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Finding Voice: The Presence of German Political Thought

A dissertation submitted in partial satisfaction of the

requirements for the degree Doctor of Philosophy

in

Political Science

by

Philip A. Michelbach

Committee in charge:

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2006

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Chair

University of California, San Diego

2006

DEDICATION

For Lacy

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ABSTRACT OF THE DISSERTATION

Finding Voice: The Presence of German Political Thought

by

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Doctor of Philosophy in Political Science

University of California, San Diego, 2006

Professor Tracy B. Strong, Chair

Attaining *Mündigkeit*, political maturity, implies finding one's voice. The attendant concept of citizenship gives the tradition of German political thought beginning with Luther its democratic imperative. I demonstrate the presence of this tradition in contemporary democratic theory through an analysis of Martin Luther, Samuel von Pufendorf, G.E. Lessing, Immanuel Kant, and G.W.F Hegel. The politics of interpreting and constructing the German language has shaped the language of modern politics.

I

Introduction

With few exceptions, German political thought has had, perhaps especially since the Second World War, a bad name. It has been blamed for setting the conceptual climate that gave rise to Nazism; along with this it has be blamed for not providing any resources against the advent of the horrors of the twentieth century. If this was exemplified 50 years ago in a book like George Mosse's *The Crisis of German Ideology: The Intellectual Origins of the Third Reich*, it still conditions contemporary reactions.[1] And it is not just Germans, but anyone whose work seems overly influenced by them. So sensitive and erudite a writer as Judith Shklar can write in a review of Charles Taylor's *Sources of the Self*—a book that draws some portion of its inspiration from Herder and other early German romantics as well as Taylor's engagement with Hegel—that the book provides no intellectual assets to draw on against the developments "in our horrible century."[2] Or Pierre Birnbaum, a leading French intellectual, finds, also with Taylor, much to worry about.[3] For many these problems go back to the origin of thought that might properly be called German—specifically to Martin Luther. Sheldon Wolin, for instance, finds in Luther no

[1] George L. Mosse, *The Crisis of German Ideology; Intellectual Origins of the Third Reich*, [1st ed. (New York,, 1964).

[2] Judith N Shklar, "[Untitled Review]," *Political Theory* 19 (Feb., 1991): p. 108.

[3] Pierre Birnbaum, "From Multiculturalism to Nationalism," *Political Theory* 24 (1996).

insurance against the tyranny of the state.[4] For others, Hegel is the main villain: Karl Popper sought to cast him as the modern inheritor of Plato as an enemy of an open society.[5] Almost the only German political theorist who receives unqualified praise along these lines is Kant. It is the burden of this thesis to show that these accusations are wrong. Specifically I want to argue that German political thought, from Luther through the 19th century, in fact provides democratic resources adequate to the challenges of modernity. I furthermore will want to argue, in a manner that may seem tendentious, that Kant does not provide resources adequate to modern democratic theory.

Luther as Cultural Touchstone

In his 1918 address in Munich on "Politics as a Vocation"—the title of which explicitly invokes Luther's idea of professional calling—Max Weber argued,

> it is immensely moving when a *mature* person—no matter whether old or young in years—is aware of a responsibility for the consequences of his conduct and really feels such responsibility with heart and soul. He then acts by following an ethic of responsibility and somewhere he reaches the point where he says: "Here I stand; I can do no other." That is something genuinely human and moving. And every one of us who is not spiritually dead must realize the possibility of finding himself at some time in that position. In so far as this is true, an ethic of ultimate ends and an ethic of responsibility are not absolute contrasts but rather supplements, which only in unison constitute a genuine human being—a person who *can* have the "calling for politics."[6]

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[4] Sheldon S. Wolin, *Politics and Vision : Continuity and Innovation in Western Political Thought*, Expanded ed. (Princeton, N.J., 2004). Chapter 5.

[5] Karl Raimund Popper, *The Open Society and Its Enemies*, [5th , rev.] ed. (Princeton, N. J., 1966).

[6] Max Weber, Hans Heinrich Gerth, and C. Wright Mills, *From Max Weber: Essays in Sociology* (New York,, 1946). p. 127. Während es unermeßlich erschütternd ist, wenn ein reifer Mensch—einerlei ob alt oder jung in Jahren--, der diese Verantwortung für die Folgen real und mit voller Seele empfindet und verantwortungsethisch handelt, an irgendeinem Punkte sagt: "ich kann kein anders, hier stehe ich." Das ist etwas, was menschlich echt ist und ergreift. Denn diese Lage muß freilich für jeden von uns, der nicht innerlich tot ist, irgendwann eintreten können. Insofern sind Gesinnungsethik und

This statement is an expression of the moral and political vocabulary introduced into German by Martin Luther. The governing idea of Weber's public lecture is that a person should have a calling, a spiritual authorization to engage in politics. The sacred character of a vocation requires a morally serious comportment that attends or perhaps even defines a mature mind. Political engagement is then seen to result from a kind of psychological maturity. Importantly, it is a maturity stemming neither from convention (for example, that the voting age is 18) nor from nature (e.g., human beings are adult animals in a reproductive sense in their teens). This is the maturity that frames a moral commitment, in Luther's language a turning of the soul or reorientation. The impact of this conception of maturity extends the 18th century ideal of cultivation (*Bildung*).

Calling is to an application of the moral realm to the world, a central, if often misunderstood, implication of Luther's theology. The exemplary instance of an act borne of this moral orientation is the quote attributed to Luther as he stood under the judgement of Charles V at Worms: "Here I stand, I can do no other. God help me. Amen." In his lecture, Weber recognizes the cultural resonance of such an action in echoing the essence of that phrase,[7] to which something anyone "not spiritually [*innerlich*] dead" would respond. Consistent with Luther's thought, Weber sees in this movement of spirit the distinguishing feature of humanity, the indicator that one is

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Verantwortungsethik nicht absolute Gegensätze, sondern Ergänzungen, die zusammen erst den echten Menschen ausmachen, den, der den "Beruf zur Politik" haben kann. Max Weber and Max Solms, *Schriften Zur Theoretischen Soziologie, Zur Soziologie Der Politik Und Verfassung*, Burt Franklin Research & Source Works, 241. (New York,, 1968). p. 203.

[7] Weber misquotes slightly, reversing the order of the statement, i.e., "I can do no other, here I stand."

dealing with a "genuine" human being. The formally contradictory but spiritually complementary relationship between the eternal and the secular is mediated by this concept of humanity or spirit. Although Weber diverges from the Wittenberg Reformer's thought in several aspects of his larger work—particularly as the result of the influence of Kant's and Kantian thought—he nevertheless he evidences and perpetuates the impact of 400 years of Luther reception.[8]

Democratic or German Political Thought?

The relevance of German cultural history to contemporary liberalism is a much discussed topic, and particularly after the two World Wars German political thought was cast as anti-democratic.[9] If a specifically German tradition of thought caused the horrors of the mid 20th century, then, one could argue, some sort of intellectual quarantine should be maintained. There have been numerous attempts to rehabilitate individual German thinkers—and most notably in this regard Kant—but there remains in place a virtual industry linking aspects of German intellectual history to Nazism.[10] But German thought is not monolithic and it is not necessary to defend the whole of it

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[8] The impact of Kant's thought made Weber a "nostalgic liberal" evidencing a cultural pessimism. Hans Heinrich Gerth and C. Wright Mills, "Introduction: The Man and His Work," in *From Max Weber: Essays in Sociology*, ed. Hans Heinrich Gerth and C. Wright Mills (New York,, 1946), p. 50. His view of Luther and the Lutheran Church cast is as passive, obedient, and incomplete in that "the mystic religiousity peculiar to Luther's personal Christianity stopped short of drawing the full conclusions on this matter" Max Weber, Hans Heinrich Gerth, and C. Wright Mills, *From Max Weber: Essays in Sociology* (New York,, 1946). p. 337. This feeling of incompleteness is further evidence of the influence of Kant in the form of a desire to collapse the moral and ethical realms.

[9] Elie Kedourie, *Nationalism*, 3rd ed. (London,, 1966). George L. Mosse, *The Crisis of German Ideology; Intellectual Origins of the Third Reich*, [1st ed. (New York,, 1964). J. L. Talmon, *The Origins of Totalitarian Democracy*, Praeger University Series, U-518 (New York, 1960). Hans Kohn, *The Mind of Germany; the Education of a Nation* (New York,, 1960).

[10] But see Leonard Krieger, *The German Idea of Freedom; History of a Political Tradition* (Boston,, 1957). and more recently Nancy L. Rosenblum, *Another Liberalism : Romanticism and the Reconstruction of Liberal Thought* (Cambridge, Mass., 1987).

to show the deep democratic resources within it. This study is an attempt to contribute to the normalization and rehabilitation of one important strand of German intellectual history. This tradition, present in contemporary democratic theory, begins with the Protestant Reformer Martin Luther and extends through elaboration in Pufendorf, Lessing, Kant, and Hegel.

This particular democratic imperative stemming from the necessity of a personal conviction to effect one's salvation, grounded in an individual's response to a holy text, follows from Luther's doctrine of justification by faith alone. This tendentious translation by Luther of Paul's *Letter to the Galations* (3: 11) encapsulates the basis of his dispute with the Roman Catholic Church as well as giving the key to his political thought. There are several elements involved. First, with a kind of 16th century reader response theory that enables the discovery of his *solafideism*, Luther's novel hermeneutical approach to the Bible places that text at the center of religious life, under triune interpretive categories of law (the Hebrew Bible as Mosaic code), word (the New Testament), and spirit. His doctrine of two realms—one spiritual and one temporal—follows as the political elaboration of this interpretive schema. Secondly, in the act of translation, of putting the words of the Bible into a national language, Luther has enjoined a specific type of community and also a conception of the individuals within that community. Subsequent thinkers in my analysis use his thought and his moral example in elaborating this tradition. Their support of this philological stance shaped the structure and content of contemporary of liberal and democratic thought by placing the law under the democratic governance of an

individually realized moral orientation. This deprofessionalization of spirituality marks a democratization of spirit.[11]

The Presence of Luther in German Political Thought

Organized religion in Christian form clearly does not have the cultural prominence it once enjoyed, prompting questions about the death of God or his transformation or replacement by new gods (i.e., science or the state). Much of religion's content and authority has shifted to other categories, most importantly to the political. This could be convincingly shown by tracing the arc of transformation.[12] To the degree that Luther remains the touchstone[13]—or secondarily thinkers whose thought is consciously based on Luther's—reading German political philosophy along the trajectory of reception of Luther's core thought demonstrates not a series of radical breaks or departures, but rather continuities in the development of an identifiable strand of democratic modern German political thought. In some cases the categories

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[11] Even the practitioners of what Ricoeur called the hermeneutics of suspicion—as opposed to the hermeneutics of recollection—who have been influenced by the tradition of Luther (Ricour singles out Nietzsche, Freud, and Marx) seem to be shaped by it. Their critiques intend to "clear the horizon for a more authentic word, for a new reign of Truth, not only by means of a 'destructive' critique, but by invention of an art of *interpreting*" Paul Ricoeur, *Freud and Philosophy; an Essay on Interpretation* (New Haven, 1970). p. 33.

[12] Hans Blumenburg uses the term "reoccupation" to describe this process. But this term is clearly loaded in a very specific neo-platonic sense. It posits stationary positions in the eternal realm of ideas, or "unit-ideas" as Lovejoy referred to them, which can either be filled up or empty at any given time. In contrast, I will argue for the preservation of this dualism in a continually employed realm of language. The decisive comparison is of subjective idealism to objective idealism; Kant to Hegel. Hans Blumenberg, *The Legitimacy of the Modern Age*, Studies in Contemporary German Social Thought (Cambridge, Mass., 1983).

[13] Jacob Grimm thought the Luther Bible "the core and the fundament of the new German language" and literature. The tradition of philology that Grimm himself practices stems from the philo-logos that Luther inspired with his hermeneutics. See Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). pp. 176-177.

may have changed (i.e., from religion to politics), but the concerns and the vocabulary remain in recognizable form.

In what follows I investigate the category changes while simultaneously narrating the changing shapes of the categories themselves. This tradition of Luther reception and reworking is not only evident but decisive in political thought of Samuel von Pufendorf, G.E. Lessing, and finally in its most self-conscious form with G.W.F Hegel. With studies of these thinkers I can demonstrate that the issues raised in Luther's thought and the solutions he argued for remained current well into the 19th century. My analysis of Immanuel Kant shows a thinker indebted to Luther in the structure of the system he created and the questions he pursued, but deviating from that tradition in significant ways. Most significant of these will the investigation of the degree to which Kant is not a democratic thinker.

Maturity and Democratic Presence

In German, the word *Mündigkeit* indicates legal and political maturity by connecting the development of an independent political consciousness with finding one's voice. It is, I shall argue, intimitely tied to an attendant concept of citizenship, a concept that gives the tradition of German political thought descending from Martin Luther its democratic imperative. I demonstrate the presence of this tradition in contemporary democratic theory through an analysis of Martin Luther, Samuel von Pufendorf, G.E. Lessing, Immanuel Kant, and G.W.F Hegel and illustrate the often overlooked resources available for democratic theory within this strand of political thought. I argue that the conceptual language developed by Luther for theology has

been continually developed in this tradition of German political thought and persists in governing the terms of secular political theory. Specific changes expressed as a vocabulary of theological and political concepts during the Reformation are coincident with and co-constitutive of the rise of modern politics. This traditions's contributions to a discrete pattern of interpreting and constructing the German language has helped shape the language of modern politics. The emphasis on the presence of the "word"—as both interpretive possibility and moral requisite—animates democracy by protecting a moral core and by contributing to the development of a strategy of political engagement characterized not by rejection of politics but rather through constructive revaluation and reconciliation.

The democratic imperative beginning with Martin Luther calls for a type of moral *presence* with radical consequences for political theory. This basis of this presence is in an understanding of political maturity focused on a metaphor of the voice. Again, the word for maturity in German is *Mündigkeit*. This word has two democratic aspects. The first is the capacity to speak on one's own behalf as a mature member of a polity. For Luther, there is a special obligation to exercise this interpretive voice. The second implication points to an attendant social recognition that what one says must be listened to—if someone is mature, that speaker must be heard out. This is the impetus for deliberation: one engages rather than combats the speech of others. It is important in this tradition that an auditory metaphor—and precisely not a visual one—conveys both presence and participation.[14] In uttering the

[14] It is noteworthy that the explicitly anti-democratic thought of Carl Schmitt directly engages the metaphor of voice: "Diktatur is der Gegensatz zu Diskussion" "Dictatorship is the opposite of

phrase "I speak," one is present on many levels. The first of these is the real-time narration of the action one is engaging in. Second, it is the announcement of a capacity that has crucial links to a specific vision of humanity--it is the rejection of any system which would place beings who can not speak (animals, for instance) with the same moral calculus used for human beings. The ability to speak defines moral capacity. This leads to the normative implication consistent with democratic participation: "I speak" denotes a person who *does* speak, in the sense of speaking up, someone who may voice assent *or* argue for another position.

Presence and Political Thought

Luther argued that history had to be interpreted with the help of the concept of eternity: the Old Testament is comprehensible only in terms of the New, and both together compose the Bible. It is in this sense that I intend this thesis to be itself an act of political theory—and not merely a descriptive enterprise (if indeed such is possible). In the preface to his *Philosophy of Right*, Hegel makes this point by reference to Aesop's fable "The Braggart," in which a man boasts of an athletic feat he claims to have performed in the agon at Olympia. He is told by a skeptical listener:

> Ἰδοὺ Ρόδος, ιδοὺ καὶ τὸ πήδημα.
> *Hic* Rhodus, *hic* saltus.[15]

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discussion" Carl Schmitt, *Politische Theologie: Vier Kapitel Zur Lehre Von Der Souveränität* (Berlin, 1996). p. 67. This is of course a critique of democracy that goes back at least as far as Thucydides.

[15] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:26. Hegel goes on to point out the Christian implication as well: here is the *rose*, dance here. There is a specific reference to Luther here as well: Luther was a great admirer of Aesop's fables. There is also a tradition of Lutheran engagement with Rosicrucian thought, as for example in Johann Valentin Andreae's *Christianopolis* (1619).

Or, in English, "*Here* is Rhodes, dance *here*." The contrast of the temporal or secular world with the concept of eternity, and the realization that any person may imagine himself existing simultaneously in both "realms" is a cornerstone of this approach to politics. In this conception eternity is not an infinitely long period but rather an infinite *present*.[16]

This dissertation explores a long period of intellectual history, but it does so to address contemporary concerns. While much contemporary work in intellectual history uses a deep contextualist approach,[17] this analysis attempts also the even more radical contextualism suggested by Hegel. The insight that each thinker is a child of his time applies not only to figures in the past but also to their contemporary interpreters. If context explains great works of the past, then explication of those works in the present is similarly conditioned by its present context. This context may be unremarked--indeed, this strikes me as precisely the standpoint of much of social science. It is the view from nowwhere that is simultaneously the view from somewhere. But mine is not a project that seeks to merely historicize or relativize current political thought: history is read backwards in the service of natality. From this perspective, the most scientific account is the most self-aware, and it would take

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[16] Tracy B. Strong, *Friedrich Nietzsche and the Politics of Transfiguration*, Expanded , with a new introd. ed. (Urbana, 2000). p. 265. Carl Schmitt attacked the Luther tradition and doctrine of two realms and the Trinity as exegetical principle, as well as democratic aspects of Lessing's Ring Parable in *Nathan der Weise*. Carl Schmitt, *Politische Theologie Ii: Die Legende Von Der Erledigung Jeder Politischen Theologie* (Berlin, 1996). pp. 25-26, 51. But also see John P. McCormick, *Carl Schmitt's Critique of Liberalism : Against Politics as Technology*, Modern European Philosophy (Cambridge ; New York, 1997). esp. pp. 42-50.

[17] See for instance John H. Zammito, *The Genesis of Kant's Critique of Judgment* (Chicago, 1992). and Anthony J. LaVopa, *Fichte ; the Self and the Calling of Philosophy, 1762-1799* (Cambridge, England ; New York, 2001).

account also of the disturbances to the evidence introduced by the interpreter—and what purpose these interpretive strategies serve.

Rehabilitation and Contemporary Democratic Thought

In undertaking to rehabilitate this tradition of German political thought, I am attempting to make my own contribution to democratic theory by arguing for the kind of democratic character that their thought models. This coherent strand of political thought contains overlooked democratic resources. My project is a contribution to democratic theory because I argue that democracy is not simply empty institutions--it is not an empty decision rule--but rather that it requires a concept of citizenship in which individuals engage the world with a democratic character. I refer to democratic character because it is not exhausted by the periodic act of voting. As Emerson remarked in keeping with his place in this tradition, "The antidote to the abuse of formal Government is the influence of private character, the growth of the Individual."[18] This tradition, with its call to presence and voice, inspires a democratic orientation and practice.

The democratic resources supplied by this tradition address many of the central concerns that motivate contemporary political theory. Without being antinomian, the tradition answers the fear of subjectivism that motivates much political thought on the right; in other words, a bad faith (exoteric) deference to authority is not needed because Western Civilization does not hang from so thin a thread. Indeed, only a democratic populism supports it. Neither is historicism as the theoretical removal of

[18] Ralph Waldo Emerson, *Politics*.

subjectivity the answer. The Luther tradition retains human agency that prevents the incoherence of theories implying a radically situated subject. Being present in this sense means embracing both the possibilities and limitations of subjectivity. To do otherwise masks political power and alienates people from democratic possibilities.

In broad strokes then the I have four aims in this dissertation. First, I want to demonstrate the existence of the tradition in political thought that I trace to Luther. This involves delineating its salient features and distinguishing it from its nearest competitors. Second, I want to advance the argument that at least this tradition of thought is not anti-democratic. Third, I want to make the case that it is in fact democratic or at least provides core resources for democratic theory. Last, this dissertation is meant to embody and demonstrate the practices and methods of this tradition of philology.

Luther and Freedom

In the rest of this introduction I raise a number of issues that will be important either for what follows or for clearing a certain amount of preliminary ground. First of these is the question of the nature of the freedom associated with the tradition that Luther initiates. Luther and those who followed him embraced a concept of freedom which has remained particular to the tradition and disquieting to its competitors. Being present demands that one recognize a responsibility for engagement in politics. This can be active or passive, but retreat is in this regard every bit as much an action as active participation. "Every man a priest" conveys not only a new freedom but also the responsibility to care for one's own salvation. The conception of freedom also

recognizes the distinct and sometimes crushing limits to the efficacy of the will and therefore the responsibility of any one human being for the ills of the world. The will is radically constrained: in the moral realm it is completely ineffective in producing justification. This creates a paradox of unlimited responsibility *within a radically circumscribed domain*. That the self stands as the center of this responsibility, of making oneself present in the world is a calling—the continual echoing of moral eternity into secularized society. But this self is not called to rage against this constraint. It is called rather to what those in this tradition—and most notably Luther and Hegel—refer to as *Versöhnung*, reconciliation. Reconciliation aligns the moral self with the historical world in an attitude productive of political wisdom.

This conception of freedom means that one's responsibility is not to changing the world to suit the demands of one's alienation, but rather to the more limited and limiting task of changing one's orientation to the world. This might at first seem to be a conservative doctrine. But its demands in the personal realm are radical—one's unhappiness must be seen not as imposed by the economic system, or unjust rulers, or an uncaring world but rather by the attitude with which a self encounters the world. The test of the power of the concept of eternity is its ability to confront and move beyond the evil of the world and to focus on the individual *psyche*.

This has the liability of being misunderstood as a retreat to a private sphere, but the thinkers in this tradition have not treated it as such. Indeed, in Hegel it takes the form of an invitation to *dance*. In Luther it takes the form of an imperative not only to

accept the historical necessity of one's political circumstances (something Pufendorf will elaborate) but also the imperative to cultivate moral presence.

This is done first through Luther's hermeneutic. It takes its social form first in the presence demanded by a Church service in which one *sings* and orally performs the spiritual constitution of the Church. This is also seen in an individual and spiritual transubstantiation so different from the authoritative Roman Catholic sacrament that Hegel recognizes the novelty of this move by calling it a transubstantiation that is paradoxically "keine Transsubstantiation" —"not a transubstantiation."[19] This presence stands on its head the Christianity that a rejection of the world, of the *Weltverachtung* that one sees in the middle ages (in, for example, the Cluniastic reforms or even in the thought of the namesake of Luther's monastic order, St. Augustine).

Language and Christianity in Modern Germany

If freedom for Luther necessarily manifested itself in the participation of a community, a major question would be as to the nature and kind of that community. German philosophical efforts—into the 19th century—often seemed concerned with answering the question, "What language does God speak?" This debate was not conducted in terms of "religion" as an abstract category but rather confessional Christianity. In Germany, religious questions were even more fundamentally intertwined with philosophical questions than in lands to the West. This stems from several factors. The late founding of German universities (14th century), the decisive

[19] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 17:329.

impact of Luther, the presence of a long and vibrant tradition of mysticism (including the *devotio moderna* that impacted Luther), the influence of Renaissance humanism, the backwardness forced by the devastating impact of the Thirty Years War in the 17th century, and the lack of a metropole which would tend to find a centralized solution to religious questions (German universities preserved a competition in religious interpretation, sometimes even within the same universities as, for example, members of the scholastic *via moderna* were organized in a separate faculty from the *via antiqua*). The development of a German national language—and specialized philosophical and philological vocabularies within it—began about the time of the vernacular Bibles of Erasmus and Luther, and this development continued over the course of more than 400 years of intellectual history. The process does not stop with the rational metaphysics of Leibniz, the rationally discerned religion of Mendelssohn, or in the pure reason of providence. This change takes on profound importance for the present whether the change took place in the category of "religion" or "politics."

The Varieties of Secularization

The above considerations manifest themselves first and foremost in a religious setting. This is a tradition of thought with explicitly—though not exclusively—religious origin.[20] A consideration ofthese in relation to politics, as I am doing, thus raises the question of what has come to be called the "secularization" question. This refers to the claim that over time some of the content translates into other categories, most notably the political. This engages the vast debate over secularization. In 1922

[20] Luther does recognize the political nature of the Reformation, see below Ch. 2.

Carl Schmitt argued that, "All significant concepts of the modern theory of the state are secularized theological concepts."[21] But there are many different conceptions of secularization, and the issue is rather not where the arguments were first used but how they function now in relation to democratic theory. There has been an extended intellectual debate of the issue. One form of Enlightenment anti-clericalism tended to cast aside all religious thought as empty superstition.[22] It would also seem unwarranted to assume that once modernity dawned, a revolution in thought occurred that was radically new—and utterly unconnected—to previous discourse. This, however, is what some have argued.[23] This secularization is a variant of Enlightenment ideology. Heinrich Heine—who had been a student of Hegel's at Heidelberg—later caught the flavor of this viewpoint when he argued:

> In dark ages people are best guided by religion, as in a pitch-black night a blind man is the best guide; he knows the roads and paths better than a man who can see. When daylight comes, however, it is foolish to use blind, old men as guides.[24]

This contrast in this metaphor--between the blindness represented by faith and the clear sight of scientific reason--is a persistent one. Indeed, it would be difficult to

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[21] Carl Schmitt, *Politische Theologie: Vier Kapitel Zur Lehre Von Der Souveränität* (Berlin, 1996).

