
  49. Ibid., p. 73.
  50. Ibid., p. 64.
  51. Ibid., p. 119.
  52. *Selected Writings*, vol. I, p. 168.
  53. Op. cit., p. 164.
  54. *Luther's Primary Works*, p. 60.
  55. Op. cit., p. 56.
  56. Op. cit., p. 59.
  57. For a contrary passage, cf. *Luther als Pädagog*, p. 64.
  58. *Luther's Primary Works*, p. 52.
  59. *Selected Writings*, vol. 1, p. 163.
  60. *Luther's Primary Works*, p. 56.
  61. *Luther als Pädagog*, p. 53.
  62. *Selected Writings*, vol. 1, p. 166.
  63. *Luther's Primary Works*, p. 52.

64. *Luther als Pädagog*, p. 70. cf.. Levin Schücking, *Die Familie im Puritanismus*, Leipzig, 1929, p. 89.
65. *Institutes*, Book II, ch. VIII, para. 35.
66. Troeltsch, op. cit., p. 603.
67. *Handbuch der Pädagogik*, ed. Nohl-Pallat, vol. 1, Langensalza, 1928, pp. 221ff.
68. *Translator's note*: "Bourgeois society" is here a translation of "bürgerliche Gesellschaft," more usually rendered as "civil society." While Kant and Hegel certainly used the term in the sense of "civil society," Marcuse used it in 1936 in the sense of "bourgeois society," since, as he states in relation to Kant's concept of "civil society," the "actual features of bourgeois society are so much a part of it that this formulation is justified" (*infra*, p. 82).
69. *Kant's Political Writings*, trans. H. B. Nisbet, ed. H. Reiss, Cambridge, 1970, p. 56.
70. *Werke*, ed. Cassirer, Berlin, 1912, vol. VIII, p. 227.
71. *Kant's Political Writings*, p. 55.
72. Loc. cit.
73. Loc. cit.
74. *Werke*, vol. VII, p. 44.
75. Op. cit., p. 59.
76. Op. cit., p. 68, and *Kant's Political Writings*, p. 163.
77. *Kant's Political Writings*, p. 133.
78. *Kant's Political Writings*, p. 134.
79. Loc. cit.
80. Op. cit., p. 133. cf.. Haensel, *Kants Lehre vom Widerstandsrecht*, Berlin, 1926, pp. 10ff.
81. *Werke*, vol. VII, p. 48.
82. Op. cit., p. 70.
83. *Translator's note*: "Idea" is used here in the Kantian sense of a regulative principle of reason not found in experience but required to give experience an order and unity it would otherwise (according to Kant) lack.
84. *Kant's Political Writings*, p. 143 (Marcuse's emphasis).
85. Op. cit., p. 79.
86. *Werke*, vol. VI, p. 130.
87. *Ibid.*, vol. VII, paras 6, 7 and 11.
88. *Ibid.*, p. 47.
89. *Ibid.*, p. 51.
90. *Ibid.*, pp. 66ff.
91. *Ibid.*, p. 57.
92. *Ibid.*, p. 54.
93. *Ibid.*, pp. 67 and 72.
94. *Ibid.*, p. 52.
95. *Ibid.*, p. 64.
96. *Ibid.*, vol. VIII, pp. 465ff.
97. *Ibid.*, vol. VIII, pp. 462ff.
98. *Kant's Political Writings*, p. 159.
99. Op. cit., pp. 139ff.; p. 78.
100. Op. cit., p. 162.
101. Op. cit., p. 146 (Kant's footnote to paragraph 49).
102. Op. cit., pp. 144ff.; other important passages are in op. cit., p. 143, pp. 81–82, pp. 126–7, and in *Werke*, vol. VII, pp. 179ff.
103. *Kant's Political Writings*, p. 82.
104. Op. cit., p. 146.
105. Op. cit., pp. 182–5.
106. Op. cit., p. 147.
107. Op. cit., p. 59.
108. Op. cit., p. 76.
109. Op. cit., p. 163.
110. *Zeitschrift für Sozialforschung*, II (1933), pp. 169ff.
111. Op. cit., vol. VII, pp. 57f.