[22] See Peter Gay, *The Enlightenment : An Interpretation*, 2 vols. (New York, 1977).; Owen Chadwick, *The Secularization of the European Mind in the Nineteenth Century*, Canto ed. (Cambridge [England] ; New York, 1990).

[23] On Kant's thought as secular break, see Bernard Yack, *The Longing for Total Revolution : Philosophic Sources of Social Discontent from Rousseau to Marx and Nietzsche*, Studies in Moral, Political, and Legal Philosophy. (Princeton, N.J., 1986).

[24] In dunklen Zeiten wurden die Völker am besten durch die Religion geleitet, wie in stockfinstrer Nacht ein Blinder unser bester Wegweiser ist; er kennt dann Wege und Stege besser als ein Sehender – Es ist aber törricht, sobald es tag ist, noch immer die alten blinden als Wegweiser zu gebrauchen Heinrich Heine, *Werke Und Briefe*, vol. 7 (Berlin, 1961). p. 401.

argue that religion in general, and Christianity in particular, has not been continually displaced both in public and private lives by science in modernity. What is open to dispute is that the cosmology provided by science constitutes something altogether different from the one that Christianity provided.

Bernard Yack[25] has argued that philosophy may serve the same *function* as religion without actually *being* religion. For him, an overemphasis and misapplication of the secularization thesis[26] has distorted our understanding of the religious elements present in modern institutions and thought. Reading German political philosophy, and in particular post-Kantian political philosophy, as participating in a religious impulse shows, instead of a series of radical breaks, the continuities in the development of modern German political thought and practice. There are in addition two competing claims long present in political theory. The first argues that deviations from liberalism are evidence of the recurrence of a Gnostic Christian heresy.[27] The second major claim sees a radical break marked by Kant's ethical thought in which philosophy finally frees itself from its long tutelage as handmaiden to theology.[28]

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[25] Bernard Yack, *The Longing for Total Revolution : Philosophic Sources of Social Discontent from Rousseau to Marx and Nietzsche*, Studies in Moral, Political, and Legal Philosophy. (Princeton, N.J., 1986).

[26] Hans Blumenberg, *The Legitimacy of the Modern Age*, Studies in Contemporary German Social Thought (Cambridge, Mass., 1983).

[27] Eric Voegelin, *The New Science of Politics : An Introduction*, Charles R. Walgreen Foundation Lectures (Chicago, 1952). But see Karl Löwith, *Meaning in History; the Theological Implications of the Philosophy of History* ([Chicago], 1949). and Slavoj Zizek, *The Fragile Absolute, or, Why Is the Christian Legacy Worth Fighting For?*, Wo Es War (London ; New York, 2000).

[28] Lewis White Beck, *Early German Philosophy; Kant and His Predecessors* (Cambridge, Mass.,, 1969)., Bernard Yack, *The Longing for Total Revolution : Philosophic Sources of Social Discontent from Rousseau to Marx and Nietzsche*, Studies in Moral, Political, and Legal Philosophy. (Princeton, N.J., 1986).

I find both of these positions wanting on both theoretical and substantive grounds. Reintegration of religion into a theory of modern politics would constitute a significant theoretical contribution, as well as providing much interpretive leverage. Hegel pointed to the category changes that had gone on between the 16th and 19th centuries, and how Luther's insights had to be reconstituted with the tools of philosophy:

> What *Luther* began as belief in the feeling and witness to the spirit, it is the same that the further matured spirit toils to grasp in the *philosophical concept* and thus to free itself in the present and thereby to find itself in it.[29]

Here the most defining feature of modern thought is the construction of categories of human thought and behavior[30]—but these are not static. Due to changes over time and at least partly due to Luther's influence,[31] the progress of the German language project has involved developing a philosophical vocabulary, institutions of cultural reproduction such as schools and universities, and a rich cultural life. The religious categories Luther employed are vacated but the essence of the thought has been migrated into other categories. What is clear also is that the secularization hypothesis

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[29] Was *Luther* als Glauben im Gefühl und im Zeugnis des Geistes begonnen, es ist dasselbe, was der weiterhin gereifte Geist im *Begriffe* zu fassen und so in der Gegenwart sich zu befreien und dadurch in ihr sich zu finden bestrebt ist. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:26.

[30] Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12 (1984).

[31] However, normative political theories cannot leave home and make their fortunes if they do not find fertile ground. Attempts to "nomize" reality—to transfigure it in speech, as Berger puts it--are never precise, and this limitation has important consequences. See Peter L. Berger, *The Sacred Canopy; Elements of a Sociological Theory of Religion*, [1st] ed. (Garden City, N.Y.,, 1967). J.S. Mill's prescient observation that the Reformation occurred twenty times before it finally "took" is an illustration of the consequences of these conceptual gaps. John Stuart Mill and Elizabeth Rapaport, *On Liberty* (Indianapolis, 1978). p. 27.

acts at too high a degree of abstraction. "Religion" is an analytic category for comparative purposes. At a slightly lower level of abstraction the focus here is Christianity, but this is a study arguing for a tradition embracing thought—specific aspects of thought—that entered German culture under the name "Martin Luther" and persist in modified but recognizable form. And as Weber argued, the political and religious are not even separated at the highest level of abstraction.[32]

Arguing against what he takes to be the emblematic study of Talmon (1960),[33] Yack writes,

> To be worthy of serious consideration, a secularization hypothesis must provide more than an elaboration of analogies between religious and secular phenomena…[it must] point to evidence of a process by which religious attitudes gain a place in self-consciously secular forms of discourse and then generate the same kind of sentiments among believers that they inspired in their religious context among believers.[34]

In answering this, I intend to go what might seem to be the long way around: politics is not "really" religion, but there is an abiding continuity in intellectual history as well as a seminal change in *category* for certain modes of thought and expression. One might also ask of Yack what a specifically religious sentiment is—and why religion must engender passion rather than calm it.[35] Nietzsche's accusation hangs in the air: *foeda superstitio*.[36]

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[32] Max Weber, *The Sociology of Religion* (Boston, 1993). p. xlvii.

[33] J. L. Talmon, *The Origins of Totalitarian Democracy*, Praeger University Series, U-518 (New York, 1960).

[34] Bernard Yack, *The Longing for Total Revolution : Philosophic Sources of Social Discontent from Rousseau to Marx and Nietzsche*, Studies in Moral, Political, and Legal Philosophy. (Princeton, N.J., 1986). p. 15.

[35] The most influential Left-Hegelian critics of this vantage, Feuerbach and Marx, explicitly want philosophy to serve the future—by extending the project in non-religious form. Marx writes that

The Study of "Religion": The Evidence for a Categorial Shift in Western Christianity

I am thus necessarily involved in examining not just if there is a shift but the *kind* of category shift that occurs in the West in the period after Luther. The subjective character of modern religion[37] is an expression both of religion's successful incorporation in modern political institutions and the sort of irrational dregs left to the category "religion" by processes of rationalization.[38] The "privatization" of religion[39] has left traditional religion without authority. Both the form and content of the category "religion" have changed since 1517. The territory the category "religion" has been entitled to claim for its own has steadily shrunk while the concerns formerly administered within that category have remained current. To answer the question of the presence of religious sentiments in secular thought, I extend the insight that secularization is not so much the despiritualization of religion but the spiritualization of politics. The recurrence of secularization hypotheses is due to the fact that religious categories are enduringly attractive for analyses of modern politics. But the precise

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philosophy should be "real and oriented toward action." Karl Marx, Friedrich Engels, and Robert C. Tucker, *The Marx-Engels Reader* (New York,, 1972). p. 156. In *The Essence of Christianity* Feuerbach makes a plea for the expression of human values (scientized in philosophy) back into the world. This takes the form of a religious calling such that "When man makes it his goal to morally improve himself, his resolutions and projects are divine" Ludwig Feuerbach, *The Fiery Brook; Selected Writings of Ludwig Feuerbach* (Garden City, N.Y.,, 1972). p. 128.

[36] Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VIII-2.231.

[37] William James, *The Varieties of Religious Experience, a Study in Human Nature; Being the Gifford Lectures on Natural Religion Delivered at Edinburgh in 1901-1902* (New York,, 1902).

[38] Max Weber, *The Sociology of Religion* (Boston, 1993). p. 27.

[39] Peter L. Berger, *The Sacred Canopy; Elements of a Sociological Theory of Religion*, [1st] ed. (Garden City, N.Y.,, 1967). and Talcott Parsons, *The Social System* ([New York], 1964).

answer to what would count as "sentiments" in secular thought has to do with the question of who the author can be in any given situation.

There are two—not completely distinct—literatures concerning religion and politics. The first focuses on the influence of contemporary religion in interest-group politics. The second literature is comprised of both sociology and philosophies of religion. Though the former is largely irrelevant to this study, it should be remarked that the impact of traditional religion in modern politics is extremely curtailed.[40] The subjective character of modern religion[41] is an expression both of religion's successful incorporation in modern political institutions and the sort of irrational dregs left to the category "religion" by processes of rationalization.[42] The "privatization" of religion[43] has left traditional religion out in the cold. Indeed, traditional religion must be eradicated to make room for modern political authority. Pickett argues,

> The continuing work of dominion involves the state in the work of eradicating rival authority. The great threat to authority of the modern orthodoxy comes not from liberalism, nationalism, or socialism, however, but rather from the ancient, theologically-based authority of a world operating through divine will. In the West Christianity has been the dominant theism for two millennia, and it constitutes the only authority to threaten the hegemony of the state.[44]

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[40] Peter L. Berger, *The Sacred Canopy; Elements of a Sociological Theory of Religion*, [1st] ed. (Garden City, N.Y.,, 1967).

[41] Georg Wilhelm Friedrich Hegel, *Lectures on the Philosophy of Religion : One-Volume Edition : The Lectures of 1827*, ed. Peter Crafts Hodgson (Berkeley, 1988).; William James, *The Varieties of Religious Experience, a Study in Human Nature; Being the Gifford Lectures on Natural Religion Delivered at Edinburgh in 1901-1902* (New York,, 1902).

[42] Max Weber, *The Sociology of Religion* (Boston, 1993). p. 27.

[43] Peter L. Berger, *The Sacred Canopy; Elements of a Sociological Theory of Religion*, [1st] ed. (Garden City, N.Y.,, 1967).; Talcott Parsons, *The Social System* ([New York], 1964).

[44] Terry H. Pickett, *Inventing Nations : Justifications of Authority in the Modern World*, Contributions in Philosophy, No. 56 (Westport, Conn., 1996). p. 6.

With the Reformation came the explicit and lasting marriage of the political and the religious.

> The great reformers were not actuated by a conscious striving for nationality, but the aspiration of their political allies and the course of events gave the Reformation everywhere a national character…Throughout the Reformation religion became a symbol of nationality everywhere and provided the means for molding and expressing national personality. The decision for or against the new faith fell in many cases more on political grounds than on religious ones, and dynastic interests mingled with national motives.[45]

But this connection predates schism in the Church. Hertz argues that, "Both the Gospel and the Church have had a paramount share in molding our modern civilization and preparing modern nationality."[46] Hastings goes so far as to say that religion is constitutive of modern political institutions:

> The point we need to insist on is that while the nation-state was largely shaped by a Christian and Biblical culture so that without the latter it is hardly imaginable, it was not the only political option consonant with Christian culture or European tradition and, indeed, in its full form it flourished particularly within Post-Reformation culture.[47]

The result of this is the "God of Modernity," the instantiation of Hobbes' vision:

> The nation, as a culturally defined community, is the highest symbolic value of modernity; it has been endowed with a quasi-sacred character equaled only by religion. In fact, this quasi-sacred character derives from religion. In practice, the nation has become either the modern, secular substitute of religion or its most powerful ally. In modern times

[45] Friedrich Otto Hertz, *Nationality in History and Politics* (London,, 1944). p. 118.

[46] Friedrich Otto Hertz, *Nationality in History and Politics* (London,, 1944). p. 104.

[47] Adrian Hastings, *The Construction of Nationhood : Ethnicity, Religion, and Nationalism* (Cambridge ; New York, 1997). p. 200.

> the communal sentiments generated by the nation are highly regarded and sought after as the basis for group loyalty.[48]

In a review essay, Grosby has argued that the connection between religion and nationalism is the result of an intellectual confusion due to the fact that, "nationality and religion are structures that order human cognition and action, each drawing upon and permeating the other."[49] He contends that two research traditions, one associated with Durkheim, the other that he terms the civil religion research program associated with Bellah and Kedourie, define the debate.

I find neither of these alternative satisfactory. I want to make the case that Durkheim's theory is problematized by its reductionism: religion should not function as the one variable that predicts everything in modern society. In contrast, Bellah (1970) is arguing that religious imagery may be appropriated in a civil religion associated with a given state.[50] Religion functions as trove of resonant concepts to be poached by the state. For Kedourie (1998) then, nationalism functions as the religion of modernity, a religion hatched by German intellectual cranks.[51] In both Bellah and Kedourie, the point I am making about the relation of the category religion to the larger social picture is lost: theirs are functionalist stories, and they are functionalist

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[48] Josep R. Llobera, *The God of Modernity : The Development of Nationalism in Western Europe*, Berg European Studies Series (Oxford [England] ; Providence, USA, 1994). p. x.

[49] Steven Grosby, "Nationality and Religion," in *Understanding Nationalism*, ed. M. Montserrat Guibernau i Berdâun and John Hutchinson (Cambridge

Malden, MA, 2001), p. 97.

[50] Robert Neelly Bellah, *Beyond Belief; Essays on Religion in a Post-Traditional World*, [1st ed. (New York,, 1970).

[51] Elie Kedourie, *Nationalism*, 3rd ed. (London,, 1966).

precisely because they see the religious category as an independent object to be invested with this or that meaning. Religion is an exegetical opportunity for reading the constitution of modernity.

Chapter Overview

In Chapter 2 I discuss Luther's salient ideas and interpretive strategies Luther developed as they will be taken up by my core strand of thinkers in the Luther tradition. At the same time he reformed religion in parts of Germany,[52] he was also conscious of his reformation of political thought. With Luther theology is transformed into religion, and the territorial state (among other political forms) becomes the guarantor of that religion. Individuals, not the Church, become responsible for mediating religious concerns. This deprofessionalization of spirituality is a democratization of spirit. The distinct character of modernity is heralded by a rise of religion and eventually the rise of what the Germans will call the *Geisteswissenschaften* ("spiritual" or human sciences). The rise of the philological tradition executed in a *Lutheran reformed idiom*, begins an unbroken self-consciousness about language that continues to shape democratic thought.

Luther's intellectual handprint remains on the development of a German national epistemology and their national language. The most far-reaching of his innovations was the hermeneutic strategy he used to translate, compose, and interpret his version of the Bible. The political expression of this is his doctrine of the two kingdoms. The

[52] For a discussion of the extent to which any of the Protestant sects made headway in the population—as opposed to the official religion of the regime—see Thomas A. Brady Jr., "In Search of the Godly City: The Domestication of Relgion in the German Urban Reformation," in *The German People and the Reformation*, ed. R. Po-chia Hsia (Ithaca, 1988).

two kingdoms stand under the mediation of his interpretive strategy, performed in tripartite but interdependent conceptions of word, law, and spirit. In the Bible Luther translated into German is implanted an interpretive strategy. The political implication is that a specific democratic impulse is built into the communities that received this book. The conception of the individuals within that community implies a theory of citizenship making use of the concept of *Mündigkeit*. Subsequent thinkers in my analysis consciously work in elaborating this tradition; their relationship to this philological stance has determined the structure and content of contemporary of liberal and democratic thought by placing the law under the democratic governance of an individually realized moral orientation.

In Chapter 3 I explore the political thought of Samuel von Pufendorf. Pufendorf, son a Lutheran pastor and who received Lutheran theological training, has in the 20th century been usually linked to discussions about the development of international relations theory. A recent increase in interest in Pufendorf has been accompanied by new editions of his complete works, new English translations, and also a revival of secondary literature. Pufendorf marks a key development in the transfer of authority from religious to political categories. As Lutheranism as state religion scholasticised, it was criticized from below by the Lutheran fundamentalist thinker Pufendorf. He saw the danger of a new state Pelagianism. In preserving and refining Luther's conception of man in relation to God, he develops a political theory useful to the citizens responsible for implementing human justice. His thought is an important elaboration of Luther's with focused attention on politics.

Instead of the failed or covert secularizer that Krieger, Hunter, and even Hochstrasser see,[53] Pufendorf's natural law is tied to a fundamentalist understanding of Luther and it is in that vein that he effects the political elaboration of Luther's Doctrine of Two Realms. In accord with Luther, Pufendorf's attention to the concept of language shows that for him it is cultural or historical situation that requires a certain regime type--not morality, and I also explore the connection of moral to political realms in his argument for a double compact. His natural law theory develops a social compact theory with a fundamental debt to Luther. In addition, his writings on tolerance and international reconciliation demonstrate a fundamentalist Lutheran commitment in arguing war is preferable to reconciliation as accommodation with Rome.

Chapter 4 focuses on the key figure of the German Enlightenment, Gotthold Ephraim Lessing. In the 18th century, Lessing attacked the institutionalization of politically established Lutheran thought in order to renew the permanent revolution of the soul that Luther envisioned as the key to Christians' lives. This can be seen in his hermeneutics, which deals with the relation of spirit to word to law, in his view of history (which is startlingly different from Luther's and points the way past the Critical philosophy). His plan for the Education of the German Nation demonstrates the special character of *German* Enlightenment thought. Lessing, whom Ernst Cassirer considered the emblematic figure of the Enlightenment, was son of a

[53] Leonard Krieger, *The Politics of Discretion; Pufendorf and the Acceptance of Natural Law* (Chicago,, 1965).; Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001).; T. J. Hochstrasser, *Early*

Lutheran pastor and also received theological training. He was nevertheless instrumental in developing the Lutheran themes of toleration linked to epistemology (*Nathan der Weise*) as well as the development of a German national consciousness through Luther's language project (*Die Erziehung des Menschengeschlects*).

Luther's doctrine of two realms is important to understanding Lessing. His distinction between exoteric and exoteric writing reproduces this doctrine. Lessing makes the concept of spirit central to this distinction even as argues for a connection of history to the development of spirit in a way that anticipates Hegel's philosophy of history. Using the writings that surround his public argument with the orthodox Lutheran theologian J.M. Goeze (including *Nathan der Weise* as well as his often cryptic consideration of freemasonry, *Ernst und Falk*), I argue that Lessing sought to reconcile Enlightenment political ideas with the moral realm to which his reception of Luther lead him.

Chapter 5 is a discussion of Immanuel Kant's philosophical and political writings from the standpoint of the Luther tradition. Immanuel Kant is intimately connected in tension with the tradition instigated by Luther. He is a crucial figure not only because of his continued stature in contemporary philosophy but also because of the clearly present influences of the radical reformation and counter-Reformation thought. Though Pietist in upbringing (which placed emphasis on the importance of works) and interested in salvaging what he could of Leibnizian dogmatism, he was also a loyal servant of the Prussian state. His pre-critical critique of spirit, his battle

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Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment (Dordrecht ; Boston, 2000).

with the dogmatism of Eberhard, his interest in Rousseau, and his conflict with Hamann over his philosophical language project, all revolve around the tradition of Luther.

Kant, considered by many the author of a radical secularization in philosophy, is also seen to be intimately connected in tension with the tradition centered on Luther. Kant's conflict with Hamann over the importance of language to philosophy revolves around and is in systemic conflict with the tradition of Luther. I show how Kant's conception of language is quite different from thinkers on the main line of this tradition; for Kant, language, when it is addressed at all, is treated as a natural capacity, not a democratic resource. Kant effects a collapse of the moral and political realms by naturalizing, and therefore negating the democratic spirit. His thought has a profound effect in motivating anti-democratic thought. Yack (1986) has argued that the "longing for total revolution" expressed by a series of thinkers that he terms "left-Kantians" can be distinguished from the religious impulse (to which it is only superficially related); religion is somehow divorced from political theory forever with the work of "left-Kantians." But this project seems to have misfired such that F. Schlegel could remark, "Religion is the revolutionary principle in man."[54] Furthermore, Kant's thought induced what might be seen as a culture-wide "Kant Crisis"—referring to the mental breakdown experienced by Kleist after protracted

[54] Frederick C. Beiser, *The Early Political Writings of the German Romantics*, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1996). p. 165.

engagement with Kant's thought and culminating in his punning suicide at the edge of the Wannsee.[55]

In Chapter 6 I return to the core strand of Luther-influenced thought. G.W.F. Hegel attempts a maximal elaboration of Luther in philosophy in order to effect a reformation of that discipline in the spirit of Luther. Hegel, trained at the Tübinger Stift, represents the most complete translation of Luther's program into late modern thought. He founded a science of political philosophy that modern social scientists can recognize that simultaneously meaningfully and clearly preserves Luther's project. With Hegel Luther's thought achieves its secular bearings such that it is transparent to contemporary readers. His participation in many aspects of Luther's program shows the enduring importance of the Reformation for contemporary thought. Hegel recasts Luther's thinking on the two kingdoms, preserving in the same trinity of exegesis. His doctrine of word is delineated in the language projects of the *Phenomenology* and the *Logic.* His thinking on the law is systematically treated in the *Philosophy of Right*. And the account of spirit, while permeating all aspects of his work as it had Luther's, is specifically the topic of discussion in the *Phenomenology* and in his *Aesthetics*. While much has been made of the time-bound nature of Hegel's self-consciously historicized thinking, reading his work as part of a long tradition indicates the clearest way to separate what is living and what is dead in his writing

[55] Stefan Zweig remarked that "His voluntary early death is his masterpiece quite as much as the *Prince Friedrich of Homburg*." Quoted in Peter Gay, *Weimar Culture: The Outsider as Insider*, [1st] ed. (New York,, 1968). p. 63. The Wannsee was also the site of the infamous January 20th, 1942 "Wannsee Conference" hosted by the head of the *Reichssicherheitshauptamt*, Reinhard Heydrich, on the organization and conduct of the extermination of European Jewry.

In the concluding chapter I explore one instance of Luther's Reformation that remains central to contemporary political philosophy and democratic theory. The liberal-communitarian debate, or better the Rawls and his critics debate, demonstrates that concerns Luther sought to address in the early 16th century are still live; the development of the concepts and their recurrent employment points to German political thought's continued presence. The imperative to find one's voice animates democracy by creating the moral authority and the moral requirement to attain political maturity and participate in self-governance.

The deep structure of the "Luther tradition" remains relevant in interpreting John Rawls' theory of justice. The theory was initially understood by most readers as Kantian. This occasioned an attack from communitarian critics who style themselves the Hegelian alternative. What is more telling is the steady "Protestant" cast of his theory. Rawls did not explicitly link his theory to Luther. The line of transmission is through Hegel. Increasingly, Rawls invoked Hegel to solve problems associated with the (originally perceived) Kantian cast of the theory. This connection to Hegel became clearer over time under the pressure of communitarian critics. It is not only in problems having to do with history that Rawls invoked Hegel but one of the most significant borrowings is the argument that a central task of the theory as well as all political philosophy is reconciliation (*Versöhnung*). What emerges in my view is a systemic engagement with Hegel, on the level of structuring the theory, on the view of the person, and on the utility and purpose of political philosophy. This in turn rests ultimately on the tradition of Luther.

II

Luther and the Origin of Democratic Hermeneutics

> If we don't get over Christianity, it will be the Germans' fault…
> Friedrich Nietzsche, *The Antichrist* § 61[56]

> *The German Bible*. It is infinitely important that through Luther's translation of the Bible a national book is put in the hands of the nation, in which the heart, the spirit can find its way to the highest, infinite manner; in Catholic countries there is in this a large deficiency. There the Bible is the means of rescue from all servitude of the soul.
> G.W.F. Hegel, *Lectures on the Philosophy of Religion*[57]

The degree to which politics and morality do and should inform one another is a problem that has been at the center of modern political theory. While a theorist like Machiavelli argued persuasively for a categorical separation of the two, Martin Luther (1483-1546) argues for a specific relationship between religion (the moral) and politics (the ethical). His answer, of great importance to the development of democratic thought, advances a double theory of citizenship, thus permitting a connection between two *categorially* separate realms. Luther bridged political and psychological needs by reconfiguring the relationship of Christian and national citizenship such that the state provides the necessary stability for the exercise of moral

[56] Wenn man nicht fertig wird mit dem Christentum, die Deutschen werden daran schuld sein. Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VI-3.248.

[57] *Die Deutsche Bibel.* Es is unendlich wichtig, daβ dem Volk durch die lutherische Bibelübersetzung ein Volksbuch in der Hand gegeben ist, woran sich das Gemüt, der Geist auf das höchste, unendliche Weise zurechtfinden kann; in katholischen Ländern ist darin ein groβer Mangel. Dort ist die Bibel das Rettungsmittel gegen alle Knechtschaft des Geistes. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 17:282.

life. If modernity presents the individual with endless conflicts between morality and politics, the private and public, then Luther is responsible for elaborating a solution to this problematic which involves a way of being present in the world.

Political thought is implicit in his theology but this is not to say it is merely implicit. Luther argued that the Roman Catholic Church was political and not religious, so his by his Reformation.[58] His theory of citizenship is based on a trinitarian reading of the Bible in terms of word-law-spirit: God's audible word (when or if informed by spirit) gives a trustworthy account of moral life while His interventions in the law through law-givers and ordinary people (through vocation) describe His governance of the world.[59] Resolving the conflict between law and morality enables Luther's distinctively modern account of an active humanity. He does this with a hermeneutics that forges a connection between the two. This interpretive schema has its center in the Bible of which Luther was translator, editor, and commentator. Luther was prolific in theological writings, lectures, and sermons, but the core text of his Reformation--and therefore the center of his theological production--is the Bible. As Hegel argued for the political impact of this fact in his *Lectures on the Philosophy of Religion*:

> It is infinitely important that through Luther's translation of the Bible a national book is put in the hands of the nation, in which the heart, the

[58] Luther argued many times that his theology made him the greatest friend to secular rulers.

[59] On the importance of the trinity to Luther's theology see Roger E. Olson and Christopher A. Hall, *The Trinity*, Guides to Theology (Grand Rapids, Mich., 2002). p. 69. and Joachim Heubach, ed., *Luther Und Die Trinitarische Tradition*, Veröffentlichen Der Luther-Akademie E.V. Ratzeburg (Erlangen, 1994).

> spirit can find its way to the highest, infinite manner; in Catholic countries there is in this a large deficiency.[60]

For Luther, the read Bible--and not the Church--is the foundation upon which Christianity is to be built. And importantly for the contribution to democratic theory, the authority for this project comes from the individuals who participate in it.

Luther's Political Theory: The Doctrine of Two Realms

For Luther, Christians hold citizenship in not one but two realms (*Reiche*). Both are ruled by God but possess very different governments (*Regimente*). One is the realm of morality; the other is that of history. In moral realm, Christians are ruled by God's *word* as expressed in the Bible. This, however, is a soft rule, not one of commands or laws but rather of exhortation and counsel. The historical realm on the other hand is ruled through law. Law does not have a direct connection to morality; only the Jews possessed written commandments, written law, and this only before the coming of Christ.[61] (Luther made a distinction between the preaching or sermons that comprise the texts known as the New Testament and the writings or scripture that make up the Old Testament.)

In the moral realm, the event of the Fall creates a profound moral problem. Because of their fallen nature, there is *nothing* human beings can do can to justify

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[60] Es is unendlich wichtig, daβ dem Volk durch die lutherische Bibelübersetzung ein Volksbuch in der Hand gegeben ist, woran sich das Gemüt, der Geist auf das höchste, unendliche Weise zurechtfinden kann; in katholischen Ländern ist darin ein groβer Mangel. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 17:282.

[61] This conception is preserved in political theory conditioned by that tradition: "Revelation is the authoritative disclosure to man of Divine Law—the Torah, the *Chari'a*, the 'Old Law' and the 'New Law'; this rule of law claims to give the ultimate direction to the whole of man's existence, collective as well as individual or familial" Thomas L. Pangle, "Introduction," in *Studies in Platonic Political Philosophy*, ed. Thomas L. Pangle (Chicago, 1984), p. 20.

themselves before God either together or as individuals. Everything about them including reason--this is at the heart of his debate with Erasmus in the *Bondage of the Will*--is tainted in a theological sense. According to his interpretation of Paul's Letter to the Galatians, a Christian is only justified through faith or "*sola fide*." Even the decision to embrace faith is not in this regard technically an action or "work" that produces justification. It is rather a reconciliation of one's soul to a free gift of God, His grace.

Luther vs. Pelagianism

For Luther, this solafideism is authentically Christian and was in conflict with much of Roman Catholic practice. His objection to much, and finally all, of Roman Catholic Church practice was that it was committed to the Pelagian heresy—that justification could be gained or bought by works of any kind. Pelagius had been declared a heretic by the Church itself for this view in 418 AD at the Council of Carthage. The scandal in the early 16th century surrounding the sale of indulgences and relics, seen by Luther as "works" designed to justify purchasers before God, is well known.[62] The commencement of hostilities--his posting the 95 Theses in Wittenberg--concerned the widespread use of indulgences and other papal taxes. And specifically, the Church had made a claim on the proceeds from monies collected by Frederick the Elector of Saxony from display of holy relics.

The objection to the perceived Pelagian heresy in the Church, however, was soon extended by Luther to include the Church's wide participation in secular politics.

[62] See for instance the classic account in Hajo Holborn, *A History of Modern Germany*, [1st ed. (New York,, 1959).

On the eve of the Reformation, political and ecclesiastical authority often overlapped. The German Reich was in practice governed by about 2,500 authorities many of whom were ecclesiastical. It had long been the case that secular rulers made use of the educated manpower that was available in the Church. Additionally, Church figures were endowed with political duties and authority for this reason as well as in directly political roles.[63] It was in this context that Luther would become a second Arminius, seemingly freeing the Christian from the dominion of Rome and offering to deliver politics wholly into the hands of the German princes.

However, reading Luther's act as a tax revolt mistakes his motivations. He was specifically objecting to what he saw as the total secularization of the church, a category error proceeding from the perversion of what in his mind was true Christianity. It was ultimately his contention that the Church had become wholly political and not at all religious. With this Luther forces the theological warrant for the separation of the two categories.

The dualism I am pointing to runs from the deeply personal to the societal.[64] Luther's personal struggle with the devil, his Reformation epiphany, is exactly

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[63] Hajo Holborn, *A History of Modern Germany*, [1st ed. (New York,, 1959). pp. 19, 38-39.

[64] In Saxony at least, the Roman ecclesiastical route to political responsibility was no longer seen as necessary: following his father's wishes, Luther had begun his training at the University of Erfurt in law. But he soon excused himself from these studies and walked home to Mansfeld to discuss his dissatisfaction with this path with this father. On the way back to Erfurt he was caught in a thunderstorm and promised St. Ann, his and his father's patron saint, that he would become a monk. This road-to-Erfurt experience is fraught with meaning. In his psychoanalytic study of Luther, Erik Erikson writes that Luther never claimed to have experienced anything supernatural, "He only records that that *something in him* made him pronounce a vow before the *rest of him* knew what he was saying." Erik H. Erikson, *Young Man Luther; a Study in Psychoanalysis and History* (New York,, 1962). p. 94. Indeed, it was Luther's father, bitterly opposing his son's choice, who suggested that the occurrence could be interpreted with the aid of religion and superstition: at the celebration of Luther's first mass, he upbraided the monks for not observing the commandment to honor one's parents and also hoped that it

reproduced in the relations between many German political authorities and the Church.[65] Luther felt tormented because, try as he might, he could not be sure he was fulfilling morality construed as Law. His solution is to reinterpret the New Testament no longer as Law—commandments from God which must be followed as the Jews followed Mosaic law—but as Word, the moral ideal of a Christ who has freed

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was not the "devil's specter" that had visited Martin on the road ("Schauet auch zu, das es nit ein gespenst sey" Martin Luther, *Luthers Werke in Auswahl*, 5. Aufl. ed., 8 vols. (Berlin,, 1959). 8: 79.) Luther inherited a titanic temper from his father.One hears the thunder of Rome calling Luther away from a political career, and this is in some ways consistent with his father's career path as well: his father was the son of a Thuringian peasant, but had worked in the mines in Saxony, becoming a small-scale entrepreneur in an emerging industry relatively untouched by Roman law. It is indicative of Luther's personality that he promised before he thought, and this mode of action would be extended to his doctrine of spirit. "Luther was one of those addicts and servants of the Word who never know what they are thinking until they hear themselves say it, and who never know how strongly they believe what they say until somebody objects" Erik H. Erikson, *Young Man Luther; a Study in Psychoanalysis and History* (New York,, 1962). p. 169. Erikson neglects to say that from Luther's perspective it is the spirit expressing itself as Word. But it is the case that, as Kierkegaard wrote, Luther comported himself always as if lightning were about to strike: he lived in constant preparedness for God's intervention. This attitude is closely related to the standpoint of the "eternal Gospel" in Lessing, the "philosophical" approach to history in Hegel, and, I would argue, the doctrine of the eternal return in Nietzsche. Luther presented himself at the Augustinian monastery at Erfurt, was accepted provisionally, and only then wrote his father of his action.

[65] The scatalogical character of this personal crisis is revealing. According to one interpretation of a statement by Luther reported in the Table Talk, the psychological pressure was resolved on the toilet: "Dise Kunst hat mir der Spiritus auff diss Cl. Eingeben" "The spirit gave me this art on the Cl[oaca]." Martin Luther, *D. Martin Luthers Werke : Kritische Gesamtausgabe* (Weimar,, 1883). XXIII: 421.; see also Erik H. Erikson, *Young Man Luther; a Study in Psychoanalysis and History* (New York,, 1962). p. 204.; but Diarmaid MacCulloch, *The Reformation*, 1st American ed. (New York, 2004). p. 115. This is consistent with Luther's many utterances about the connect ion of his bowels to his struggle with Satan. "Jag iyn auch offt mit eim furtz hinweg" "I also often drive him away with a fart" Martin Luther, *Luthers Werke in Auswahl*, 5. Aufl. ed., 8 vols. (Berlin,, 1959). 8: 14. And he conceived his own body in these terms. He told Heidenreich late in life, "Es ist doch, wie ich offt gesagt: Ich bin der reiffe dreck, so ist die welt das weite arschloch; drumb sein wir wol zu scheiden" "It's like I always say: I'm like ripe shit, the world is a huge asshole; and we will probably be separated soon" Martin Luther, *Luthers Werke in Auswahl*, 5. Aufl. ed., 8 vols. (Berlin,, 1959). 8: 321. This vulgar way of expressing the association between the most obviously offensive aspects of the flesh and the devil is alternatively release from the burdens of the world, homeopathic remedy for the devil's presence, and statement of the eternal meaning of one human life. His relationship to the Roman Catholic Church is also placed in these terms as he interprets a woodcut he commissioned: "Aber ob sie gleich mich tödten, so fresse sie erst Dreck, so der Papst, welcher auf der Sauen reit, in der hand hat" "But if they kill me soon, they will first eat shit that the Pope, who is riding on the saw, has in his hand" Martin Luther, *Luthers Werke in Auswahl*, 5. Aufl. ed., 8 vols. (Berlin,, 1959). 8: 333. It is interesting in this regard that Nietzsche referred to Christianity as the "foeda superstitio" Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VIII-2.286.

mankind from the burden of the Law. This personal solution has as its political consequences the Reformation of the relationship between Church and state. Luther argued that the Church had been making a category error—thinking itself the ontological rival of the state rather than the instruments of God's governance of the moral realm through the Word of Christ. Christian spirituality was left unattended by a Church that was, for Luther, entirely preoccupied with the secular realm that the Bible indicated belonged to political authorities.

The unbearable psychological problem that Luther faced in the tower demanded either insanity or its resolution into a more satisfactory psychological state.[66] For Luther, this psychological state can be articulated as *Versöhnung*, commonly translated as reconciliation, but implying in German an affirmation. Hardimon (1994) effectively characterizes the distinction in meaning when he says that, "if *Versöhnung* is possible, resignation is unnecessary."[67] If a Christian is *versöhnt* with his situation

[66] Luther's psychological problem finds echoes across the span of modern political thought. Some have pointed out the similarities between Mill's and Nietzsche's political philosophies (see Gerald M. Mara, and Suzanne L. Dovi, "Mill, Nietzsche, and the Identity of Postmodern Libralism," *Journal of Politics* 57 (1995).), and this connection then presumably exists as a connection in the literature through Mill's engagement with German Romanticism. However, the strong biographical similarities between Mill's psychological breakdown and Luther's *Turmerlebnis*, between Mill's and Luther's relations to their fathers, and between the salvation-through-good works Pelagianism Luther reacted to and the dry utilitarianism of Bentham and James Mill that J.S. Mill reacted to have not been adequately explored. It is perhaps useful to point out the explicit references to Luther and the Protestant reformation in *On Liberty* that serve not as a critique of protestantism *per se*, but rather to a disciplining effect of English society that prevented Protestant subjectivity. There Mill's formulation of *his* utilitarianism is as follows: "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being"John Stuart Mill and Elizabeth Rapaport, *On Liberty* (Indianapolis, 1978). p. 10. There is an assonance between this position and Luther's argument that good works flow out of faith, that utility is to be reconstructed in the service of morality. The marketplace of ideas discussion of Chapter 3 of *On Liberty* is similarly a restatement of Luther's insistence that all can and must read the "text," and that the truth is tested by disputation over interpretations.

[67] Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). p. 87.Hardimon writes in his

in life, he is able to cheerfully accept the limitations placed on him by his life circumstances in the context of his faith in the Word. More than mere acceptance, *Versöhnung* implies aligning the will with one's context in such a way that one becomes, or considers oneself, the author of the situation. The democratic implication is that authority has its seat in subjectivity.

Spirit and the Constitution of Authority

As I noted initially above, Luther's solution to the problem of freedom consists not so much in the despiritualization of religion as in a spiritualization of politics. Luther heralds if not modernity itself than an approach to it.[68] The response of Luther to the crisis of authority in modernity is a hermeneutic management of the psychological disorder institutionalized in modernity. Luther's crisis of faith, usually presented dramatically as a struggle in the tower or *Turmerlebnis* at Wittenberg, is for this reason emblematic of the moral crises many modern individuals face: it is not a

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treatment of the centrality of *Versöhnung* to Hegel's philosophical project that, "There is no etymological connection between the Christian doctrine that God's son (Sohn) is the reconciler (Versöhner) and the composition of the word *Versöhnung*. Nor is there any etymological connection between *Sühne*…and *Sohn*" Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). p. 86. However, the etymological trail is no where near this clear. The *Kluge* etymological dictionary intones that for Sühne, the root word, "Da weder Lautform noch Bedeutung ausreichend gesichert werden können und auch auβergermanisch keine klare Anschluβmögllichkeit besteht, ist die Etymologie unklar" Friedrich Kluge and Elmar Seebold, *Etymologisches Wörterbuch Der Deutschen Sprache*, 23. Aufl. / ed. (Berlin, 1999). p. 808. That the question even comes up shows that a plausible false etymology easily suggests itself in this case, and it is a particularly tempting story given Luther's relation to his father and the argument that Luther is more Christo-centric than the medieval Church. It should be remembered, however, that Luther's rendering of the word in his Bible translation is *versünung* vs. *son* for "son."

[68] Hannah Arendt, for example, argues that Luther belongs "to a premodern world." Hannah Arendt, *The Human Condition*, 2nd / ed. (Chicago, 1998). The idea that there is "nothing new" in Luther's thought in the sense that all of his ideas appeared somewhere else first—though not in a system—has been expressed in many fora. See for example Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge ; New York, 1978). 2:21.

purely moral crisis but rather a question of how to engage the world. Luther felt tortured by his inability, even as a blameless monk, to follow morality conceived as law. His mind recoiled from the collapse of these two categories. He later said that he did not have difficulty with the monastic regimen, so that it was not that the requirements attendant to being a monk were difficult for him. The problem was that he could not be sure that he was fulfilling all of God's laws. He experienced this as a sort of existential torture because the moral law was necessary to his salvation. Release required an understanding of Christian freedom as categorially distinct from the law, and comprised not of commands but promises. In political terms, justification by faith alone de-couples the political realm from salvation, enabling believers to obey secular rulers. The prospect of obedient subjects is attractive one to rulers, but it comes at the price of recognizing the individual moral autonomy of citizens. This dual citizenship enables democratic self-governance by preserving a moral realm that speaks to the ethical realm.

The Authority of the Individual

Following Augustine, Luther divides the cosmos into a moral realm and a political ream. In his view, there is a problem of authority in both. Knowledge of God cannot be communicated to an individual from an external authority. Indeed, God can not truly be understood—only his will may be known through reading the Bible. Notice that this does not mean that the words printed in the Bible are themselves revelatory, but rather that the individual's experience in reading them is: they are an occasion for revelation. In the moral realm the disappearance of God

opens up a new possibility for the grounding of authority. Thus the problem of giving voice to the Bible models Christian engagement with the world. How is the Bible to be read? First, each individual must understand and reconstitute it. In other words, the authority of this sacred text lies not in its provenance but rather in each believer. Luther has therefore created a technology whereby revelation as authoritative disclosure of right is or can be produced. The democratic implication of this is clear: the coherence and authority of the Bible as a text must be constituted at the individual level. The Old Testament, the old compact, must be reinterpreted in terms of the New Testament or compact. This is effected with a novel hermeneutic that considers the Old Testament to be an abrogated moral law. Christians are no longer bound by this law for soteriological purposes. More importantly, the Old Testament is now read as prophecy of the New Testament. Armed with a concept of spirit the believer reconstitutes the Old Testament such that the two "halves" of the Bible become one book.

For Luther, the alternatives to this reading have major consequences. Most fundamental of this is that the authority of the Bible cannot be established by experts or institutions—and therefore not by the Roman Catholic Church. The Bible warrants no authority outside the individual conscience. More specifically it is not consistent with the doctrine of *sola fide* or faith alone. This reading of the moral text into the historical text functions as a political model. It is the seat of vocation or calling. In this tradition, modernity is democratic because individuals alone are in a position to construct authority. The basis of the doctrine of political obedience stems not from

any otherworldly contempt for the world but rather one that reads historical circumstances in moral terms. The doctrine of an inspirited reading of the Bible invites the believer to apply the message of the New Testament to his or her personal circumstances—in other words, to make it present.[69]

While contemporary historians of ideas might be inclined to see this as the misapplication of one cultural context to another in that an ancient text supposedly speaks to present circumstances, Luther saw it as the mediation of time by eternity.[70] In other words, the concept of spirit enables, encourages, and demands such a creative reading of the Bible and by extension the world. Luther contends that Christ's appearance abrogated the Hebrew Law, but it did not thereby erase Jewish history. In a similar way, the recasting of the secular world in the 16th century does not imply for Luther the antinomianism of the radical reformation. Those thinkers associated with the radical Reformation, of which one of the best examples is Zwingli, were wont to argue that faith by itself—at its most extreme outside the institutions of the world and the advice of the Bible—justifies Christians.[71] In Luther's conception of the secular realm, or history, human beings are governed more occasionally. They should rely on wise heathen counsel on political matters though they can expect God's occasional intervention in the world. While Luther denounced philosophy, and in particular Aristotle, this was only so in religious thinking; because human works are irrelevant

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[69] Diarmaid MacCulloch, *The Reformation*, 1st American ed. (New York, 2004). pp. 1, 53.

[70] Luther has this ahistorical move in common with much of contemporary philosophy.

[71] On Zwingli, the Zwickau Prophets, see Diarmaid MacCulloch, *The Reformation*, 1st American ed. (New York, 2004). pp. 133-140.

for salvation, however, politicians should follow best practice regardless of the source. This conception of the relationship of the eternal to the secular means that action in history is unconnected to eternal justification, but acting morally is visible evidence of faith.

The political alternatives to this view include various forms of patriarchy (where authority is established by an other, whether that other is a monarch or in a naturalistic basis for authority). The problem is not so much whether such political forms are justifiable or work well. In practical terms, Luther is willing to endorse any regime that preserves order. The problem from a theological standpoint is that regimes are not morally relevant. They can not *justify*. To argue for a coincidence between the moral and political is a version of the Pelagian heresy Luther accused the Roman Church of committing. With the Fall, there is a distinction between moral and political because human beings are without (or free of) God's authority. Under the Mosaic Covenant, salvation is accomplished by remarrying these realms in a law that is political and moral. But under conditions of Christian freedom, the New Covenant, the law no longer plays a role in the salvation of souls. Adherence to the law follows from the moral reorientation forged by the new concept of human spirit. There is no law-like connection of the two realms but rather one mediated by the individuality of the moral judgement of each believer.

Paradoxically, and this is at the core of Luther's achievement, freedom is the solution to the problem of authority. Because moral authority is not to be found outside the individual, it is both practically impossible to establish it politically (belief

can not be compelled) and ineffective from a religious standpoint (blindly accepted dogma without conscious commitment does not participate in grace and justify the individual). For Luther, this does not lead to the overturning of secular authority. Nor does it imply the early modern equivalent of postmodern despair, because what Luther referred to as the disappearance of God is the basis of authority: Christ's fulfillment of the Old Covenant makes possible the spiritual kingdom of all believing Christians. The interpretive strategy for the holy text and beyond it the world does not consider the death of the author to be threatening: one does not have to defend at all costs the tyranny of the author, bemoan his absence, or reach to historicism to make up for his departure. The individual is empowered to judge for himself. In this view, just as the Bible invites the believer to become its author—to constitute the Protestant Bible from disparate texts—the political realm invites reconciliation (*Versöhung*) by application of compact theory. In Luther's vision we thus become entitled to our own authority.

The Christian in the World: Language as Institution

One of the most far-reaching consequences of Luther's Reformation is the popularity of his German Bible. Luther's move to translate the Bible into an early modern common German is a testament in itself to the strength of this argument for the power of spirit, and Luther made arguments for his translation on the basis of the spirit in which it was translated.[72] Putting a culture's holiest text in its native language has profound implications: it is a compelling incentive for literacy (where to read and understand the Bible is almost prerequisite of salvation) and it instantly confers status

[72] Compare to Islam, where the Koran resides only in Arabic.

onto the national language.[73] This increased status along with the incentive for reading creates its own demand, as it were, for all sorts of cultural production. The result is the development of a German political vocabulary—in a privileged dialect—from the raw materials and possibilities inherent in the structure of that language. From what was considered a rude, backward tongue, the heights of the German classical period were achieved in just two and a half centuries.

Language itself is an institution here in two senses. First, it affects the possibilities for expression. This can enable the expression of certain concepts and inhibit others. It can also come under political control—when a language becomes the property of a nation-state, the grammar and vocabulary of it become the subject of politics.[74] (The rewards attendant to such control become apparent only when the status has been elevated.) Second, language is an institution in that ideas are expressed in speech, in *that* language. This recalls for Luther both the necessity of institutions and the possible tyranny of them. Luther is a trinitarian thinker, where the trinity is composed of Word, Law, and Spirit. To find expression, spirit must be

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[73] For the corresponding negative impact on Latin, see Francoise Waquet, *Latin, or, the Empire of the Sign : From the Sixteenth to the Twentieth Century* (London ; New York, 2001). esp. pp. 20-21. On language and political theory, Charles Taylor, *Human Agency and Language*, ed. Charles Taylor, Philosophical Papers ; 1. (Cambridge [Cambridgeshire] ; New York, 1985).; Fred R. Dallmayr, *Language and Politics : Why Does Language Matter to Political Philosophy?* (Notre Dame, 1984).; Jeffrey Stout, *Ethics after Babel : The Languages of Morals and Their Discontents* (Boston, 1988).; and especially Stanley Rosen, *Hermeneutics as Politics*, Odeon. (New York, 1987). Also helpful are the following collections: Michael J. Shapiro, *Language and Politics*, Readings in Social and Political Theory. (New York, 1984). Anthony Pagden, "Introduction," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987).

[74] Accordingly, Thomas Hobbes presents extended argument in *Leviathan* for political control of national vocabulary. Thomas Hobbes, *Leviathan : With Selected Variants from the Latin Edition of 1668*, ed. E. M. Curley (Indianapolis, 1994). See also Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge ; New York, 1996). pp. 339-343.

expressed in words: either as law or as word. Human beings can not rely on pure expressions of spirit. It must become apparent in the institution of language. This spares Luther's worldview the subjectivism he despised in his "fanatics" of the Radical Reformation.

The necessity for the traffic with the divine (carried on by spirit) to be expressed either in law or in the word, that is to say for the democratic imperative to make itself apparent in the political or moral realms, brings home the importance of language to Luther's thought and the tradition formed from his interpreters. The question, "What is the language of authority?" can be answered with "German" or "French" or "Japanese" but these languages themselves are not static and are therefore liable to change and manipulation. This is the space for the expression of spirit.[75] We see here that it is expressed in a structure that is available to change: these are the democratic interpretive possibilities that Luther opened up. But they are in a dialectical relationship with the conservative elements inherent in necessity to express morality and law in language. Feeling this constraint, Lessing writes in sympathy with Luther against what he calls "biblolatry." Similarly Nietzsche rails against the tyranny of the grammarians. If the question, "What language does God speak" cannot be definitively answered—with "Hebrew," or "Arabic," or "Latin," or "mathematics"—then language does not give up answers to moral and ethical questions by itself.[76] Authority is not a

[75] In a non-religious vocabulary, this is what John Sallis calls the inescapable realm of imagination. See John Sallis, *Spacings of Reason and Imagination in Texts of Kant, Fichte, Hegel* (Chicago, 1987). Revealingly, Kant held imagination to be the reason for the Fall.

[76] There is the possibility that language will celebrate itself in a morally harmful way, as Wittgenstein suggests Ludwig Wittgenstein and G. E. M. Anscombe, *Philosophical Investigations : The German Text, with a Revised English Translation*, 3rd ed. (Oxford ; Malden, Mass., 2001). p. 37.

fixed point and we are delivered to the importance of *Mündigkeit* or maturity as the capacity to speak for oneself.

Luther, Language, and the Nation-State

Luther's ideas have overriding importance for understanding the German tradition of political and philosophical thought. His theology is most importantly the creation of a German religion. This implicates him in the theoretical justification for the nation state, for both good and ill. Luther's language project impacts modernity on three dimensions. First, Luther is implicated in the movement to create a national German language—to create modern standard German. Second, the ideas themselves become institutionalized in the vernacular that Luther makes important (God now speaks in a German dialect). Third, these ideas are constitutional in the sense that they are reproduced in institutions that create persistent conflict between Luther's ideas, the Catholic response, and the radical reformation. These appear in a pattern that continues to shape liberal discourse.

Luther participated in a change in the German language that was an important step toward a national language. The Reformation was accompanied by changes in the educational system that lead to a dissemination and reproduction. The importance of God speaking in German—in a given dialect of German—not only gives credence to the nationality in which His words now take place but they also give importance to the dialect in which they are expressed. At the end of this process, God speaks with a strong northern accent--the constitution of Modern Standard German in its current form was influenced by the Common German in which Luther wrote his Bible.

Luther's theological writings, his tracts, and his preaching were all the carriers of the Reformation, but his Bible was an important agent of language standardization. Although there had been Bibles in German before Luther, his translation, institutionally transmitted, and with the new religious sentiment of each person reading and interpreting scripture, took on such an importance that one encounters the erroneous contention that Luther "invented" High German. Luther wrote at a time when the regional variations in literary German were being reduced by a number of factors—the use of the printing press, the rise of an educated middle class, and the movement in the Empire dating to the 14th century to create a common German language.[77] Luther's translation was initially translated into other dialects, which shows not only the lack of a language at the popular level that could be understood across the Empire, but also that the eventual use of the Luther Bible speaks to the changes the translation made to creating a national consciousness. The Word, God's Word, was translated by Luther into German. This translation must be seen as an attempt--conscious, unconscious, and sometimes technically faulty—to constitute a German religion and with it a modern German identity. It is a bringing of the Word in Luther's words.

Setting to the side the impact of Luther on the construction of Modern Standard German, the cultural significance of the Luther Bible is overwhelming. Indeed, Nietzsche wrote that,

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[77] Werner König and Hans-Joachim Paul, *Dtv-Atlas Zur Deutschen Sprache : Tafeln U. Texte*, Orig.-Ausg. ed. (München, 1978). pp. 94-99.

> In Germany, however, there really was…only a single species of public and *roughly* artful rhetoric: that from the pulpit…The masterpiece of German prose is therefore, fairly enough, the masterpiece of its greatest preacher: the *Bible* has so far been the best German book. Compared with Luther's Bible, almost everything else is mere "literature"—something that did not grow in Germany and therefore also does not grow into German hearts—as the Bible did.[78]

Hegel's point is more sophisticated—and therefore perhaps more suspect.

> Its [the Reformation's] principle is just this, to have lead the human being back into himself, having sublated for him the other – the other in language. To have translated for the German Christians the book of their belief into their mother tongue is one of the greatest revolutions that could happen; as Italy gained great works of literature because they were composed in the language of the country, so Dante, Boccacio, Petrarch, while its political works are written in the Latin language. Only when it is pronounced in the mother tongue is something my property. *Luther*, *Melanchthon* overthrew scholasticism completely and separated it from the Bible, belief, the human heart.[79]

For Hegel, the significance of the Bible translation is that it gives the Germans a national book.[80] For Luther, the importance is that the Word is now accessible to all; God's word is now in a form that enables the priesthood of all. But Hegel

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[78] Friedrich Wilhelm Nietzsche, *Beyond Good and Evil; Prelude to a Philosophy of the Future*, Walter Arnold Kaufmann trans. (New York,, 1966). p. 184. The title of Nietzsche's work, *Jenseits von Gut und Böse* references Luther's translation of Genesis 4:16, where Cain—and with him humanity--came to live "jenseid Eden gegen den Morgen."

[79] Sein Prinzip ist eben dieses, den Menschen in sich selbst zurückgeführt, das Fremde für ihn aufgehoben zu haben, - das Fremde in der Sprache. Den deutschen Christen das Buch ihres Glaubens in ihre Muttersprache übersetzt zu haben, ist eine der größten Revolutionen, die geschehen konnte; wie Italien große Werke der Dichtkunst erhielt, da sie in der Landessprache abgefaßt wurden, so Dante, Boccaccio, Petrarca, während seine politischen Werke in lateinischer Sprache geschrieben sind. Erst in der Muttersprache ausgesprochen ist etwas mein Eigentum. *Luther, Melanchthon* haben das Scholastische ganz verworfen und aus der Bibel, dem Glauben, dem menschlichen Gemüt entschieden Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 16-17.

[80] The *Heliand*, written during the reign of Ludwig the Pious in the early 9th century AD in Old Saxon is primarily seen as a tool for Christianization. In it, Christ is portrayed as a Germanic king. J.R. Köne, *Heliand, Oder, Das Lied Vom Leben Jesu Sonst Auch Die Altsächsische Evangelien-Harmonie. In Der Urschrift Mit Nebenstehender Übersetzung, Nebst Anmerkungen Und Einem Wortverzeichnisse* (Münster, 1855).

points to the long-term importance of the focal point of national intellectual activity being shifted from Latin to German. If God speaks German, then intellectual activity in the German language is now sanctioned; furthermore, a German language project is initiated—*German* grammar, German logic is now the template for spiritual and social organization.[81] Furthermore, German becomes the crucible of truth because praying in a foreign language and pursuit of the sciences in such is done away with."[82] For Lessing, the importance of the Bible was to be that human mental activity had been focused on it for millennia; after Luther that mental activity took place not in the Imperial language of Rome but in the various national languages. This change in the language is, over the long run, tied to German political development.

Germany has an interesting relationship to the statebuilding literature because the standard explanatory variable—war—fails for Germany. Instead, slow cultural changes involved in the creation of a national culture preceded rather than followed the creation of the *kleindeutscher* state under Prussian leadership in 1871. The slow movement ending in national German statehood speaks to the weakness of the state itself as an explanatory variable in the development of national feeling. Luther could already speak of the Germans and their national character. This has surely little to do with policies of the Empire or any action on the part of the Catholic

[81] Cf. the resistance in Islam to the translation of the Koran from Arabic.

[82] "das Beten in fremder Sprache und das Treiben der Wissenschaften in solcher abgeschafft ist" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 52. For Hegel, speech is the primary form of production, of making things belong to us.

Church. It is rather evidence of some cohesive, comprehensive, and centripetal behaviors and institutions that speak to the unity of modernity. The development of a written and increasingly standardized national language will tend to slow—or in some cases even freeze—language change. This helps to explains the language politics of some critics in modernity, beginning with Luther's more radical colleagues in the early Reformation period. In Rousseau, in German Romanticism, and in Nietzsche, among others, we find worries about the possibilities allowed for by ordinary language itself. There the dream is the creation of a new language, a more authentic, or spontaneous, or more human one.

Luther's Hermeneutics: Constructing Two Kingdoms by Reading the Bible

As I have said, for Luther, the Christian exists in two kingdoms. The first kingdom of God is governed by the Word and the second kingdom of the world is governed by Law. There is, however, a traffic between these two worlds. Christ himself is the most concrete symbol, as he is both God and Man, and his two wholes are interpenetrated by the Holy Spirit. But the category "spirit" does not only traffic between the two kingdoms in this one place. The dualism between history and the eternal, between legal and moral, is shown most clearly in Luther's exegesis of the Old Testament.

Luther begins his exegesis with a preface in which he explains that the Old Testament's books are "not to [be held] in contempt but rather to [be] read with

diligence just because they ground and arm the New Testament so mightily."[83] They are to be read in connection and support of the New Testament, but they are fundamentally different: "Thus know now that this book is a law book,"[84] and one consequence of Christ's appearance is that men are free from the *judgement* of the law. It may be true that the commandments are very good advice, and one might need to follow them to be a good Christian. However, not following these commandments no longer carries a death sentence (where "death" has a spiritual meaning). Luther's concept of Christian freedom means that the metaphysical pressure to conform to the law has been withdrawn for Christians.[85] This subtle point is what makes the Old Testament a tricky read for Christians: "Because this is the scripture that makes the wise and clever into fools," it has the unsubtle reader thinking that the majesty and wisdom of God is vain words, works, law, and history. [86] The Old Testament must always be read with the eyes of the New: the promise of Christ and God's grace is always present along with the history and commandments, just as history and commandments are present alongside the Christian message in the New Testament.[87]

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[83] "nicht zu verachten sondern mit allem vleis zu lesen / weil sie selbs das newe Testament so mechtiglich gründen vnd beweren" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[84] "So wisse nu / das dis Buch ein Gesetzbuch ist" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[85] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[86] "Denn dis is die Schrifft / die alle Weisen und Klugen zu Narren macht" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[87] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

This kind of reading of the Old Testament is made clear when we examine Luther's analysis of the Book of Job, the first of the Hebrew books to receive its own preface (the books of Moses are introduced in the Preface to the OT). The Book of Job is important because of its epistemological meaning for Luther and also as his alternative to Theodicy.[88] Luther's preface to Job begins with the observation that the book concerns the question of whether or not the pious experience adversities that come from God. This leads to a distinction by Luther between the two realms and their governance, for Job's friends foolishly "have such a kind of worldly and human understanding of God and his justice / as if he were the same as human beings / and his law is just like the world's law."[89] Alongside the doctrine of two realms is the more important epistemological point: the reason that Job's friends make this mistake is that they do not understand that God is "great and unknown."[90]

It is the case that even when God communicates with Job, it is the form of a "whirlwind" (*wetter*).[91] But the more important fact is that Job has accomplished—

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[88] *Job* was for Calvin the symbol of just how darkly the veil between themselves and providence is drawn Susan E. Schreiner, "'through a Mirror Dimly': Calvin's Sermons on Job," *Calvin Theological Journal* 21 (1986). For Job as prophecy of the coming of Christ, see Rainer Kessler, "'Ich Weiss, Dass Mein Erlöser Lebet'," *Zeitschrift für Theologie und Kirche* 89 (1992).; Alfred von Rohr Sauer, "Salvation by Grace: The Heart of Job's Theology," *Concordia Theological Monthly* 37 (1966): esp. p. 267. for Luther's interpolations. For a recent discussion of *Job* in connection with contemporary political theory, see William E. Connolly, *The Augustinian Imperative : A Reflection on the Politics of Morality*, Modernity and Political Thought ; Vol. 1. (Newbury Park, Calif., 1993). pp. 2-15.

[89] "haben so ein weltliche vnd menschliche gedancken von Gott vnd seiner Gerechtigkeit / als were er gleich wie Menschen sind / vnd seine Recht wie der welt recht ist" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[90] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[91] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

even compelled—an (admittedly veiled) disclosure of God's presence, where formerly God had boasted to Satan of his (altogether hidden) recognition of Job's blamelessness. The suffering that Job experiences, and his willingness to stake his life on an interpretation of God's ways that contradicts his friend's easy Theodicy points to an aesthetic of suffering that runs through a tradition in German letters (cf. Lessing). This is suffering that ennobles and discloses authentic humanity.

Law

The Law, represented in the Hebrew Bible and in the laws of various worldly governments, is touched by spirit in important ways. First, one must understand that Luther considers Pagan laws equal to or superior to laws created by Christians. This is due to the fact that pagans can only think about worldly law and therefore have more expertise in it—they do not have divided natures or loyalties and so have the advantage in developing advice about worldly governance. Second, the world is the place in which reason can most be trusted to give solid advice. This is patently not the case for Luther in the Spiritual Kingdom, and he is often quoted as condemning reason. However, within the kingdom of the world, when there is nothing else to go on, reason is the best tool human beings can make use of.

But the Kingdom of Law is also touched by God. Luther's occasionalism takes several forms. The first is that of *Wunderleute* "miraculous people" (*viri heroci* in his Latin writings). These world-historical individuals are imbued with the holy spirit, be they heathen or Christian, and used to God's end.[92] They cannot be emulated, only

[92] Curiously, Forrester argues that, "The hero of Luther cannot justifiably be compared with the superman of Nietzsche, nor yet with the hero of Carlyle." Duncan B. Forrester, "Martin Luther and

admired. The Law does not instruct *Wunderleute* in any form—neither in the form of reason nor in the form of counsel. Indeed, Luther has a decisionistic political theory—a ruler must keep the laws under his own control and exercise his own judgement.[93] This decisionist aspect of his political theory results from the desire to keep the political realm unmixed with the moral realm.

Vocations, or callings are a more important way in which the world of men is interpenetrated by God's hand. Each human being is called to a certain occupation and station in life. The democratic element of this has already been mentioned, but that should also not make us forget that these callings exist in the hierarchy of 16th century German society. These calling are on one hand duties to do Christian works (i.e. to do work benefiting fellow human beings). But they are also a revolutionary break with the *Ständegesellschaft* of the middle ages because each individual is to divine his own calling (Luther himself is castigated by his father for not following the

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John Calvin," in *History of Political Philosophy*, ed. Leo Strauss and Joseph Cropsy (Chicago, 1987), p. 352. But there no reason to doubt a direct line of transmission from Luther's *Wunderleute* and later engagement with the idea of world historical genius. All are attempts to come to terms with the concept of and authorization for concentrated authority and the (at least apparent) disproportional historical effect of some individuals. On this point Cargill Thomson writes, "The same idea is reflected in Luther's concept of "Wunderleute" ("*viri heroici*") which figures prominently in some of his writings of the late 1520s. This is the belief that, although in the majority of men the faculty of reason is corrupted so that they are no longer able to grasp the principles of natural law properly, God from time to time chooses certain men, usually rulers, on whom He confers special gifts of wisdom – so that they stand out as wise and just rulers, who are noted for their wisdom. Among such are Alexander the Great, Cicero and Frederick the Wise in his own day. Such rulers are better than all laws – since they have the wisdom to act justly. But Luther goes further than this, for he sees the "Wunderleute" as being exempt from the ordinary laws of the natural order. They can do things which other men cannot." W. D. J. Cargill Thompson and Philip Broadhead, *The Political Thought of Martin Luther* (Brighton, Sussex, 1984). p. 89.

[93] Martin Luther, "On Secular Authority: How Far Does the Obedience Owed to It Extend?," in *Luther and Calvin on Secular Authority*, ed. Harro Höpfl, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1991), p. 35.

Fourth Commandment and the profession chosen for him by the elder Luther, the practice of Law).

Word

The second Kingdom, the Christian Kingdom, is governed by the Word. God's word is present in the New Testament of the Bible, and must be preached in the Church, the community of Christians. Luther's believed his translation of the Bible into German must itself have been aided by the Holy Spirit. Luther wrote in 1530 that translation "…requires a right, devout, honest, sincere, God-fearing, Christian, trained, informed and experienced heart. Therefore I hold that no false Christian or factious spirit can be a decent translator." Indeed, otherwise technically proficient translations of Psalms commissioned by the Catholic Church was spoiled because "Jews had a hand in it."[94]

The tools for translation and exegesis that Luther adapted and innovated from both scholastic and Renaissance patterns have persisted in a philological tradition extending into the present. The humanists' rallying cry *ad fontes* is transformed into the ability of any believer to interpret the Word (not just an elite trained in classical languages). This is a Protestant hermeneutic that includes a notion of spirit. It is opposed in its practice to universalistic, natural law approaches to spiritual speculation. Individual interpreters, endowed with the Holy Spirit, interpret the Word's relationship to themselves. This by no means leads to a kind of radical

[94] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 35: 193. Luther was an anti-Semite. The judgement about who could produce reliable translations of the Bible stems from his religious conviction and not from a racial or even cultural theory.

subjectivism. Indeed, Luther was surprised that other reformers disagreed with his interpretation of the Bible. His challenge, at Worms, curiously close to the formal structure of falsification, to be corrected if anyone could show his interpretation of scripture to be mistaken, is another instance of this.

One defining characteristic of this tradition is its treatment of time. Luther's conception of history as *Heilsgeschichte* (the story of salvation) can be understood in two ways. First there is the *Heilsgeschichte* of the Bible itself, where the New Testament fulfills the promises of the old. Second is the metaphorical use of this history as the word redeems believers from the tortures of the law. While believers are confronted by the presence of the Holy Spirit in the Word, they are to realize that it is not to be received in the same way as is either Biblical or temporal law. Indeed, the Word is the one sure place where spirit continually traffics into the human world. Expressed in German words, spirit is to be studied, interpreted, but most of all preached. Indeed, Luther regarded the Old Testament as "scripture" and the New Testament as "preaching," which shows up in the differential exegetical treatment of the two parts of the Bible—the Old Testament in formal exegeses (2/3 of the collected works) and the new Testament in sermons.[95]

[95] This suggests the importance of oral preaching in this tradition. The "living" lecture style in which thought is brought to consciousness in the presence of students can be seen in the lecture styles of Hegel, Heidegger, Wittgenstein, and others. And the importance of Hitler's oratorical powers to the development of the Nazi movement also take place in reference to this cultural practice.

Perhaps the best place to see this distinction made is in the Luther Bible of 1545.[96] In the preface to his translation of the New Testament, Luther gave an account both of the meaning of the New Testament as well as its relationship to the Old. He begins[97]:

> Just as the Old Testament is a book/ in which God's law and command / there beside the history / of both / who keep and do not keep the same / are written. So is the New Testament a book / in which the evangelic message and God's promise / there also beside history / of both / who believe in it and do not believe / are written.[98]

Here we see first of all, the linking of the two accounts. He begins with the phrase "Gleich wie" to introduce the gloss of the Old Testament. Here the English fails to convey the intensity of the Luther's word "Gleich," which connotes something *exactly* the same. Usually what translators call a "false friend," the "Also" used to introduce the New Testament portion of this paragraph does communicate the flavor of English "also" as well as the modern German sense of "thus" that one sees in Kant and Nietzsche. The differences are laid out in a series of precisely constructed parallel statements. Old and New Testaments are books ("Buch…Buch"). In the Old we find

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[96] The 1545 version is the last supervised by Luther himself. Luther attached prefaces to most of the books of the Old and New Testaments, excluding only, in the Old Testament, the first seventeen books (Genesis through Esther), and in the New Testament the four Gospels.

[97] This is the ultimate version of the preface. Earlier there had been an extra paragraph and a half in which Luther wishes such an introduction were unnecessary, but he feels compelled to do so to teach and lead "the simple man out of his old insanity" that the New Testament contains law and command instead of evangelical message and God's promise. He warns specifically against reading the New Testament as an extension of the Old, "to make the New Testament the same as the old" Martin Luther, *Luther Deutsch : Die Werke Martin Luthers in Neuer Auswahl Für Die Gegenwart*, ed. Kurt Aland, 11 vols. (Stuttgart,Göttingen, 1956). p. 3043.; the Old is to be read in the spirit of the New.

[98] Gleich wie das alte Testament ist ein Buch / darinnen Gottes gesetz vnd Gebot / da neben die Geschichte / beide dere / die die selbigen gehalten vnd nicht gehalten haben / geschrieben sind. Also ist das newe Testament ein Buch / darinnen das Euangelium vnd Gottes verheissung / da neben auch Geschichte / beide dere / die daran gleuben vnd nicht gleuben / geschrieben sind. Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

the Law and Command of God to the Jewish people, but in the New there is the evangelic message and God's promise to his followers ("Gottes gesetz vnd Gebot…Euangelium vnd Gottes verheissung"). Both are *in addition* history ("da neben auch Geschichte… da neben auch Geschichte"), both of those who keep God's laws and commands, and of people who do or do not believe in the message and promise ("beide dere / die die selbigen gehalten vnd nicht gehalten haben… beide dere / die daran gleuben vnd nicht gleuben"). Finally, both are written accounts: "geschrieben sind… geschrieben sind".

In the paragraphs that follow he continues to differentiate the Old Testament from the New. He continues the side-by-side comparison, but not in parallel structure. He explains, "For 'evangelium' is a Greek word, and in German means good message, good tidings, good news, good exclamation, about which one sings, speaks, and is happy."[99] Just so, he says, the Jews reacted to the news that David had slain Goliath. In the next paragraph, Jesus is compared explicitly to David ("von einem rechten Dauid"). Jesus gave his testament, his legal will, and left to all who believe in him this joyful message that spares them from eternal damnation ("ewige Verdamnis"). Jesus' evangelical message was promised by the prophets in the Old Testament ("vielfeltig im alten Testament / durch die Propheten verheissen"). The next five paragraphs argue for textual evidence of this promise in books of the Old Testament.

[99] "Denn Euangelium ist ein Griechisch wort / vnd heisset auff Deudsch / gute Botschafft / gute Mehre / gute Newezseitung / gut Geschrey / dauon man singet / saget vnd frölich ist" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

The New Testament, is, Luther writes, nothing other than a sermon from Christ who is both "Gottes vnd Davids Son."[100] It can be written as a long speech ("Rede") as in the four Gospels, in which all the works and words of Christ are described. Or it can be written in a shorter form in which the results of Christ—freedom from sin, death, and hell for all those who believe in him—are described.[101] Luther warns against making Christ out to be a new Moses: "Therefore make sure that you don't make a Moses out of Christ."[102] Nor should the New Testament be construed as a "Gesetz oder Lerebuch," a book of laws or doctrines. Jesus does not counsel works as a means to salvation, indeed, such a view is damned ("verdampt"). Rather, the New Testament is constructed to promote *belief*.[103] Jesus overcame sin, death, and hell through his own works, death, and suffering ("durch sein eigen werck / sterben vnd leiden"). It is only through belief that the Christian has access to Christ's gift as if he had performed these saving works himself: "That we may take on his death and victory as if we had done them ourselves."[104]

Luther allows that the text may sometimes seem to indicate otherwise, that it may seem that Saints Peter and Paul are giving commands. But knowing the history

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[100] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[101] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin. @p. 4061}

[102] "DARumb sihe nu drauff / Das du nicht aus Christo einen Mosen machest" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[103] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin. @p. 4061}

[104] "Das wir vns seines sterbens vnd Siegs mügen annemen / als hetten wirs selbs gethan" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

of Christ's deeds "ist noch nicht das rechte Evangelium wissen," not yet to know the correct evangelical message, which is that with all of his deeds he overcame sin, death, and the devil.[105] Luther argues that Christ never commands or threatens, as Moses had, but rather entices and speaks in a friendly manner. All this means that for Christian believers there is no law through which they become justified before God, "kein Gesetz gegeben ist," "no law is given."[106] This belief will of necessity manifest itself through good works such that everything in the Christian's life and everything that he does is directed toward helping his neighbor, "das richtet er zu des Nehesten nutz / jm zu helffen." For Luther, Christ gave no command other than love ("denn die Liebe"), and one can recognize his followers in that manner. He concludes,

> Because where works and love do not spring forth, there belief is not right, there the evangelical message does not hold, and Christ is not correctly known. See and therefore direct yourself to know to read the books of the New Testament in this way.[107]

The New Testament can be only understood with a correct hermeneutical orientation, only if it is read in the correct spirit.

The preface to the New Testament shows Luther's double orientation toward history and spirit, and it is a clear example of his overcoming not only what he saw as the Pelagianism of the Catholic Church but also the interpretive method of

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[105] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[106] Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

[107] Denn wo die werck vnd liebe nicht er aus bricht / da ist der glaube nicht recht / da hafftet das Euangelium noch nicht / vnd ist Christus nicht recht erkandt. Sihe / nu richte dich also / in die Bücher des newen Testaments das du sie auff dies zu lesen wissest. Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.

Scholasticism. Luther had rejected the scholastic Quadriga in which he had been trained. This exegetical tool argued for four possible readings of any text: 1. literal (historical); 2. allegorical (spiritual beliefs); 3. tropological (moral content); and 4. analogical (eschatological future). For example, Jerusalem is the city; the Church; a human soul; or heaven.[108] This quadriga is thrown over in favor of hermeneutic focusing on the historical and spiritual dimensions of the text. This reading made the history of the Bible coherent with the Christocentric spiritual message of the Bible; the history of the Bible is reread through the eyes of faith such that history witnesses externally while the spiritual content witnesses internally to the believers' redemption.[109]

The historical reading by itself is a "veil" which must be lifted in order to reach the spiritual or eternal message. Nevertheless, this message is cannot be understood absent the historical structure. This was Luther's objection to the "fanatics" of the radical reformation who wanted to dispense with all external manifestations (the

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[108] William Henry Lazareth, *Christians in Society : Luther, the Bible, and Social Ethics* (Minneapolis, MN, 2001). p. 38.

[109] Schleiermacher, who was himself a Lutheran pastor, is usually considered the father of hermeneutics. However, consider the following explication of Schleiermacher given by Dilthey: "The whole of a work is to be understood from the individual words and their connections with each other, and yet the full comprehension of the individual part already presupposes comprehension of the whole. The circle is then reduplicated in the relationship between the individual work itself and the spiritual tendencies of its creator, and it returns again in the relationship between the work and its literary genre…He denounced the separation of the interpretive act into the grammatical, historical, esthetic, and material modes, which had become traditional in Schleiermacher's day…But interpretation itself can only be resolved into the two aspects of the process of apprehending a spiritual act in linguistic signs. Grammatical exegesis works its way up through the text from individual connections to those larger relationships that dominate the whole. Psychological exegesis begins by a projection into the creative inner process, and proceeds onward to the outer and inner forms of the work, and beyond that to an intuition of its unity with the other works in the spiritual stance of its creator" Dilthey in Gayle L. Ormiston and Alan D. Schrift, *The Hermeneutic Tradition : From Ast to Ricoeur* (Albany, NY, 1990). p. 113. Schleiermacher wants to extend the Lutheran solution to reading the Bible to *all* texts.

Church, in some cases the Bible itself) in favor of personal revelation.[110] But veiling is not the same as masking. While a mask is designed to deceive its viewers (possibly to their delight), a veil simultaneously conceals what is underneath and announces that we are to exhibit a certain category of behavior. For example, a veiled woman is to be treated not as a concrete individual but as an abstract, as "woman." What is concealed is her physical face, but what is thereby revealed is what we might call her "office" as woman. But that office cannot exist without its concrete instance. Rawls' veil of ignorance allows those who go behind it the opportunity to see themselves and their fellow citizens as abstract individuals, but not, in answer to the criticisms levied against the tool, without reference to the historical and concrete world around it. For Luther, the Christian is the bride of Christ, and as that bride his soul, or *psyche*, stands on the side of the eternal. The body is a veil for the soul, but it is also the vessel of the soul; in this world the soul is not possible without its concrete manifestation.

This dualism is to be contrasted with other forms of neo-Platonism. This is a fine epistemological point, but it is a formulation that persists in German thought. For Luther, the meaning of an object or person or fact or story may be hidden. From the perspective of God, something may mean the opposite of what its appearance suggests. Objects in the world will have a different appearance from the perspective of man. The key to peering behind is the Gospel, Christ's word. This is complicated by the several versions of the Gospel, which Luther is not willing to resolve. Instead

[110] Kant was raised a Pietist household, a lay Lutheran movement with its origins in the Reform (Calvinist) Church. See F. Ernest Stoeffler, *German Pietism During the Eighteenth Century* (Leiden,, 1973).

he argues that the Word—both as it relates to the Law and as it relates to itself--cannot be understood with reference to reason, especially in its "Greek" form. The principle of non-contradiction simply does not apply to the Word of God. This is to be further complicated by the historical account of language itself that develops especially in the 18th century. Hegel's categorial theory is an attempt to systematize this Lutheran innovation.

The person of Christ is an example that human beings can see both sides of: Christ is God and Man. It is important to note that he is not half man and half God, but rather he is comprised of two wholes. The same can be said of all human beings—for Luther we are both souls with a relationship to God and bodies in the world. There is an absolute priority of importance: compared to the eternal, the temporal has no importance. However, unlike many medieval reform movements (for example in the world-rejecting Cluniastic reforms of the 10th century), this inspires neither epistemological nor practical *Weltverachtung*, an attitude of rejection of all temporal things.[111] Each human being simultaneously has two orientations, one "vertical," the other "horizontal." Faith is required of the Christian in his vertical relationship with God. But an ethic of serving is required such that serving other human beings is the duty of each Christian from the horizontal perspective of the temporal.[112] A Christian

[111] Luther supports such discipline of the body that is necessary to orient the Christian to God, to remind him of the meaninglessness of temporal existence with regard to God. However, the Christian must be careful not to make the error that the self-discipline such as fasting could justify him before God. Additionally, the body must be kept in good health as it is to be used as a tool for Christian works.

[112] This vertical/horizontal distinction persists in Karl Barth's theology Karl Barth, *The Theology of Calvin* (Edinburgh, 1992). p. 75. See also J. B. Webster, *Barth*, Outstanding Christian Thinkers (London ; New York, 2000). p. 35.

lives in Christ through faith and in his neighbor through love.[113] In his study of Nietzsche's Luther reception, Hultsch explains that for Luther,

> Joy in life and preparation for heaven do not stand in opposition to each other as in Catholicism, but rather in each of life's joys preparation for heaven is evident.[114]

Luther as Exemplar

Luther's hermeneutics was adopted across much of Northern Europe with vernacular Bibles. The question, or rather what is masked by this question, is what *gives rise* to the *Luthurian* tradition—as distinct from the tradition stemming from Philipp Melanchton's consolidating *Lutheran* scholasticism. That subsequent thinkers would return to a reforming mode is not as surprising as that this mode would be carried out in a way that addresses Luther's solution to the problem of Christ and Caesar—and that the language and metaphors in which this reform is proposed are that of the Reformer. He steers a course between a sort of ontological neo-Platonism which brings secular church and state into mutual exclusive conflict and an ideal neo-Platonism in which the state seeks to replace religion *as* religion.

Luther's importance to the tradition of German thought and through it to contemporary liberalism consists of three interrelated elements. First, there is his contribution to the creation and importance of the German language itself and its manifestations in a national literature and discourse. This is the Word. The innovations he made in his theological, social, and political thought comprise the

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[113] Martin Luther, *On Christian Liberty*, Harold John Grimm trans. (Minneapolis, 2003). p. 34.

second component. This is the category of Law, *Recht* and the area in which works are treated. Third, the institutionalization of his conception of spirit are important in a double sense: his ideas made the institutionalization possible and the institutionalization reproduced his thought. The element of Lutheran discourse of most interest to contemporary political theorist is the way in which spirit is expressed in word and law. These three elements of word, spirit, and law begin a persisting tradition of the elaboration of those three categories.[115]

Luther and History

Though Luther was extraordinarily influential, thinking about his relationship to contemporary political theory does not mean casting him as the progenitor of modernity. To the extent that modernity is a spiritual movement, Luther would deny that his will could have anything to do with God's providence (to the extent he is a *Wundermann*, he is carrying out *God's* will).[116] Luther is an important figure for two reasons. First, he is an individual who accomplished a particularly important synthesis of ideas which were then taken up and reproduced by modern political, educational, and religious institutions. His importance cannot be separated from the material and institutional history of modernity—it is particularly important that *his* ideas and his presence conditioned the discourse of the Reformation. It is equally important that his ideas exist in an argumentative context—between the Church and counter-reformation

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[114] Lebensfreude und Himmelsbereitschaft stehen nicht wie in Katholizismus gegenüber, sondern in jeder Lebensfreude soll die Himmelsbereitschaft vorhanden sein. Gerhard Hultsch, *Friedrich Nietzsche Und Luther* (Gèutersloh,, 1940). p. 75.

[115] See Hegel chapter, below.

[116] He was sometimes inclined to think of himself in this way.

on one side and the radical reformation on the other. But the institutionalization of Luther's thought in Lutheranism—in the state Churches of Northern Europe—works against rather than with the spiritual importance one encounters in later figures belonging to the tradition he heads. Luther's thought is the exercise of knowing in a particular language and way of life. It is this spiritual, critical, and categorial attitude that animates this German tradition of philology. Luther, Lessing, and Hegel in particular adopt this stance that simultaneously takes account of the mind and the world, of the ideal and the real, and the eternal and historical.

It is therefore important to distinguish any attempt to assess Luther's importance both from religious Lutheran hagiography and from the most naïve form of the claim that Luther initiated modernity. The Reformation must not be seen as a Second Coming--though it is linked to the deep Christianization of the West. Luther is not a new Christ. Instead, the "great man" history that such a story presupposes is part of a trope innovated by him. His device to explain the occasionalism—the intervention of God at specific places and times—of God in a few heroes (*Wundermänner, viri heroci*) is reproduced in virtuoso, Genius, world historical individuals, *Übermenschen*, and *Mann*. It must be distinguished from Saints in the Catholic Church first because their work is not of necessity connected to the Church (for Luther, pagans are just as useful to Him as Christians), second, religious training does not prepare the hero for action, and third, the persons are not aware of their status as agents of God.

Luther's innovations in religion constitute the institutionalization of the modern category of religion so there are consequences for political thought. With Luther

theology is transformed and democratized as religion. Without the necessity of a priest caste, and without the neo-Platonism which suggests that only philosophical training can lead a person to the truth, there is no need for a theology separate from the everyday practice of religion. This reconception of religion as ordinary Christian moral practice can allow the state to become the guarantor of that religion; there is little to do but keep the peace.

Luther's impact can be distinguished from its theological roots. Though one can find almost every element of his thought in previous tradition or writing,[117] it is also the case that there is something truly novel introduced to the rest of what the Germans call the *Neuzeit* in the particular form that Luther thought and wrote it. Using an analogy to a mechanistic model, the fact that the independent variables that are necessary for Luther existed before him does not explain how these materials were woven into the particular form that had such resonance. It may be tautological (but nevertheless true) to suggest that Luther's thought proved to be so important because it is culturally appropriate—that the power of his thought is provided by the society around him and which followed him. However, there is something about the character of *that* man Luther that suggests we have now encountered a personality type at home in modernity: that the facts of Luther's life could suggest to Freudian psychologist

[117] Lewis White Beck, *Early German Philosophy; Kant and His Predecessors* (Cambridge, Mass.,, 1969).; Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge ; New York, 1978).; George Sabine commented that, "The antecedents of all Luther's ideas both about church and state had been current since the fourteenth century" George Holland Sabine, *A History of Political Theory*, 3d ed. (New York,, 1961). p. 359.

Erik Erikson a "personality crisis" amenable to Freudian analysis shows that we are clearly on familiar terrain.[118]

Luther Reception

Luther's work has a key place in the canon[119] of modern political thought. There have been in the 20th century two waves of "Renaissance" in the study of his life and writings. The first, beginning around the 400th anniversary of the beginning of the Reformation in 1917, prompted by early writings released in the critical, or "Weimar," edition of Luther's works. The second, beginning in the 1950s, concerned the medieval roots of Luther's early thought and the exact dating of his key Reformation insight.[120] Additionally, there has been an extended debate initiated by the work of Heckel on the meaning of Luther's doctrine of the two kingdoms that I will go into more fully below.

Luther and the Third Reich

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[118] Erik H. Erikson, *Young Man Luther; a Study in Psychoanalysis and History* (New York,, 1962). p. 15. The facts of Luther's mental life reveal three crises. First there is his conversion crisis, which prompts his decision to enter the clergy, ultimately in rebellion against his father's wishes. Second is his famous *Turmerlebnis*, or the epiphany in which he discovered the central Pauline tenet of his theology. Last is Luther's transfiguration at Worms, as he stakes his life on a falsifiable interpretation of scripture and in doing so becomes a symbol. It is perhaps constructive to pause at this point: Erikson draws the comparison between Luther's and Freud's projects, and wonders why "both men illustrate certain regularities in the growth of a certain type of genius" Erik H. Erikson, *Young Man Luther; a Study in Psychoanalysis and History* (New York,, 1962). p. 9. For Erikson, both men tried to increase human freedom through introspection—Luther freedom from dogma, and Freud freedom from an authoritarian conscience Erik H. Erikson, *Young Man Luther; a Study in Psychoanalysis and History* (New York,, 1962). p. 253. Though the conceptions of freedom may well be different, it is worth making the point that they are connected by a tradition, and that the reason Luther is amenable to psychoanalysis, that that psychological tool can recognize him, is due to their participation in a common project.

[119] This word is meaningful and suggests that the debate over the political theory canon itself is a meaningful reproduction of the law-spirit-word dynamic.

Luther appears as a cultural Hero in Nazi propaganda. This use of Luther also deserves the closest scrutiny, for it is too easy to assert that Luther was simply misappropriated. Many of the same accusations leveled against the "intellectual forbears of Nazism", including Fichte, Hegel, and Nietzsche, as well as the political engagement of Heidegger and Schmitt are, if my argument is correct, correctly traceable to discourse that Luther began. Not only that, but specific symbolically important acts continue to act as important cultural references. For example, Nazi book burnings call on—among other things—the action Luther took in burning canon law when he was excommunicated.[121] The problem of National Socialist appropriation of Luther and symbols associated with him do not prove an intellectual connection, only that the Nazis were cynical.[122] It is in fact the case that Luther was appropriated in similar ways in both the Wilhelmine and Weimar periods.[123]

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[120] Scott H. Hendrix, "Introduction to the Sigler Press Edition," in *An Essay on the Development of Luther's Thought by F. Edward Cranz*, ed. Gerald Christianson; Thomas M. Izbicki (Mifflintown, PA, 1998), pp. iii-iv.

[121] Luther burned volumes of the Canon law as well as the Papal bull excommunicating him. He told his mentor Staupitz thaat he was "gladder about this pyrotechnic deed…than about anything he had said in his whole life" Erik H. Erikson, *Young Man Luther; a Study in Psychoanalysis and History* (New York,, 1962). p. 230.

[122] "Luther's role as prophet of the authoritarian state, though it was prepared before World War I, was really a product of the 1930s" Thomas A. Brady Jr., "The Reformer's Teaching in Its Social Setting," in *Luther and the Modern State in Germany*, ed. James D. Tracy (Kirksville, Mo., 1986), p. 43.

[123] See interesting discussions in Hew Strachan, *The First World War* (Oxford [England] ; New York, 2001). and Peter Gay, *Weimar Culture: The Outsider as Insider*, [1st] ed. (New York,, 1968). Placing the blame on Luther, if indeed historical figures that predate the indicted political movement can really be called to account in this way, does not ameliorate our responsibility for understanding how that political thought functions.[123] If on one hand science presents us with a historical inevitability, then assessing blame hardly makes sense; for we are just as trapped as the Germans in 1933. And if it is the case that *Germany* were somehow destined to be National Socialist from 1933-1945, that possibility lay dormant in German culture, waiting to be activated by a certain set of circumstances, would the implication not be that Germany should be eradicated to eradicate Nazism? (And perhaps this has already occurred in what seems to many to be today a *Land ohne Eigenschaften*).

National Socialism exists in some sense as form without content—the party platform notwithstanding, *Mein Kampf* seems to contain that is coherent other than a theory of propaganda. Ideological concerns repeatedly give way to practical concerns about governance in the *NS Zeit*. The party was able to cynically play the German *Kulturgut* like a piano. In such a context it seems to be a disadvantage to have a well developed "culture" and have such regard for culture as such; such a perspective multiplies the possibilities for manipulation.[124] The Nazi claim of world-historical determination becomes in turn a problem for later historians because as the party plays any key on the piano to shore up power, from a historical perspective in the future it would seem that everything (and especially what was made most prominent by virtue of its efficacy), is implicated in Nazism. This may not repeal the taint on German cultural history, especially if it could be proven that certain ideas proved uniquely useful to National Socialism.

The problem with the notion that Luther's ideas lead Weimar to Nazism is that it does not explain why the other states who adopted Lutheran theology and religion did not follow a similar path. In addition, many predominantly Catholic countries adopted fascist governments in the 1920s and 1930s. Is the special character to Nazism, a German character? The relevance of German cultural history to Nazi ideology is a much discussed topic.[125] If the cultural tradition implicated in the horrors of the mid-

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[124] See a similar argument in Wolf Lepenies, *The Seduction of Culture in German History* (Princeton, N.J., 2006).

[125] For representative studies, see George L. Mosse, *The Crisis of German Ideology; Intellectual Origins of the Third Reich*, [1st ed. (New York,, 1964).; Elie Kedourie, *Nationalism*, 3rd ed. (London,, 1966).; J. L. Talmon, *The Origins of Totalitarian Democracy*, Praeger University Series, U-518 (New York, 1960).; Hans Kohn, *The Mind of Germany; the Education of a Nation* (New York,, 1960).

20th century should be shown to be meaningfully linked to contemporary democratic practice through shared philosophical commitments and institutions of cultural reproduction, then that continuity should make us less sanguine about the moral distinctiveness of 21st century liberalism. If there is a banality to politics of our sort, it would extend, with liberalism, across the globe. "Totalitarianism" is made possible by the existence of the state, and the existence of a modern state proves that there is a high mobilization of citizen resources in part made possible by the changes introduced by Lutheran theory.[126]

Nazism would be in Luther's perspective guilty of a category error: the law is replacing the independent moral teaching of the word, as well as the exhortation to the individual to develop this independent viewpoint. The chilling finding of Hannah Arendt's study of Eichmann (1976) was that he had no independent moral sense whatsoever; or rather, that he knew his actions to be morally wrong but that seemed to him to be beside the point. The warrant for this was tied by Eichmann—in his own words—to an interpretation of Kant's moral philosophy capitalizing on Kant's conflation of Law and Word, Politics and Morality: "…the principle of my will must always be such that it can become the principle of general laws." This conflation of politics and morality made it a minor move to the point where, in Arendt's formulation

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Troeltsch, for instance, connects Luther to political apathy and authoritarianism, but he is clearly speaking of the 19th century established Lutheran Church and not the writings or person of Luther. Most of Luther's writings were not available until publication of the Weimar edition of his works. Ernst Troeltsch and Olive Wyon, *The Social Teaching of the Christian Churches* (New York, 1931). II.540-544.

[126] See Jan Herman Brinks, *Paradigms of Political Change, Luther, Frederick Ii, and Bismarck : The Gdr on Its Way to German Unity*, Marquette Studies in Philosophy ; No. 28. (Milwaukee, Wis., 2001).

"the Führers *words*, his oral pronouncements, were the basic law of the land." Eichmann speaks with a voice that is not his own. For individuals, then, the problem is reconciling moral judgement with the world we live in.[127] It may indeed be accident that Hitler, Heidegger, and Schmitt all experienced a Roman Catholic upbringing, that Nazi art and architecture so consciously imitated Roman models, and that the SS's relation to the Führer is modeled on the Jesuit relationship to the Pope.[128] Luther's criticism that the Roman Catholic Church is essentially political rather than religious might have implications for what sorts of political commitments result from various sectarian modes of thought.

Luther and Political Theory

Some histories have either argued that Luther did not engage in political theory,[129] or that major parts of his thought are not relevant to politics because he thought them in a theological or religious category.[130] Making that claim denies traffic across categories and my notion that categories can lose or gain content. To

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pp. 226-226. for the Luther mobilized in support of internationalist socialism in the German Democratic Republic.

[127] Hannah Arendt, *Eichmann in Jerusalem : A Report on the Banality of Evil*, Rev. and enl. ed. (New York, 1976). pp. 136-137, 148.

[128] For a fascinating study of fascism, see Michael Mann, *Fascists* (Cambridge, UK ; New York, 2004).

[129] John Petrov Plamenatz, M. E. Plamenatz, and Robert Wokler, *Man and Society : Political and Social Theories from Machiavelli to Marx*, A new ed., 3 vols. (London ; New York, 1992). I. 101, 104. "He was a deeply religious man and a mystic, with an acute sense of men's spiritual needs, but not much understanding of political and ecclesiastical institutions" and "he did not know how to reconcile the claims of faith with the need for order" John Petrov Plamenatz, M. E. Plamenatz, and Robert Wokler, *Man and Society : Political and Social Theories from Machiavelli to Marx*, A new ed., 3 vols. (London ; New York, 1992).

[130] See, for instance, Duncan B. Forrester, *Christian Justice and Public Policy*, Cambridge Studies in Ideology and Religion ; 10 (Cambridge, U.K. ; New York, NY, USA, 1997).

some extent this must be borne out by my performance of the arc of transformation, but it is worth asking if this rigid preservation of categories serves anything other than a contemporary political expediency. As a theory it cannot adequately link ideas to actions and institutions. On a theoretical level, such an extreme neo-Platonism seems both thoroughly self-limiting (the sphere of the true is irrelevant to action on the practical level) and ill-advised given the epistemological changes Luther wrought. By making the realm of God impenetrable to human eyes "*deus abscondita*", the disappearance of God for theory is effected but God's work becomes, through the notion of calling, or vocation, becomes the blueprint for daily considered action of all Christians. By the death of God, Luther gave life to the expression of Christian spirit.

Recent work has reduced the importance of Luther because of his inaccessibility for the justification for regicide and revolution.[131] This seems to be an accusation very much tied to an era in 20th century political theory for which revolution formed the normative agenda. But Luther had a theory of history and a theory of freedom which contradict the idea of revolution in ways that challenge our definition and expectations. Contrary to his intentions, the "practical upshot of his break with Rome was that secular government itself became the agent of reform and the effective arbiter of what reform should be."[132] Sabine held Luther's rejection of the right to resist as the cornerstone of this unintended consequence. Though radical change was

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[131] Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge ; New York, 1978).

[132] George Holland Sabine, *A History of Political Theory*, 3d ed. (New York,, 1961). p. 360.

proscribed both by the way of the world and the necessity for order, it was possible on an individual basis. Similarly, Luther's doctrine of tolerance has been criticized as not going far enough or as unevenly applied. His intellectual importance is said to be in the history of the democratic theory of freedom of conscience, though he was "far…from understanding what liberty of conscience implies in practice."[133] Not only is this a cheap shot in the sense that it judges a different time by the measure of the present (and especially unfair given the historical or genealogical story), but it also fails to grasp the analytical distinction that Luther was making: there is one and only one decision which all governments must protect and not transgress, and that is the decision to accept or reject God's grace and become a Christian soul. This places that particular decision in a category unto itself. His doctrine of free will admitted of the sort of economic choices by which we often characterize freedom. And this also makes clear why policing of heresy was encouraged (and still is in democratic regimes): you must be free to make the right decision, but the wrong one implies consequences that are dangerous to the faithful. They also often imply danger to the social order needed in order that this one important decision to be made. The education to Christianity was not seen as a threat to autonomy (cf. Rawls) because the authority of the Word was not in doubt (a primary Luther doctrine). Of course logos was called into question by mystics before and after Luther but also by the radical reformation. And the problematic was forgotten by Kant once the language project had neared its end. A series of mostly German philosophers have been self-conscious

[133] John Petrov Plamenatz, M. E. Plamenatz, and Robert Wokler, *Man and Society : Political and Social Theories from Machiavelli to Marx*, A new ed., 3 vols. (London ; New York, 1992). I: 100.

about deeply constitutive language politics (Hamann, Herder, Humboldt, Hegel, and Heidegger; but also Rousseau).

Luther as Authoritarian: The Judgement of Political Theory

It is often argued that Luther is guilty of handing religious authority over to the state. For instance, Figgis held that though Luther believed fervently in individual freedom he is the nevertheless the herald of absolutism, the instigator of a process of "transfer[ing] to the State most of the prerogatives that had belonged in the Middle Ages to the Church" ending in the "reforming despots of the *Aufklärung* who are the final goal of Luther's efforts."[134] Similarly, Sabine argued that Luther inaugurates a breakdown in the distinction between church and state. Contrary to his intentions, the "practical upshot of his break with Rome was that secular government itself became the agent of reform and the effective arbiter of what reform should be."[135] Plamanatz held that political realities of the 16th century compelled Luther to turn to the princes for protection.[136] All of these critical responses are colored by a Whig sensibility which sees absolutism as a stage to be overcome on the way to modern democratic politics. What is missing is a sense of the symbiosis between state and Reformed religion—that neither is possible without the other.

More than this, I am contending that Luther got the best of the deal, given his commitments and view of the world. The princes appeared able to guarantee order in

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[134] John Neville Figgis, *Political Thought from Gerson to Grotius, 1414-1625; Seven Studies* (New York,, 1960). pp. 71, 87.

[135] George Holland Sabine, *A History of Political Theory*, 3d ed. (New York,, 1961). p. 360.

[136] John Petrov Plamenatz, M. E. Plamenatz, and Robert Wokler, *Man and Society : Political and Social Theories from Machiavelli to Marx*, A new ed., 3 vols. (London ; New York, 1992). I: 101.

combination with the reformed church in a way that the tension between the Catholic Church and secular authority could not. In Luther's mind this was because the Roman Church had come to embody a category error: it was a situation of competing law. This elimination of a competitor in the production of law is consistent with the statebuilding argument that the development of the state is the extension of claim monopolies. Luther believed that secular authority [*Obrigkeit*] was necessary to the successful practice of Christianity in the ways I just pointed to above. But it was also a way of forcing a change in governance. Luther's contribution to the mirror of princes literature, *An die christlichen Adel deutscher Nation* (and similarly in *Von Weltlicher Obrigkeit*), is radical in the sense that it does not tell princes how to be good Christians. Instead, it is democratic in its expectations about the entire populace and what one could expect of all souls oriented to God. True Christians act in ways consistent with Christianity; they are not made Christian by the way they act.

A revealing doctrine in this regard, criticized as a politically motivated accommodation by many commentators, is that of the *Notbischof*. Luther argued that princes must act as temporary, or "emergency" heads of the church in reformed principalities. Many have responded that this is Luther, forced by contingency to hand over religious authority to the state. But for Luther, this was a temporary measure to get the Church up and running—as true Christianity spread under the peace brought by the princes, the need for such an authority would, as in the 19th century echo of this doctrine, "wither away."

For Luther, disorder is counterproductive to the exercise of Christianity, and it transgresses the uses and authority of the law. It is for this reason that Luther is steadfast in his condemnation of peasant revolts. For Luther, revolution is an impossibility. The peasant revolts are a category error in that they are an attempt to instantiate spirit where law is appropriate. Spirit is instantiated only in the Word as preached in the reformed Church. It occasionally makes itself present in world-historical individuals, Luther's *Wunderleute*.

When Luther argues that Christians should submit to the Law if it does not transgress categories and prevent them from orienting their souls (and therefore their actions) towards God, he has done several things. While not denying princes the right to suppress rebellion (and in fact giving them the duty to do so), he nevertheless initiates a tradition that demonstrates the logic of social disobedience. His conception of Christian liberty robs "absolutist" rulers of part of the power of coercion. They can rule bodies but not minds (cf. the role of Frederick in Kant's "*Aufklärung*" essay). We might ask what is gained by citizens who trade this power to their rulers: spiritual freedom. The right to interpret a book, and with that decide what is true and what is false. Against the Church (with which the state no longer has to contend as a competitor for funds or authority), he argues that priests also do not have the right to rule minds. As he demonstrates at Worms, transfiguring himself into a principle, he is willing to stand by his interpretation of scripture unto death. This is confirmed again when he is excommunicated and burns canon law. Nevertheless, this is a sort of freedom that is at the same time radically restrictive to political action. Luther's

conception of the bondage of the will is a commentary on the ability of human beings to effect universal justice. The law is irrelevant to justice in the freeing sense that human beings are no longer damned by the law. But individuals are also restricted in the sense that the will must exist within a certain horizon of social practice, the changing of which can have no connection to justice.

III

Pufendorf: The Political Elaboration of Luther

After Luther's death, both the tenets of the Lutheran confessions and the revolution in legal and political matters promised by the Reformation rapidly became scholasticised.[137] The waging of the Thirty Years War and the inconclusive nature of its end both established the Protestant confessions as a permanent fixture in European politics and also begged for an elaboration of what it would mean for Roman Catholic, Reformed (Calvinist), and Lutheran polities to live side by side in the Empire. The issue of the relevance of Luther's thought to governance was not settled by the hardening links of theological faculties to the political authorities. Against this, it was under the rubric of natural law theory that the 17th century's great contribution to politics in the tradition of Luther was made.[138] Samuel von Pufendorf's (1632-1694) system of natural law proceeds

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[137] Diarmaid MacCulloch, *The Reformation*, 1st American ed. (New York, 2004). pp. 337-342.; John Witte, *Law and Protestantism : The Legal Teachings of the Lutheran Reformation* (Cambridge, U.K. ; New York, 2002).

[138]Beck has called Pufendorf "the first Lutheran political thinker of any importance" Lewis White Beck, *Early German Philosophy; Kant and His Predecessors* (Cambridge, Mass.,, 1969). p. 135. For full length studies of Pufendorf, see Leonard Krieger, *The Politics of Discretion; Pufendorf and the Acceptance of Natural Law* (Chicago,, 1965).; Horst Denzer, "Moralphilosophie Und Naturrecht Bei Samuel Pufendorf; Eine Geistes- Und Wissenschaftsgeschichtliche Untersuchung Zur Geburt Des Naturrechts Aus Der Praktischen Philosophie" (Originally presented as the author's thesis, Munich., Beck, 1972).; Thomas Behme, *Samuel Von Pufendorf, Naturrecht Und Staat : Eine Analyse Und Interpretation Seiner Theorie, Ihrer Grundlagen Und Probleme*, Veröffentlichungen Des Max-Planck-Instituts Für Geschichte ; 112 (Göttingen, 1995).; Detlef Döring, *Pufendorf-Studien : Beiträge Zur Biographie Samuel Von Pufendorfs Und Zu Seiner Entwicklung Als Historiker Und Theologischer Schriftsteller*, Historische Forschungen, Bd. 49 (Berlin, 1992).; Simone Goyard-Fabre, *Pufendorf Et Le Droit Naturel* (Paris, 1994).; and the collection of papers in Fiammetta Palladini and Gerald Hartung, *Samuel Pufendorf Und Die Europäische Frühaufklärung : Werk Und Einfluss Eines Deutschen Bürgers Der Gelehrtenrepublik Nach 300 Jahren (1964-1994)* (Berlin, 1996).. Gerald Hartung, *Die Naturrechtsdebatte : Geschichte Des Obligatio Vom 17. Bis 20. Jahrhundert*, 2., unveränderte Aufl.

from a profound and specific religious conviction to be closely associated with Luther.

Pufendorf has been seen as a secularizer, and his doctrine is secular in the sense that it speaks only to the external governance of the will: it aims at governing visible actions—not those subjective mental states perceived only by the individual. But this conception of the secular-as-opposed-to-the-divine is embedded in a systemic diadic connection. For Pufendorf, the visible is a veil, and what is ultimately important lies behind it.

If the composition of Pufendorf's system of natural right has seemed capricious to some, this is because the attendant understanding of how Luther's theology is integrated in it has been lacking. Although Luther was cognizant of and interested in the political implications of his Reformation, and evidenced a profound understanding of the logic of modern politics, he did not explicitly elaborate a political theory. Without fully realizing the political theory implied by his Reformation thought, Luther shaped the categorial solution that helped enable European states to exert claim monopolies independent of Roman influence—and

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Studienausgabe ed. (München, 1999). provides an overview of the development of natural rights theory as it pertains particularly to German intellectual history, with strong treatment of Pufendorf's thought and its influence. With the publication of two additional studies in which Pufendorf figures prominently (Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001).; T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000).) and an edition in the 1990s of Pufendorf's collected works, there seems to be a revival of interest underway. Although the most important natural law thinker of the 18th century (Richard Tuck, *Natural Rights Theories : Their Origin and Development* (Cambridge [Eng.] ; New York, 1979). pp. 175-176.; see also Sieglinde C. Othmer, *Berlin Und Die Verbreitung Des Naturrechts in Europa; Kultur-Und Sozialgeschichtliche Studien Zu Jean Barbeyracs Pufendorf-Übersetzungen Und Eine Analyse Seiner Leserschaft* (Berlin, 1970).)—so much so that he is Rousseau's stalking horse in the *Second Discourse*, he was largely forgotten by the beginning of the 19th (J. B. Schneewind, "Pufendorf's Place in the History of Ethics," *Synthese* 72 (1987): pp. 123-124.

developed a concept of citizenship that allowed ordinary people to embrace this solution. In Pufendorf's political thought the boundaries of the secular are constructed in accordance with a commitment to this solution. Pufendorf accomplished an elaboration of the political aspects of the Luther solution. This religious dimension of his thought makes it more, not less, relevant to contemporary readers. This can be seen once it is translated into contemporary categories. Doing so helps to reveal the deep structure of contemporary democratic commitments, and enables an understanding of the moral commitments of the modern state.

Reading the World: Pufendorf's Political Hermeneutics

The aspect of Luther's thought which would prove most decisive for Pufendorf is the hermeneutic strategy, the core interpretive schema for those who wrote in his tradition. For Luther it is a hermeneutic in the original and here most important sense of the word—the exegesis of the Bible. Luther's *Heilsgeschichte*, his reading the Word of the New Testament back into the Law of the Old Testament, emboldened by the Holy Spirit, is extended in an innovative way in the 17th century in Pufendorf's political thought: the focus becomes not just the politics and history of the Old Testament, but the politics and history of the present.[139] The schema Pufendorf

[139] One could see in this the beginnings of the text disappearing under the interpretation remarked on by Nietzsche:
Wie es zuletzt noch, in aller Helligkeit der neueren Zeiten, mit der französischen Revolution gegangen ist, jener schauerlichen und, aus der Nähe beurtheilt, überflüssigen Posse, in welche aber die edlen und schwärmerischen Zuschauer von ganz Europa aus der Ferne her so lange und so leidenschaftlich ihre eignen Empörungen und Begeisterungen hinein interpretirt haben, bis der Text unter der Interpretation verschwand: so könnte eine edle Nachwelt noch einmal die ganze Vergangenheit missverstehen und dadurch vielleicht erst ihren Anblick erträglich machen. — Oder vielmehr: ist dies nicht bereits geschehen? waren wir nicht selbst — diese „edle Nachwelt"? Und ist es nicht gerade jetzt, insofern wir

adopted in his political thought is that of Luther's doctrine of two realms. The gravity or pivot is for Pufendorf citizenship in the Kingdom of Christ, which—precisely as it had for Luther—implies a specific approach to the secular Kingdom. This hermeneutic engagement is a species of *Heilsgeschichte* predicated on an understanding of how the holy Trinity can be used to make sense of the cosmos. Pufendorf is then committed to the trinity as the exegetical principle behind the construction of his corpus. One can see in the categorization of his work in political philosophy, political theology, and political history that, in his own argument for three disciplines related to natural law, and in his Trinitarian method the concrete importance of this hermeneutical doctrine. It may be that Pufendorf does not have a fully elaborated "epistemology" of the sort that impresses contemporary philosophers,[140] but this would seem to overlook the social function of epistemology as a way of deciding what counts as evidence for a claim. In the tradition of Luther, Pufendorf presents a highly democratic way of reading the world, one which gives every individual the certainty needed to act in it.

Pufendorf's Lutheran Fundamentalism

Born into a Saxon family of Lutheran ministers, Pufendorf remained a committed Lutheran, writing in the posthumously published *Jus feciale divinum sive de consensu et dessensu protestantium* that the Lutheran church was "the Church in

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dies begreifen, — damit vorbei? (Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VI-2.52.
This process can be seen in its early stages as the analogy between Jewish history (expressed in the OT) and German history (in the present). Neither has the status of law, but both can (passively) give prophecy and have the NT (actively) read in to them.

[140] J. B. Schneewind, "Pufendorf's Place in the History of Ethics," *Synthese* 72 (1987): p. 152.

which I was born, and have been educated, and in the doctrine of which I have design'd to persevere to the end of my life."[141] Though he enrolled at the University of Leipzig to study theology, he soon began taking a wide range of subjects, and in 1656 he left Leipzig to study under the Cartesian mathematician and philosopher Erhard Weigel at Jena. When he left he refused the doctorate out of protest for the scholasticism of the academy—a fundamentalist Lutheran complaint—but took the lesser degree of *Magister*.[142] Most commentators on Pufendorf have overlooked the importance of the crucial fact of his religious commitment. This is evident even in the most recent critical edition of Pufendorf's works[143] and in the work of many other commentators. In his book-length study, Leonard Krieger sees Pufendorf's religious commitments as a philosophical liability.[144] Hunter wants to read out a juristic project of "desacralization" in the service of a secular ideal.[145] Schneewind[146] subsumes this

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[141] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 129. See also Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). V: 16-17. and J. B. Schneewind, "Pufendorf's Place in the History of Ethics," *Synthese* 72 (1987): p. 134.

[142] He began a life in service to nobility but eventually found acceptable academic employment at the end of his life Thomas Behme, *Samuel Von Pufendorf, Naturrecht Und Staat : Eine Analyse Und Interpretation Seiner Theorie, Ihrer Grundlagen Und Probleme*, Veröffentlichungen Des Max-Planck-Instituts Für Geschichte ; 112 (Göttingen, 1995). pp. 13-14.

[143] Palladini in Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). V xvii.

[144] Leonard Krieger, *The Politics of Discretion; Pufendorf and the Acceptance of Natural Law* (Chicago,, 1965). p. 234.

[145] Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001). p. xii.

[146] J. B. Schneewind, "Pufendorf's Place in the History of Ethics," *Synthese* 72 (1987).; J. B. Schneewind, *The Invention of Autonomy : A History of Modern Moral Philosophy* (Cambridge ; New York, 1998). pp. 118-140.

religious character to Pufendorf's thought under the dry philosophical category of "voluntarism."

In contrast, Hochstrasser casts Pufendorf's thought in the context of confessional conflict among Calvinist, Roman Catholic, and Lutheran sects in Germany.[147] However, this has the tendency to miss the importance of the Pufendorf's religious commitment—to the extent one identifies a Lutheran "camp," the specific solution offered by Luther is partially obscured by the conflict within the Lutheran churches and Lutheran theological debates. Hochstrasser's analysis is extremely subtle: the difference from mine is a matter of perspective and focus. Hochstrasser wants to see Pufendorf from the standpoint of the politics of his political thought, but he is best comprehensible not from his political context but rather from the imperatives of a specific religious conviction. The social forces which conspire to *situate* him do not fully *explain* him. Pufendorf is *not* a covert secularizer as Hochstrasser would have it,[148] but rather committed to an account of the world consistent with Luther's. To the extent that Pufendorf's thought is recruited for the Enlightenment secularization story, what his political theory has to say to us is elided.

The Political Implications of Radical Lutheranism: Tolerance, Reconciliation, and the Enemy

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[147] T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 28.

[148] T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 41.

The politics implied by Pufendorf's religious conviction may be seen in his treatment of the idea of tolerance. For Pufendorf the issues of tolerance and reconciliation are connected as an expression of how to recognize who is a friend and who is an enemy.[149] On the individual level, a citizen of another state should be regarded "not indeed as our enemy, but as a friend we cannot wholly rely on."[150] The exposition of his doctrines of tolerance and reconciliation explores this gray area, and extends in addition to who may be counted as a fellow-citizen as well. When Pufendorf addressed the possibility of a reconciliation of sects in the Empire, he famously differed from Leibniz in his assessment of the extent to which such a move was possible.[151] This stance has been attributed to his "covert" Lutheran commitments in what is seen to be simultaneously aphilosophical and perhaps also unintentional in its reproduction of the author's religious prejudices. Krieger "unmasked" this tendency when he observed that,

> The function of Pufendorf's transcendent faith in Christian revelation was to provide an absolute ground for a particular set of Christian doctrines…[his] pretension to 'impartiality' was in fact a rationale of Lutheran doctrine through biblical exegesis.[152]

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[149] Carl Schmitt does not make much use of Pufendorf in *The Concept of the Political* except two brief mentions in his discussion of the political implications of anthropology Carl Schmitt, *The Concept of the Political* (Chicago, 1996). pp. 54-55, 59.

[150] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 119.

[151] Though both men approached the problem at the behest of the same patron.

[152] Leonard Krieger, *The Politics of Discretion; Pufendorf and the Acceptance of Natural Law* (Chicago,, 1965). p. 247.

But to see "pretensions" here is to misperceive the main thrust of Pufendorf's argument. Neither is he hiding this central tendency of his work nor does Krieger's position give weight to the fact that Pufendorf had the audacity to *believe* in something he perceived to be true. In this way, critics have been dismissive of his arguments to exclude Roman Catholics and the attempt to "lutheranize" Calvinists. However, the position must be understood first in the context of Luther's and Pufendorf's objection to Roman Catholic participation in political affairs. Roman Catholics are to be excluded from governance of Protestants not because Catholics have separate religious convictions. Indeed, it was Luther's bombastic contention that the Church had *no* religious basis. Catholic principalities are to be excluded because they are under the *secular* governance of Rome, and to include them would force the inclusion of two competing systems of law. This leads to the basic moral problem of governance for Lutheran Protestants: to be left alone in their Churches and in individual confession and interpretation. To the extent that Calvinists commit a category error by conflating governance of the "two realms"—the secular and moral—Pufendorf argues that Calvinists must be corrected in their religious doctrine, though the political problem is not the acute one presented by Rome.

The most extended discussion of these topics is made in *De habitu religionis christianae ad vitam civilem* (Of the Character of the Christian Religion in Relation to Civil Life, 1687) and *Jus feciale divinum sive de consensu et dessensu protestantium* (The Divine Fecial Right, or Of the Consensus and Dissent of the Protestants,[153]

[153] Theophilus Dorrington translated this as *The Divine Feudal Law: Or, Covenants with Mankind, REPRESENTED. Together with the MEANS for the Uniting of Protestants. In which also The*

1695). In the first, written in the wake of the revocation of the Edict of Nantes (1685), Pufendorf argues for a relationship of Church to state predicated on Luther's doctrine of two realms. In the second work, he makes an extended argument about the limits of toleration as a political principle, given the imperatives from a proper understanding of toleration as a religious principle.

Religion and Politics: Separately Unequal

In *De habitu religionis*, Pufendorf argued that "Civil Governments were not erected for Religion's sake; or that Men did not enter into Civil Societies, that they might with more conveniency establish, and exercise their Religion."[154] At first blush, this may seem to establish Pufendorf as an advocate of secularization. However, he is arguing for a strict separation of state and religion—due to the nature of his understanding of Christianity, the state can not have a religious basis. This is a

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Principles of the Lutheran *Churches are Stated and Defended*, 1703 for the work Simone Zurbuchen, "Introduction," in *The Divine Feudal Law: Or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen (Indianapolis, 2002), p. xv.

[153] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 17.

[153] While the rendering of "fecial" as "feudal" will be taken up later, Zurbuchen argues that, "It remains unclear how the reunion of Protestants is related to this particular law" Simone Zurbuchen, "Introduction," in *The Divine Feudal Law: Or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen (Indianapolis, 2002), p. xvii. One explanation would be that in order that a declaration of war be made in Rome, a formal declaration of the *right* to do so had to be made by a special college of priests, the *fetiales* Lesley Adkins and Roy Adkins, *Handbook to Life in Ancient Rome*, Updated ed., Facts on File Library of World History. (New York, 2004). p. 278. Pufendorf's treatise would then relate to the priority of right in the proposed reunification of Christendom, and it also speaks to the "Union Conferences" on political and religious reconciliation that form the immediate context for the work Simone Zurbuchen, "Introduction," in *The Divine Feudal Law: Or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen (Indianapolis, 2002), p. xv.

[154] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 17.

"secularization" that stems from a particular religious conception. This is to be contrasted with other uses of the term (excluding the original meaning which has to do with the property arrangement in parishes) in which it can mean: to translate what has been revealed religion into naturalistic terms, where nature ends up endorsing the same moral conclusions as did the Bible; or to reject the teachings of Christianity because they are seen to stem from religion-as-superstition. Ironically, both these moves to criticise the content of religion appear to be a continuation of a (Protestant) religious impulse—to read and think about the meaning of the Bible as it relates to the present.[155] The move to secularization is not a break from religious thinking, but the new shape of a particular hermeneutic.

Pufendorf supports the claim about the separation of politics and religion with several reasons. First, he argues that the state's basis and religions are shown to be different because vast numbers (i.e., the population of a territorial state) are not needed to have a congregation. Second, the principle of religion differs from the *raison d'etat*: "the first motive that obliged men to enter into societies for their mutual defense, did not aim at the religion of mankind."[156] Third, living among large numbers of like-minded Christians does not make for a better understanding of religious matters, because every man is responsible for his own salvation. For this

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[155] I think Derrida is correct in this regard to connect "morality" to Christian morality alone Jacques Derrida and Gil Anidjar, *Acts of Religion* (New York, 2002). p. 50.

[156] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 17.

reason, the sovereign does not act and can not as a guarantor of the inner conviction and understanding necessary to the practice of true religion.

Religion is temporally prior to the state, and being as "ancient as [the] human race itself," it can be shown that it was not created by the "first founders of commonwealths" nor is it necessary to live under such a government to practice religion.[157] Pufendorf does believe that religion is *necessary* to life in the state, but it constitutes "*The Cement of Civil Society*" insofar as it shows the fear men have for God's displeasure which is necessary to "oblige mankind to a compliance with those laws and fundamental constitutions, which are the original foundation of all commonwealths."[158] In utilitarian terms, the prospect of God's displeasure is required to "bridle the enormities of some stubborn and refractory spirits."[159] This does not imply that the state rests on either theological or utilitarian necessity.

A proper understanding of the act of foundation requires an understanding of God's desires and that understanding must rest on faith. The argument is that a citizen who is not familiar with the logic of God's covenants with men is not in a position conceptually to understand the logic of a secular covenant. In this view, God does not

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[157] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 106. Pufendorf was well aquainted with the works of Hobbes, and Leibniz conflated the two thinkers in his critque of Pufendorf (making Pufendorf out to be Hobbes). See also Ernst Bloch, *Naturrecht Und Menschliche Würde*, 1. Aufl. ed., Werkausgabe ; Bd. 6. (Frankfurt am Main, 1985). p. 65., who argues that Pufendorf is simply a clever combination of Grotius and Hobbes.

[158] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 17-18.

[159] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 18.

sanction the double covenant among men that founds a state, but such a mental operation is done in analogy with and with an understanding of God's two covenants with man. This link between the secular and religious categories is one basis of the claim that we can best understand Pufendorf's political theory as a form of Lutheran *Heilsgeschichte*. What he is doing is constructing a system that has two halves (*zwei Reiche*) connected by a theory of spirit. The existence of this non-temporal half and its relation to the secular is necessary to an understanding of the full aims of the system.

It is apparent that what appeared to be a statement that religion has nothing to do with the state must be understood in a very special sense: religion does not depend on the state for its existence: "Religion arises from a much more noble Spring, than civil government; and more strictly obliges mankind, than any civil power; and is therefore unalterable in its nature."[160] When a citizen performs the covenants necessary to entering a commonwealth, he does not and can not promise to worship as the sovereign does. Given the nature of Christianity as Pufendorf understands it, it is impossible to exact such a promise in a meaningful manner,[161] and to do so would be a category error. The faith necessary to religion must come either from the "foundation

[160] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 18.

[161] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 15.

stone" of natural religion's spirit or essence, or else though revealed scripture.[162] Though in practice religion is conducive to civil tranquility and flourishing, there is no link of dependency between the two. As with Luther, who argued that "rulers are instituted by God for the punishment of the wicked,"[163] sovereigns do have the duty to maintain the "public discipline" necessary to the cultivation of a religious sense:

> And, whereas the fear of God is the foundation stone of probity, and other moral virtues; and it being the interest of sovereigns, that the same be by all means encouraged in a state; and that religion is the strongest knot for the maintaining a true union betwixt sovereigns and their subjects. (God being a God of truth, who has commanded that faith and compacts should be sacred among men.)[164]

Atheism is not to be countenanced because those who do not acknowledge God show that they cannot correctly conceive their relationship to the state and perform the compact necessary to understanding citizenship.[165] The conditions that would prevail

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[162] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 12.

[163] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 46: 26.

[164] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 20.

[165] This formulation is almost precisely echoed in Hegel's *PR* § 270 (see analysis below): "If Religion does constitute the foundation which ethical in general and more specifically the nature of the state as containing the divine will, it is thus only a *foundation*, and here is where both diverge" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7: 417-418. The state ensures social order, even against those animated by an incorrect understanding of Christianity that frees them in their view from obeying the secular law Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7: 418. Similarly, Hegel argues that religion prepares the conceptual work necessary to binding the citizen to the state, such that atheism may be suppressed Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7: 420. In Hegel, the state performs the process of education so that the faith and authority from which religion draws its source can be presented in knowledge. See Locke's *Essay Concerning Toleration* John Locke and David Wootton, *Political Writings* (Indianapolis, 2003). pp.186-210.; for a position on atheism consistent with Pufendorf's, see James

if religion did not form a component of public life would be intolerable. Standing Hobbes on his head, he argues,

> For without religion the saying would apply, 'He who knows how to die cannot be forced.' For those who do not fear God have nothing worse to fear than death, and anyone who had the courage to despise death could make any attempt he pleased against the government…And as no one could be certain of another's good faith if there were no divine punishment, men would live in anxiety, a perpetual prey to fear and to suspicions that they would be deceived or wronged by others…without the bond of conscience rulers would treat all their duties, and justice itself, as available for a price, and would look to their own interest in everything and oppress their citizens…The citizens for their part…would be constantly on the watch for opportunities of revolt, and would equally mistrust each other and live in mutual fear.[166]

Consistent with Luther's thought, the state is not implicated in the justification of citizens. To believe otherwise would be to hold that works, and not faith, justify the Christian before God. Religious ceremonies should not be compelled by a sovereign, because they have no moral or soterial efficacy: with regard to their salvation, Christians are freed from the law in the sense that they may either follow it or not.[167] Christ differs from Moses as a founder in that he does not have a political project.[168] Christ did not constitute any new laws, and he was called master or teacher by his

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Tully, *A Discourse on Property : John Locke and His Adversaries* (Cambridge [Eng.] ; New York, 1980).

[166] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 43-44.

[167] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 26, 27.

[168] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 28-29.

followers, not by any political title.[169] In sum, there is not a political teaching in the New Testament:

> Besides the Power of Preaching the Gospel, (even in opposition to any Civil Command) there is nothing to be met withal in the whole Apostolical Doctrine, that has the least resemblance of Command or force.[170]

Contrawise, the political regime has no power in Christ's Kingdom:

> The Civil Power does not reach this Kingdom; true Piety being not to be implanted by Human Force, which is insufficient to procure God's Grace, or raise those inward motions which are chiefly acceptable to God Almighty.[171]

Accordingly, there is no need for force in the "Kingdom of Christ."[172] One needs only "hearken to his words [John 3:18],"[173] and ignorance of them is what is punishable. "We are commanded *first to seek the Righteousness of this Kingdom* [Matt 6:33]. The

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[169] Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature*, ed. Ian Hunter, David Saunders and Jean Barbeyrac trans., Natural Law and Enlightenment Classics (Indianapolis, IN, 2003). p. 30. In Luther's sermon "How Christians Should Regard Moses," he argued that the law of Moses is "the *Sachsenspiegel* for the Jews," which is to say the laws particular to that national ethnic group, just as the code of laws of the Saxons is given in the *Sachsenspiegel* Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 35: 167. "we will regard Moses as a teacher, but we will not regard him as our lawgiver—unless he agrees with both the New Testament and the natural law" Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 35: 173.

[170] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 39.

[171] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 57.

[172] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 35.

[173] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 34.

great Mystery of this Kingdom is *the powerful operations of the Word of God*" [Matt 13:21, 31, 33, 44, 45, 52].[174] The distinction between the government, or in Luther's terms the *Regiment*, is categorial:

> But if we take a full view of the whole Structure of Civil Societies, and by what means Subjects were united under one Government; we shall find them to differ as Heaven and Earth from that Union, which belongs properly to the Body of a Church.[175]

The distinction is therefore conceptual and inherent to the two institutions: "the Teachers in a Church, do not only differ from Temporal Governors in a State, in that these are constituted for different Ends: But the main Difference is the very nature of their Constitution."[176] Heaven and earth "differ" in the above analogy, but that does not mean they have no interaction. The difference is categorial, instead of categorical, meaning that the categories have a distinct relationship to one another.

Church and State: A Categorial Distinction

The shape of this relationship is elaborated first by the language used to refer to the two institutions. The Church is not a state. For Pufendorf, the word "*ecclesia*" means all "Christians in General."[177] The governments of the two institutions are

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[174] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 59-60.

[175] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 67.

[176] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 69.

[177] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 60.

different. Force is the rule in the secular government, whereas the church is ruled by democratic means, according to the holy spirit.[178] This sort of society says Pufendorf, is something "resembling a democracy" where issues are dealt with "common consent" and "where no particular person can claim any further power over the rest."[179]

This appeal to Luther's idea of the church is in stark contrast to both the Calvinist (where the secular magistrate enforces Christian life) and Roman Catholic (where the Church governs the believers with authority, tradition, and a secular table of laws) conceptions. In contrast to this, disagreements among Christians are to be arbitrated among themselves. They are not to go to the civil authority to resolve disputes.[180] It would be senseless to do so, because the correct interpretation of the scripture as the basis of religion cannot be compelled by decree or force, nor is an appeal to tradition an option. [181] The state has no status as interpreter of scripture. Ascribing such a status to it would violate the central hermeneutic imperative of Luther's Reformation which Pufendorf subscribes to, that salvation is individual and requires the judgement of the individual without mediation by a special priestly caste.

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[178] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 60-61.

[179] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 88.

[180] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 62.

Additionally, he believes, putting the state in the position of deciding religious matters would invite disorder, and Christ did not intend this to happen.[182]

The state is *in principle* irrelevant to religion. Because of this, the existence of Christian sovereigns can not change the relationship between Church and state. Pufendorf argues that the Church is best understood as a sort of self-governing "college," operating under the secular jurisdiction of the civil authorities.[183] This categorial separation necessary to the correct understanding of the source of civil government—which does not depend on Christianity—and the source of Christianity—which does not issue from the state:

> The scope of the Christian Religion, and of civil Governments [are] quite different in their own nature. *For, our Πολιτευμα, our Conversation is in Heaven; and if in this Life only we have hope in Christ, we are of all Men most miserable* [Philipp. 3:20; 2 Cor. 5:2, 8; I Cor. 15:19].[184]

The relationship of the Christian sovereign to the Church involves categorial separation: "Princes or other civil Magistrates…are not constituted Bishops or

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[181] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 71, 77.

[182] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 79. Though Pufendorf is usually considered one of the more absolutist of the natural law theorists, in this he is decidedly more "democratic" than Hobbes—or perhaps he was simply more naïve. In Hobbes' view, the sovereign does have the responsibility to set the interpretive possibilities not least by fixing the definitions of words.

[183] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 86.

[184] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 91.

Teachers in the Church…Function not properly belonging to every Christian, but only to such as have a lawful Vocation."[185] Because magistrates are not called to the Church, they can not prescribe belief by decree. This would destroy the "true Genius of the Christian Religion" and to compel the tongue to speak what is not in the heart is to "destroy the very Essential part of our Faith, which being a Gift of the Holy Ghost, and a Belief founded in our hearts."[186]

Policing Heresy

Princes may protect religion by all lawful means. They retain, as in later Luther, the right of visitation.[187] Additionally, they may punish what is inconsistent with what proceeds both from natural religion as well as revealed:

> it is beyond all question, that those that act against the very Dictates of Reason, ought to be subject to Civil Punishments, since they strike at the very Foundation of Civil Societies: Such are Idolatry, Blasphemy, Profanation of the Sabbath.[188]

(It is because these last contravene natural religion by militating against the true faith and contributing to civil disorder that they are against the "Dictates of Reason. At this level, the practice of religion intersects with the reason of state, because such activities

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[185] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 93.

[186] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 102-103.

[187] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 97.

[188] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 103.

are dangerous to the mutual protection which forms *raison d'etat*. Uniformity in the practice of religion can promote union, or "public tranquility,"[189] but the principle for determining how church doctrines are to be received into the state sanctioned Church is a hermeneutical one. Because uniformity in non-Christian religion has not historically contributed to order, doctrine must be inspected for its Christian bona fides. Because of the priesthood of all believers, the sanction of doctrines is necessarily democratic, according to the idea of the Christian Church:

> Princes being then protectors of the public tranquility, have an authority to inspect what canons are received into the Church, and to cause them to be examined according to the true tenure of the Holy Scripture; and this case is not to be committed to the management of a few, who may perhaps be swayed by faction or interest, but to all such as have a solid knowledge of the Holy Scripture.[190]

Tradition does not guide such decisions, but rather the consultation in the Church—the union of all believers in accord with how they are moved by the Holy Spirit. Disagreement about what the Word means touches on the "fundamental points of our faith," and "For every body being accountable to God for his Religion, and answerable for his own soul" one cannot rely on clergy or political authority to decide such ultimately important matters.[191] Accordingly, "A certain proverb used among the *Germans*, viz. *He that commands the country, commands religion*" is best seen as a

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[189] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 106.

[190] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 106.

[191] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 118.

"pretension against the Emperor at the time of the Reformation" by the German princes.[192]

De habitu religionis outlines the relationship of the Church to the state. For this reason it has been seen as belonging to his natural law doctrine as an application of political principles to religion.[193] That this relationship is read out in principles only consistent with those of Luther is not made explicit. While the occasion of gross intolerance against Protestants in the form of the revocation of the Edict of Nantes moved Pufendorf to write *De habitu religionis*, the work can be considered to be primarily written from the perspective of his natural law theory. On its face then, *De habitu religionis* is not intended to be a sectarian work. But the necessity of the requirements of faith consistent with Luther's Reformation thought are made clear with in his later work, *Jus feciale*. The prospect of a political reconciliation after the Thirty Years War was, according to Pufendorf, only approachable on the basis of the conceptual needs of true Christianity. He had written in *De habitu* that union between Protestant and Roman Churches was not possible unless Protestants were willing to submit to the "popish yoke."[194] In the later work he allowed himself to be much more specific about what the characteristics of tolerable religion are.

Jus feciale and the Rejection of Esotericism

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[192] Samuel Pufendorf, *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen, J. Crull trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 121.

[193] Simone Zurbuchen, "Introduction," in *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen (Indianapolis, 2002), p. xi.

In *Jus feciale*, Pufendorf gives an explicit account of the limits of toleration given the requirements of a proper understanding of Christianity. He argues that in this instance, politics must give way to religion. An improper union of the sects endangers not only the political logic of territorial states, but more importantly the ability of Christians to find salvation. Pufendorf argues that common ground may be made with Calvinists, but no reconciliation is possible with the Roman Catholic Church. His understanding, consistent with Luther's, of the Roman Catholic church as a primarily political and not religious entity makes a *modus vivendi* impossible. As for Calvinists, Pufendorf endeavors to prove to them that they have with Lutherans enough common religious understanding[195] to make common political undertakings possible, but in their religious understanding—and the political practice it implies—is dangerous in soteriological terms.

The 1703 English translator of *Jus feciale*, Theophilus Dorrington, argued in his "Advertisement" that one use of the text was to make English readers familiar with the true principles of Lutheran religion. By 1700, those Protestants in England who

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[194] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 81.

[195] Pufendorf's differences with the scholasticised Lutheran orthodoxy Simone Zurbuchen, "Introduction," in *Of the Nature and Qualification of Religion in Reference to Civil Society*, ed. Simone Zurbuchen (Indianapolis, 2002), p. ix.; see also Richard Tuck, *Natural Rights Theories : Their Origin and Development* (Cambridge [Eng.] ; New York, 1979). p. 102. made the reception of this work by his fellow Lutherans a difficult one Detlef Döring, *Pufendorf-Studien : Beiträge Zur Biographie Samuel Von Pufendorfs Und Zu Seiner Entwicklung Als Historiker Und Theologischer Schriftsteller*, Historische Forschungen, Bd. 49 (Berlin, 1992). p. 134., and he was accused by them of not being the most capable theological thinker. In addition, Leibniz objected in print to *Jus feciale* both over Pufendorf's criticism of the Biblical basis of predestination in Calvinist doctrine and over the possibility of a political reconciliation with the Roman Catholic Church Detlef Döring, *Pufendorf-Studien : Beiträge Zur Biographie Samuel Von Pufendorfs Und Zu Seiner Entwicklung Als Historiker Und Theologischer Schriftsteller*, Historische Forschungen, Bd. 49 (Berlin, 1992). pp. 130-142.

embraced Luther's thought in something approaching its original form "were in a small minority,"[196] with most Protestants either of Arminian or orthodox Presbyterian persuasion.[197] Dorrington believed that the religious differences in England were in some sense analogous to those in Germany, and English politics could benefit from the instruction.[198] The work is in no way a purely theological one.

Pufendorf begins *Jus feciale* with the observation that mankind is in a miserable situation for lack of the use of right reason and because of perverse action of the will, "All of which might be prevented, if men would rather perform the common duties which they owe to one another, than obey enormous lusts."[199] In other words, the treatise begins with the political problem, but it is stated from the perspective of a religious conception of right. The fallen state of man implies the worldly realm, politics results from the fall, and natural law doctrine must exercise sway within this realm to address the defects in human nature. This connection of the two realms supports the contention that without an understanding of Pufendorf's theological thought, his political thought must remain a cipher.

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[196] J. Wayne Baker, "*Sola Fide, Sola Gratia*: The Battle for Luther in Seventeenth-Century England," *The Sixteenth Century Journal* 16 (1985): p. 133.

[197] The latter two groups collapsed the moral teaching of the New Testament into the Law. Those who followed Luther's doctrines of "*sola fide, sola gratia*" were for the most part antinomians who went beyond Luther's teaching and denied any role for the law J. Wayne Baker, "*Sola Fide, Sola Gratia*: The Battle for Luther in Seventeenth-Century England," *The Sixteenth Century Journal* 16 (1985): pp. 132-133.

[198] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 2.

[199] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 11.

Like Hobbes, Pufendorf argues that the grand political problem stems from a disagreement in opinion—a situation to which men are prone. However, the strategy for overcoming this situation is not subordinated to political demands, but rather to the needs of individual practicing Christians. Indeed, the problem itself has a basis in hermeneutics: some think they are better interpreters of scripture. The dominant theme of this work is a rejection of the political demand for esotericism. In the case of Christianity, it is not possible for some to exercise judgement about the basic text for others. Salvation is solitary. Pufendorf argues that the principle may be extended beyond Christendom, in that every political conflict over religion is one over the right to interpret: "And every aversation and hatred which arises from dissention in religion may be charged with this absurdity, whatever religion it is concerned about."[200] Religious problems in Christianity cannot be solved politically, for that would be a category error: "*his Kingdom is not of this World*."[201] The subjectivism involved in his approach is on one hand required by individuals accepting the holy spirit in different ways, and therefore developing different interpretations: "*Ye know not* (said he) *what Spirit ye are of*" [Luke 9:55].[202] The political problem is rendered safe

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[200] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 13.

[201] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 13.

[202] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 14.

because such understandings do not intersect with the political realm, provided the right to generate them is not infringed.

The Implacable Politics of Reconciliation

Turning to the specific issue of political concord among Christian sects in the Empire, he argues that the political question must be subordinated to the religious one:

> But if any man thinks fit to bestow his pains in this design of reconciling differences in religion, he must, above all things, take care that he does nothing that may prejudice the truth: for 'tis better to retain a saving truth, even amidst contentions and contradictions, than to enjoy a profound quiet by a falsehood.[203]

In his view, this is not another example of the problem he cites, disagreement over allowing different interpretations. It concerns the ability of individuals to worship in such a way that they do not endanger their souls:

> So likewise it were a very preposterous method of concord, if any should propose that all the disagreeing parties in religion should be held in the same rank, as if eternal salvation might as well be attained and secured in one as in another.[204]

Given this understanding, he argues there are two ways to manage religious dissent. The first is toleration, which "is of the nature of a truce in war, which suspends the effects of it, and the actual hostilities, while the state and cause of the war do remain."[205] The second is reconciliation in religious doctrine, meaning that the

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[203] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 14.

[204] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 15.

[205] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 15.

fundamentals of faith can be agreed upon. While toleration is a prudential move involving the temporary cessation of hostilities, reconciliation is effected hermeneutically: a common interpretation of the Bible is agreed upon in a deliberative manner.

In Pufendorf's view, toleration may be either political or ecclesiastical.[206] Political toleration is the right given by positive law to practice religion in unrestricted or restricted fashion, depending on the desires and aims of the political sovereign. Pufendorf argues that there may be no toleration of Roman Catholicism because, "Roman Priests" are hostile to civil government in that "they feign the Church to be a separate and distinct state." When they ask to be tolerated, toleration means they "will not account themselves the subjects of the government of their nation, but of him who is the head of their Church, that is, of a foreign prince."[207] In Luther's categories, this is a conflict of two laws. In contrast, ecclesiastical toleration may occur when Christians differ in points of doctrine but hold each other for members of same church. The unmistakable test for whether this is the case is if they hold the Lord's Supper in common.[208]

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[206] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 16-17.

[207] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 20.

[208] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 21. See Hegel chapter, below, for the importance of the understanding of communion to the Protestant concept of individuality. Pufendorf writes that those "whose necks do not itch to be in the Roman yoke" must insist that the mystical supper be used as Christ did Samuel Pufendorf, *The Divine*

Reconciliation cannot proceed on the basis of absolute subjectivism. It is not possible that two conflicting Churches possess the truth. It would be irrational, Pufendorf argues, to think that all religions are alike in usefulness and effectual in promoting the salvation of their members:

> That we may obtain a complete reconciliation of differences in religion, it is necessary therefore, that after the controverted opinions are searched to the foundation, and the truth of the one, and the falsehood of the other, are plainly demonstrated from the genuine books of holy scripture; they who will have heretofore held a false opinion do renounce this, and yield to, and embrace the truth.[209]

This demonstrates the primacy of the truth as well as the Bible as the only source by which to judge the truth of any Christian doctrine. It also holds out the possibility that there may be additional disagreements outside a necessary core which provides the basis for reconciliation.

Pufendorf does not hold that such a reconciliation can happen immediately. Indeed, it is in itself interesting that he does not become philosophically stubborn on this point. Differences in interpretation will not disappear overnight, so the basis of a political settlement must be reconciliation mixed with toleration. The reconciliation is to occur on the basis of a "solid, sufficient, and adequate, foundation of faith" in which "those articles of faith should be clearly defined and agreed upon which are so

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Feudal Law, or, Covenants with Mankind, Represented, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p/ 47.

[209] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 22.

necessary to salvation."[210] Toleration is possible when the religion being tolerated does not disagree with this necessary core or hold additional beliefs outside of the foundation which are prejudicial to it.[211]

Making Enemies: Every Man a *Fecial*

The core within which Pufendorf is willing to admit to disagreement is constrained by two factors. The first is that the core must be fundamentalist, or constructed by reference to the Bible, which composes "the very foundation of the Christian faith, which is built and depends upon the infallible truth of those writings."[212] There may be disagreement over the meaning of Biblical passages, but it alone forms the basis for Christian worship. The Word is the alpha and omega in constructing the foundational system. Pufendorf proposes that this core be settled at a conference of Protestants. Characteristically, the conference is not to be attended solely by "Priests or Professors of Divinity" but by people from various social strata.[213] This would be done to allay the zeal of the professional clerics, but more importantly because, "by divine right, and by the nature of the Kingdom of Christ, the judgement in matters of faith does not belong to the ministry alone, but the whole

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[210] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 23.

[211] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 23.

[212] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 24.

church."[214] Pufendorf will not abide esotericism, and argues there is no need for professional exegetical expertise because the Bible interprets itself.[215]

Scripture alone will form the basis of the foundational system. Natural knowledge is by itself insufficient to the task of constructing this system,[216] and determinations of this sort cannot be made on the basis of authority, as the Roman Catholics do.[217] As Luther had argued,

> …reason can arrive at a 'legal knowledge' of God", but this is different from the "`evangelical knowledge' of God…[which] does not grow up in our garden, and nature knows nothing at all about it. Reason has only a left-handed and partial knowledge of God, based on the law of nature and of Moses; for the law is inscribed on our hearts.[218]

The process of shaping a foundational core will necessarily exclude some who consider themselves Protestants, namely Socians, Anabaptists, Quakers, and

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[213] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 26-27.

[214] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 27.

[215] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 55.

[216] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 61-62.

[217] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 55.

[218] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 22: 152.

"Phanaticks."[219] These "differ in their whole system of divinity" from the acceptable core, and society must be protected from their "gangrene of errors."[220] Pufendorf again sounds the note that peace must not be had at any cost even though,

> 'tis very pleasing and agreeable to profane men to teach, that nothing should be proposed to our belief, but what our reason can easily comprehend; and nothing more should be required of men, than what is requisite and necessary to our living peaceably and quietly in societies.[221]

Natural law theory must give way to concern about salvation. Natural religion and the adherence to natural law do not lead to salvation.

Roman Catholics should not be consulted in forming this foundational doctrine for several reasons. First, because the Roman Church is not really a religion, its representations are incapable of dispute because they are concerned with "*God, their Belly*."[222] He explains,

> if we would express the whole state of the case, in a word, it must be said of the Popish Clergy, that their *Belly is their God*, *Phil*. 3:19. But that the belly wants ears is a known proverb, and for that reason 'tis very superfluous and vain to use arguments against it.[223]

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[219] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 57.

[220] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 57.

[221] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 57.

[222] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 25.

[223] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 31.

The materialism of the Roman Church is due to the fact that what is at stake for Rome is political power, not spiritual concern:

> But since the points in controversy between the Protestants and papists do chiefly concern the establishment and support of the authority, power, and revenue of the hierarchy or pontifical monarchy, it is manifest that it would be utterly in vain, and but ridiculous, to go about determining them by disputation.[224]

Furthermore, the doctrine of infallibility, "upon which their state depends,"[225] prevents any concession on a philosophical level, and this doctrine is the ideal expression of the principle of sovereignty which lies behind it such that reconciling with Protestants would mean "the great secret of state in the Roman dominion would be betrayed.[226] Rome is incapable of practicing reconciliation, which requires agreement on scripture. Instead, as a political entity it practices political toleration. Any offers of reconciliation from Rome should be considered by Protestants to be a trick,[227] and associations of that sort should be avoided not only because most Protestants think the

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[224] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 28.

[225] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 36.

[226] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 36.

[227] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 38.

Pope to be the Antichrist,[228] but also because if there were such a debate, "the Protestants would have nothing else to do, but to throw away the liberty they have gained, and again to put their necks under the yoke of the See of Rome."[229] Because of these stakes, secular concerns must give way to the basic requirements of Christianity: "The love of peace ought to be so governed, as that our salvation and liberty may not be thereby betrayed. It is better to have an open contention and war, then to be under a heavy yoke, and enjoy a miserable peace."[230] Peace at any cost is not a Christian principle, because Christianity is a religion concerned with truth (*the* religion of truth to its believers), and Pufendorf urges Protestants to act as *feciales* and declare that a state of war must always exist between them and Rome.

Managing Dissent: The Fundamentalist Alternative

The crucial difference between toleration and reconciliation shows the extent to which reference to the context of sectarian politics does not go to the heart of the dispute. According to Pufendorf, Roman Catholic toleration of Protestants is a political decision. It is based in prudence and convention. But the decisive issue for Pufendorf is one of right. The ontology of Protestant Christendom, which is an entity infused with a principle of right, is in danger. Theoretically, Catholic countries might

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[228] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 38.

[229] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 29.

[230] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 51.

participate to the fullest extent with natural law, but this would not be tolerable from the standpoint of the requirements of "true" Christianity. Such a situation would be paradoxical in a soteriologically dangerous way: in a country where there is a conflict between natural law (which begins with a hermeneutic insight) and Roman law (which is based on arbitrary Church authority), the principle of right is hostage to the will. Natural law theory puts the will under the governance of a principle of right. This is the only hope for a better world, will not come from lust, or manners of the age, or politics: "So that if ever there is to be a better condition of mankind, and a happier state of the world, it is not to be expected but from a serious and universal practice of Christian piety and virtue."[231] But this is not an Aristotelian ethical system—which from his perspective would conflate the two realms: the Christian is not guided by flesh or by "natural reason, such is found even in the heathens."[232] Pufendorf does discuss "Christian virtues" but they are effects, rather than causes of the acceptance of the Christian faith.[233]

The Double Covenant as Lutheran Hermeneutic

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[231] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 122.

[232] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 115. Luther many times referred to the "common, divine, and natural law which even the heathen, Turks, and Jews have to keep if there is to be any peace or order in the world" (Luther 1958: 46: 27-28).

[233] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). §§ 54-56.; Detlef Döring, *Pufendorf-Studien : Beiträge Zur Biographie Samuel Von Pufendorfs Und Zu Seiner Entwicklung Als Historiker Und Theologischer Schriftsteller*, Historische Forschungen, Bd. 49 (Berlin, 1992). p. 113.

In accord with this, Pufendorf argues that the embrace of true Christianity necessitates a change in manners.[234] As Luther argued, good works *follow* from the acceptance of grace. A "new man" is created when a person accepts the double covenant of Christianity. The first part of this covenant is the Adamic covenant—broken by Adam, plunging all men into a fallen condition. The second part of the covenant is the covenant with Christ, in which the sins are paid for with a blood sacrifice. Being a "new man" does not imply a return to the natural perfection which Adam enjoyed before the fall—which extended only to natural knowledge or "physics" and ethics, not to knowledge of God (the epistemological divide between God and man has never been bridged, except by Christ).[235] Before the fall, Adam's *will* was consistent with God's. Afterwards, human beings' wills are inclined to wickedness.[236] When the second covenant is accepted, the Christian has no more knowledge of God than he had before, but his will is corrected when he acts in

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[234] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 107.

[235] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 68. The interpretation of Gen. 1:27 is of particular importance in making this distinction. God creates man in own image, which Pufendorf insists is not to be understood literally (such that man *looks* like God, and consequently his brain is a mirror of God's). It is rather an "incorporeal" similitude which implies a "mind of a nature spiritual and immortal, and endowed with a faculty of understanding, and of willing." The perfection of this image of God is lost in the fall, but the rational soul remained, endowed with understanding and will" Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 67. The issue is whether human reason has been corrupted by the fall. If it was not, then human perfection might be willed on the basis of original creation as the Averroist position had it.

[236] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 69.

accordance with his faith. In other words, knowledge of the Word is not divine knowledge. One does not understand God through the text of the Bible, but rather only learns what his will is. This concert of the "new man's" will and God must not be construed to mean that in some way human beings merit salvation. Pufendorf explicitly rejects the doctrine from "barbarous ages" while the "superstition of the kingdom of darkness was prevailing" that people adopted the "opinion of the *Pelagians*, so that there may be more meritorial power and force attributed to good works."[237] Augustine initiated the battle against this heresy and it was vanquished in modernity by "*Luther* himself, as being in his education a disciple of *Augustine.*"[238]

The relationship between the first covenant of God with Adam in the Old Testament and the second covenant of human beings and Christ is laid out in terms matching Luther's *Heilsgeschichte*. Pufendorf argues that the Bible is amenable to an immanent interpretation, the "sense of scripture being well established from the scripture itself."[239] This means not only that outside interpretive strategies are not needed, but also that they are potentially prejudicial to the true meaning of the text. Furthermore, because the exegesis is to be immanent, the reader is under a compulsion to read the parts into a whole. The ease with which this is done is one of the "marks of

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[237] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 142.

[238] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 142, 143. This betrays a deep knowledge of Luther's theological development because it sets out the timeline of his engagment with Augustine.

[239] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 55.

truth" of scripture because although it was not written by one man there is "harmony and uniformity among them."[240] The interpretive strategy is necessarily Christocentric, "Whence also our Savior is not to be accounted a new lawgiver, but a fulfiller of the law, *Mat*. 5:17, 18 and its last and most accurate interpreter."[241] In this reading, Adam is seen in opposition to Christ.[242] The fall is interpreted Christocentrically, in terms consistent with Luther's (see Luther chapter, above). After the fall, God announces that the seed of woman breaks the serpent's head, meaning that the Savior is to be born of woman.[243] This interpretation had remained unclear because mankind was not ready. In a passage which points forward to Lessing's *Education of Mankind*, Pufendorf argues that revelation is developed in time appropriately to the ability of peoples to receive it, explaining that milk must be given before strong meat.[244] This interpretive strategy also included the doctrine of the

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[240] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 63.

[241] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 117.

[242] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 70, 75.

[243] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 76.

[244] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 77. Pufendorf contributed to the development of "eclectic" philosophy, whose characteristic form included histories of morality, especially through the influence of his disciple Thomasius. See Horst Dreizel, "Zur Entwicklung Und Eigenart Der 'Eklektischen Philosophie'," *Zeitschrift für Historische Forschung* 18 (1991): pp. 135-172. and Wilhelm Schmidt-Biggemann, *Topica Universalis : Eine Modellgeschichte Humanistischer Und Barocker Wissenschaft*, Paradeigmata ; 1 (Hamburg, 1983). pp. xiii-xxiv, 272-292. Pufendorf had counted himself in the "sect" of eclectic philosophers as a

trinity. The Trinity is, according to Pufendorf, an exegetical necessity, and furthermore a truth revealed in scripture.[245] God is necessarily seen as three persons in one divine essence.[246] This is a crucial doctrine, according to him, and it is the foundation of true Christianity; without it no there is no savior, no redemption, no faith or justification.[247] One can attribute providence and power to father, counsel and wisdom to the son, and illumination and sanctification to holy spirit.[248] However, the Trinity is not searchable according to reason, it is a mystery at the heart of Christianity.[249]

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second-best strategy after deductive reasoning Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). P. 194. Ironically, this way of telling the story of moral theory in developmental form paradoxically leads to Kant's self-made "resolution" of the history of philosophy in himself and the relegation of Pufendorf to a minor contributory role. If the "rival Enlightenments" Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001). are not resolved but rather coexist (and co-mingle), we can see this variant of *Heilsgeschichte*, in which revelation develops over time, as incorporating the idea of progress and giving historical shape to the idea of *Geist*, or spirit.

[245] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). PP. 68, 71.

[246] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 91.

[247] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 109.

[248] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 91.

[249] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 92.

The precise details of the double covenant that Pufendorf reproduces from Luther's thought are important for three reasons.[250] First, they evidence the claim that Luther's thought is being reconstituted by Pufendorf as part of the fundamentalist "left wing" of Lutheran thought, as opposed to its scholasticised orthodoxy.[251] Second, they are important to distinguish this thought from the Calvinist theology Pufendorf sought a sort of reconciliation with (this will be elaborated in a moment) . Last, the construction of the covenant will make clear Pufendorf's social thought's basis in *Heilsgeschichte* and Luther's Doctrine of the two realms.

A covenant, Pufendorf argues, is the "union, consent, and agreement of two wills about the same thing."[252] In a covenant with God, God reveals how he will be worshipped, and human beings consent to have faith. However, that the agreement has two sides does not make it a symmetrical one. His agreement with human beings takes away nothing from him nor puts him in obligation. Covenants between God and

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[250] The "double compact" will be familiar to students of American political thought. See Donald S. Lutz, *The Origins of American Constitutionalism* (Baton Rouge, 1988). esp. pp. 111-112.; Donald S. Lutz, *Colonial Origins of the American Constitution : A Documentary History* (Indianapolis, IN, 1998).; also Perry Miller, *The Puritans*, Rev. ed., Harper Torchbooks. The Academy Library. (New York,, 1963). (p. 258 for linking of John Wise's thought to Pufendorf's, also Perry Miller, *The New England Mind: From Colony to Province* (Cambridge,, 1953). pp. 295-300. Jellinek (Georg Jellinek, *The Declaration of the Rights of Man and of Citizens : A Contribution to Modern Constitutional History* (Westport, Conn., 1979).) argued for connecting the *Declaration of the Rights of Man* to Roger Williams' thought. This is germane to the present discussion due to Williams' knowledge of and use of Luther. See John Garrett, *Roger Williams, Witness Beyond Christendom, 1603-1683* ([New York], 1970). p. 186.

[251] Though not on the extreme left wing: he was extremely skeptical of Pietism and associated with it the dangers of the radical Reformation Detlef Döring, *Pufendorf-Studien : Beiträge Zur Biographie Samuel Von Pufendorfs Und Zu Seiner Entwicklung Als Historiker Und Theologischer Schriftsteller*, Historische Forschungen, Bd. 49 (Berlin, 1992). pp. 134, 110.

[252] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 63-64.

man are peculiar, because there is not the same combination of wills, there is not a "motion to them alike on both sides."[253]

Turning to the text of the Bible, Pufendorf argues that although the words *Berith* (in Hebrew) and *Diathekes* (in Greek) are often translated as "testament," it is more helpful to understand them as meaning "covenant," even if Luther chose "testament" when he translated the Bible into German. This would be instructive, Pufendorf argues, in that a covenant differs from testament. A testament requires the will of only one person.[254] This is certainly true to the spirit of Luther, and it intensifies the "living" or spiritual aspect of Christianity, as it intensifies the logic of *Heilsgeschichte*. To read the Bible this way means that human beings are being called to an agreement requiring an act of will on their part. The will must be animated with a particular spirit in order to comply with the agreement, and merely following scripture as authority will not suffice to fulfill the human side of the bargain. This is the essence of why Luther's hermeneutics translates into an impetus for democratic politics. Luther implanted in the Bible and Pufendorf elaborated into a full-scale political theory a way of reading the world which requires active endorsement: merely following the laws is insufficient for justification in the religious sphere and also inadequate to the theory of citizenship Pufendorf developed from this Biblical core.

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[253] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 66.

[254] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 103.

Following Luther, Pufendorf argues that grace is free gift of god: God gets nothing in return for the covenant that would imply that he has an obligation to human beings or that they might do something which would merit salvation. From the covenant man gets what is "in no wise attribute to his own merit" but on the contrary to "divine grace."[255] Faith and trust are what are required on the part of human beings , embracing the free gift of God.[256] This is why the phrases "*freely* and *of grace*" are so important in scripture, Pufendorf argues. He reproduces the translational act at the heart of Luther's Reformation thought: "And *justification* is the effect of this faith alone."[257]

Though God might have just commanded this worship, he instead covenanted with human beings. He governs men by "motive and inducements" including "love and inclination of the heart."[258] Importantly, God does not compel our religion or salvation, he gives counsel not command. In the sense of Luther, God's will is not law—it is rather the case that freedom of the will is required for this sort of worship.[259]

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[255] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 66-67.

[256] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 90.

[257] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 108.

[258] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 64, 65.

[259] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 65.

It is at this point where the Luther conception runs afoul of Calvinist predestination doctrine: "Every predestination therefore, or predetermination, which does not leave to man at least that negative liberty, or the faculty of rejecting and resisting, makes of him a mere engine or machine, and utterly overthrows all religion and morality" and presents man as a "statue."[260]

Two Realms, Two Governments

The sin of Adam is violation of the "federal" condition that existed before the fall. Because Adam-as-man transgressed the "federal" boundary, all mankind is subject to penal section of that covenant. Adam broke the single existing sacrament and ate of the tree of knowledge of good and evil.[261] But breaking the covenant does not free man from it, as in feudal covenants. Man must still obey natural law.[262] Obligation to obey natural law due to natural condition of mankind via God's right of dominion over him. This is a reproduction of the government (*Regiment*) of the secular realm (*Reich*). It shows the necessary and systemic link between Pufendorf's

[260] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 65, 66.

[261] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 72.

[262] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 72.

natural law doctrine and the entailments of *Heilsgeschichte* as a practice of "reading" the world.[263]

It is this condition which presents the Protestant problem that Luther struggled with in the tower: The "understanding knew no way of appeasing God, and his will, prone to evil, could not but be averse to him."[264] In the fall, the understanding is corrupted and the will inclined to evil.[265] In the new covenant, we do not regain the primitive perfection of Adam, but receive salvation from another means.[266] *This means that a political interpretation of Christianity cannot indicate that human beings are to fulfill the Adamic covenant. The new covenant is categorially distinct from the old one*. The new covenant is effected through the interposition of a mediator, symbolized as Christ, the "lamb of God."[267] This can be conceived as a "double agreement; *the one of God the Father with the Son, the other of the Son, as mediator,*

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[263] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 73.

[264] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 75.

[265] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p.. 73.

[266] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 74.

[267] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 84-85.

and savior of men."[268] "God is said to be our *Father*, for creating us; Jesus Christ *our Lord*, because of that kingdom or dominion over us. Because our ransom being paid, he has freed us from the most cruel servitude."[269] Christ's transfiguration is a personal union: it is the word made flesh, not the flesh made word.[270] This means that human nature participates in the divine in all its aspects.[271] First, in that God has dominion over the world—God's government of the worldly realm.[272] Second, as mediator, Christ is the "ruler of Kingdom of God, this is his dominion over mankind" according to "the gospel published by the savior" and "not the legal works."[273]

The importance of holy communion is explained by the desire to renew the second covenant on a regular basis. Pufendorf argued that in the Church, the holy Eucharist serves to revive memory of the covenant.[274] It does not represent the

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[268] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 87.

[269] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 89.

[270] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 95.

[271] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 99.

[272] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 99.

[273] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 100.

[274] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 122.

covenant in the sense of being a reproduction or symbolic representation, but rather actually accomplishes it: "The body of those who come into covenant make up the kingdom of Christ, members of mystical body into which a vital spirit flows."[275] Transubstantiation is to be understood spiritually.[276] It is therefore somewhat akin to a "feudal" agreement, in that it is bilateral and individual, but it differs in the sense that the terms of such feudal covenants between men are mutually binding in a way in which a covenant between God and human beings can not be.

Reconciliation Among Protestants

This is the composition of the system, or core, necessary to salvation and therefore to reconciliation among Protestants. The religious and non-prudential character of the dispute is sounded again when he turns to the disagreements which he thinks remain between Calvinists and Lutherans: "whatever of good there is among the *Reform'd*, that they have in common with the *Lutherans.*"[277] There are two main areas of dissent. The first is the understanding of the person of Christ during the Eucharist. The second is the doctrine of predestination or grace.[278] The first seems to him to be avoidable on the grounds that it is a mystery and therefore does not belong

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[275] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 126.

[276] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 102.

[277] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 132.

to the realm of human knowledge. The second difficulty is one in which the Calvinists must allow themselves to be corrected.

According to Pufendorf, Lutherans believe it to be a contradiction that they would be damned by absolute decree through a covenant made by God. He writes that this doctrine is not in the Bible, nor does it make logical sense given the nature of Christianity or of a covenant.[279] To demonstrate the latter point, he lays out the stories that first Lutherans, and then Calvinists must believe. In the Lutheran story, the following steps took place:

1. The First Covenant, the creation of man is just and holy
2. Voluntary fall without any fault of God
3. New covenant and the death of Christ
4. Decree of salvation to all to embrace the Savior
5. Some embrace the covenant, some reject it
6. From the standpoint of eternity, God sees who embraces and who rejects and they are in this way predestined.

In this, writes Pufendorf, are elements necessary to translate into all the categories in which the Calvinists construct their system. There is a purpose (the decree by God to effect the salvation of human beings through the Savior), prescience—God from the perspective of eternity knows who will embrace Christ and who will not—and

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[278] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 132.

[279] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 127.

predestination—salvation of the elect and damnation for those who choose to forego the covenant.[280]

In the Calvinist story—and in Calvin's thought especially, the story must run as follows:

1. A decree of God of mercy and justice (who is damned, who is saved)
2. Human beings are created so he could exercise His mercy and justice
3. The fall so some may be drawn into eternal life while others perish
4. The means of salvation designed only for the former

Pufendorf opines that this story requires one to believe that God created wickedness in order to exercise his justice against human beings.[281] But the Calvinist story seems to him to take away all free will, and human beings must have free will or all morality is extinguished and men become like engines. Morality is no longer a moral discipline, but a physical one.[282] This, he argues, collapses the categories of Christian belief. God does govern human beings in his government of nature (this is the *Regiment* of the secular *Reich*), but his government is different in the moral realm. What Calvinists call free will Pufendorf sees as only "spontaneity" or absence of violent constraint, in

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[280] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 140-141.

[281] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p.. 141.

[282] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 145.

which case human beings have no more liberty than is in water, which is not constrained in its travel down a slope.[283]

The Calvinist doctrine of the particularity of salvation—its delimitation to the elect, contravenes the sense of the new covenant. That covenant offered universally: the merit of Christ is indivisible, and it is the universal price of ransom for all mankind.[284] The "particularity" that Lutherans embrace occurs in that every man comes into covenant with Christ singly, and not in communion with other men.[285] On a prudential note, Pufendorf argues that the Lutheran doctrine is safer, it is less likely to produce uncertainty and unhappiness, and it is more likely to produce the Christian attitude of reconciliation, in the sense of *Versöhnung*.[286]

Pufendorf and Democracy: The Rejection of Esoteric Knowledge

Calvinist doctrine, as Pufendorf reads it, introduces an esotericism, a distinction between a secret and a revealed will: a "will of good pleasure and a will signified, a legislatorial and a decretory will."[287] But this is to misunderstand a human being's

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[283] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 145, 147.

[284] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 149.

[285] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 150.

[286] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 150.

[287] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 150.

relationship to God's will. The divine will lays no necessity on things. There is an important distinction to be made between production (will) and prescience (understanding). In their constitution, men are not reduced to machines or "self-moving engines."[288] Instead, a human perishes according to his own negative vote to the second covenant.[289]

On one hand, God does not save by "legislatory" law.[290] The Calvinists want to understand God's will as divided between a decretory (secret) will—in which the elect are chosen—and a legislative (open) will. But Pufendorf argues that scripture is formed not so it may be understood, but so human beings may perceive the will of God.[291] If the secret sense of God differs from the revelation of holy scripture, then "scripture would be unuseful and invented only to deceive men."[292] If God makes a law that all must believe in Christ and then God does not allow some to believe, this

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[288] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 168.

[289] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 171.

[290] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 171.

[291] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 179.

[292] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 179.

mocks mankind.[293] Accordingly, faith is a moral not physical virtue.[294] This application of reason to the problem of the divine will demonstrates reason's deficiencies and philosophical rules are inadequate to describe man's relationship to God.[295] Moving in this direction threatens to turn Christianity into mere moral philosophy.[296] But Christianity is not an Aristotelian doctrine of virtues. Since salvation can not be understood through reason, revelation is needed. Only the Bible serves to solve this epistemological problem.[297]

The fall was not necessitated by God,[298] nor is there anything in the new covenant that excludes men by absolute decree.[299] Pufendorf writes,

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[293] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 188.

[294] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 189.

[295] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 206-207.

[296] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 200.

[297] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 202.

[298] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 161. See Nietzsche BGE § 30 (Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VI-2.44.). While the Calvinist position is determinist, the German word "*Bestimmung*" gives the senses in which Pufendorf would be inclined to approach that concept.

[299] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 205.

> But yet that the covenant might retain the true nature of such a thing, and that neither the salvation of men, nor their perdition should come to pass like the operation of an engine, or by the laws of natural motion, there must be left to men at least a faculty of refusing this covenant. Whence, on the part of man there is nothing else required to his coming under this covenant but faith, and that not considered as a virtue, but as a mean of accepting it, which also itself God is ready to give to those who do not refuse as it were the first motions of his grace.[300]

Esotericism would be a mark of evil and therefore not commensurable with the Christian religion. He asks, why would a totally free God "mock men by obscure and ambiguous expressions, and by words differing from the secret sense of his mind, and by that illusion should do nothing else but increase their infelicity."[301] In order to imagine such a God we would be required to view him not as good, but as evil. And why would there be any need for the passion of his son, if election is by decree?[302] That human beings differ from perfection must either be due to the evil in God—or what we perceive as evil. The issue of human ability to understand God's justice evokes the theme of *Job* and Calvin's explicit attention to Job was voluminous.[303] In his interpretation of that book, the epistemological curtain for Calvinists is much more darkly drawn, and posits a separate and secret will.

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[300] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). pp. 205-206.

[301] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 206.

[302] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 207.

[303] See Susan E. Schreiner, "'through a Mirror Dimly': Calvin's Sermons on Job," *Calvin Theological Journal* 21 (1986).

For Luther and Pufendorf on the other hand, the path to salvation is open and transparent. Pufendorf argues that in Paul there is opposition to the merit of works, but he is never opposed to the merit of faith.[304] This merit must be understood in the following sense: there is no obligation on God's part implied by the covenant, in this very restricted use of the word merit, the action taken is putting oneself in accord with God's will. Though God may give some persons more temporal goods without respect to merit, with respect to salvation he must take it into account.[305] This conclusion is required by the contention that the temperament of divine mercy and justice is worthy of admiration and unsearchable by human reason—the ideal is hidden from human view, but we know that it is good.[306] There should be no esotericism in this theological project, no secret or hidden doctrines for the priest alone: "if any doctrine does not truly belong to the integrity of Christian doctrine, there does not appear any reason why it should be concealed from the vulgar...why should not all the counsel of God be declared to men?"[307] This democratic principle argues explicitly against the necessity for sages in the sense Hunter sees as the exclusive domain of Leibniz-Wolff-Kant. For that tradition the dispute is not over the

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[304] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 209.

[305] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 210.

[306] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 211.

creation of sages but rather who is qualified to be one; in the tradition of Luther the object, and indeed the requirement, is that everyone is assumed to posesss the wisdom necessary to citizenship.

Returning to the contention that all dissent in religion is over the right to interpret what belongs to that religion, he asks that Calvinists not have an attitude of scholastic stiffness, of not being willing to be corrected on the basis of scripture.[308] Here we see the hermeneutic principle Pufendorf embraces as the critical and scientific principle: one should rejoice in being corrected.[309] When truth is the object, and neither pride nor power, interpretation becomes a revolutionary principle, one that embraces natality through the emergence of spirit. The system is unafraid to turn this principle on itself. In Pufendorf's understanding, the principle of Luther is that we are free to doubt even the interpretation of Luther and to look only to scripture to find the basis of theology.[310] And in the same gesture as Luther made at Worms when he staked his interpretation only on the text of the Bible, Pufendorf closes *Jus feciale*: "If

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[307] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 224.

[308] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 214.

[309] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 215.

[310] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 221.

anything in this work is fallen from me, disagreeing with the genuine sense of holy scripture, beside my intention, let it be as not said."[311]

Pufendorf and Democratic Character: Orienting One's Thinking

Pufendorf's system of natural right is an attempt to describe the shape of reason and its relationship through spirit to "word" and "law." There are many ways in which "reason" might be brought to bear on the problem of right and a perspective or organizing principle is missing from any direction to use it. His system of a double contract is a device the thoughtful individual can use to make sure that in the act of freedom (i.e., the act of willing), he is willing in accordance with the correct concept of freedom. Pufendorf's double contract ensures that what one wills is in accordance with the only two commands of God contained in the New Testament's instruction to love one's neighbor as oneself. The concrete or true determination of the will is neither merely abstract, as in legal personhood, nor particular, as in arbitrary subjectivity. This follows the limited conception of the will that Luther embraced, and the way in which one finds *Versöhnung*, reconciliation, as a pervasive concern throughout this tradition of thought.[312] In this way, Pufendorf is not the triumph of secularizing philosophy over theology, but rather can be seen as an attempt to overcome scholastic philosophy with a

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[311] Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 226.

[312] On this point Hegel's *Philosophy of Right* § 7. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7: § 7.

fundamentalist Lutheran theology.[313] The objects of Pufendorf's treatises on natural law would be similar in treatment and in aim to Hegel's *Grundlinien der Philosophie des Rechts*, which was, he wrote in a draft to Hardenberg, a textbook "über Naturrecht und Staatswissenschaft" "about natural law and the science of the state."[314]

Pufendorf writes in a tradition beginning with Luther. The educational project announced by Luther then also becomes central to Pufendorf. This claim is made good among many other places in the introduction to *De offico* and, even more explicitly in a long quote from *Commentatio super invenusto pullo* on the necessity and plan for reformation of the universities from Luther's *An den christlichen Adel deutscher Nation*.[315] Further, though Luther's *An den christlichen Adel* and *Von*

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[313] See Simone Goyard-Fabre, *Pufendorf Et Le Droit Naturel* (Paris, 1994). pp. 30-32 for a short discussion linking Pufendorf's thought to Luther and to Hegel. Detlef Döring's (1992) analysis explicitly links Pufedorf to a "fundamentalist" interpretation of Luther

[314] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7: 516. In his short discussion of Pufendorf in the *Lectures on the History of Philosophy*, Hegel greatly oversimplifies Pufendorf's thought, which he believes was based on raising natural drives to the level of philosophical principle. He concludes the remarks with: "Das Fundament des Staats ist der Trieb zur Geselligkeit, - der höchste Zweck des Staats Friede und Sicherheit des geselligen Lebens durch Verwandlung der inneren Gewissenspflichten in äußere Zwangspflichten," "The foundation of the state is the drive to sociability, -- the highest goal of the state peace and safety of social life through transformation of internal duties of the conscience into externally enforced duties" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 230. Pufendorf is also mentioned in connection with Montesquieu, against what Hegel argues is a typically French materialist collapse of *penser* into *sentir* Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 304.

[315] Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). V 272. It is one of the central concerns of this tradition as seen in Lessing's project for the education of mankind, Hegel's and Nietzsche's plans for reformation of the educational systems. Though Luther envisioned an extensive reformation of the entire school system (Gerald Strauss, "The Social Function of Schools in the Lutheran Reformation in Germany," *History of Education Quarterly* 28 (Summer, 1988).), but it appears to have been little realized (Scott H. Hendrix, "Luther's Impact on the Sixteenth Century," *Sixteenth Century Journal* 16 (Spring, 1985).) Pufendorf specifically reacted to Melancthon's scholasticization of Lutheran doctrine when he refused to take a doctorate at Jena. See T.

weltlicher Obrigkeit can still be seen to fall more or less under the "mirror to princes" tradition, Pufendorf's natural law writings are not aimed at that audience. Consistent with the focus Luther had on developing (dual) citizens, Pufendorf is clearly writing in this more democratic mode and developing mirrors to *citizens*.[316] Indeed, one of the few admonitions to princes in *De officio* hominis is that ordinary people organize their dealings according to the natural law, so it is best for a sovereign not to promulgate too much positive law.[317]

The Immanent Experience of Freedom

In this tradition, freedom is an immanent concern: no formal epistemological training is required to "read" the world. Freedom is a central concern because the Christian is set free from the compulsion of the law as a moral force: following the law does not morally justify. But the Christian-as-fallen-human being is also potentially freed from the ethical force of the law. This had been a practical problem of order, which at times after the Reformation even transcended the Catholic/Protestant divide, as in the suppression of the Anabaptist control of Münster in 1534.[318] Freedom is an *immanent* problem that human beings contend with mainly

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J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 3.

[316] For instance, there is very little in the way of instruction for princes in *De officio*. Only II.18, On the Duties of Sovereigns is devoted to the subject.

[317] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 136.

[318] Hajo Holborn, *A History of Modern Germany*, [1st ed. (New York,, 1959). p. 180.; R. Po-chia Hsia, "Münster and the Anabaptists," in *The German People and the Reformation*, ed. R. Po-chia Hsia (Ithaca, 1988).

on their own, with tools mainly of their own fashion, and with no recourse (except in very specific circumstances) to certainty beyond the limits of the finite and fallen human brain. This specific conception of the shape of the human condition leads to a persistent argument for the relationship between knowledge and action: epistemology is intimately connected to moral and ethical psychologies, and it is therefore never a "separate" issue. The systematicity of Pufendorf's thought is lent from Luther's system.

Learning to "read" the social world correctly means first of all taking the correct perspective with regard to the moral content of one's actions. This involves recognizing the constraints on the will as well as correctly orienting one's sense of right. Second, it demands a method for insuring maximal certainty, while knowing that the world is ultimately governed by a force unpredictable to human beings. Last, there is a responsibility placed on every individual to give voice in the community of faith (the church) and the political community; because the basic moral problem of justification through faith is an individual one, the social expressions of that faith require special concern and effort.

This is not a tradition which is without recourse in dealing with the "abyss" of subjectivity. The Luther solution is to *have faith* in the attempt to order the world according to the cheerfulness of one's soul. In the section of *On the Law of Nature and Nations* entitled "On Keeping the Faith, and On the Division of Obligations" (III.4), Pufendorf writes, "Now if any pacts are entered into among men, the sociable

nature of men requires that they be observed religiously."[319] In addition to supplying its principle, religion is at once consistent with sociality and supports it: "But since religion, insofar as it pertains to the discipline of natural law, is confined within the sphere of this life, it can in consideration of the fact that it provides the most effective bond for societies of men, also be referred to sociality. And those things which a man ought to observe toward himself surely render him more fit for society."[320] Pufendorf writes in *De officio hominis* that moral theology encourages the good life because Christian virtues "do as much as anything to dispose men's minds to sociality."[321] Conversely, the presence of "sedition" and "disruption of civil life" show a man is not truly a Christian, that he has the faith only "on his lips," not in his heart.[322] The invisibility of faith reduces the scope of natural law, it is "concerned only with a

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[319] "Si quae autem inter homines ineuntur pacta, illa sancte observanda esse, sociabilis nuatural hominis requirit." Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). IV.1 256. Cf. Hegel *PR* § 30: "Das Recht ist etwas *Heiliges überhaupt*, allein weil es das Dasein des absoluten Begriffes, der selbstbewußten Freiheit ist." "The law is something *intrinsically holy*, for the sole reason that it is the existence of the absolute notion, of self-conscious freedom." Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7: 83.

[320] Samuel Pufendorf, *The Political Writings of Samuel Pufendorf*, ed. Craig L. Carr (New York, 1994). p. 97. The original Latin reads: Verum cum religio, quatenus ad disciplinam juris naturalis pertinet, intra sphaerum hujus vitae terminetur; eo quoque intuitu ad socialitatem referri potest, quatenus illa societibus hominum efficacissimum vinculum praebet. Et quae adversus seipsum homini observanda sunt, eundem utiquae societati commodiorem reddunt Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). IV.1: 9.

[321] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 9.

[322] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 9. In *Jus feciale*, Pufendorf returns to this phrase in describing how prayers whcy "come only from the lips" are a thing "expressly forbidden by our savior, *Mat.* 6:7" Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 33.

man's external actions and does not penetrate to what is hidden in the heart and which gives no external effect or sign."[323]

Theology operates via the "word of God alone" and "Its chief task is to conform the mind and its internal actions to the will of God; and it condemns actions which seem externally to be correct but which proceed from an impure heart."[324] There can be no true disagreement between natural law and theology even if there is an apparent one, "it would be very ignorant to set these disciplines against one another or to imagine any contradiction between them."[325] Though the civil law "presupposes the natural law,"[326] the relationship between natural law and moral theology is categorial:

> …any positions which the natural law adopts as a result of an investigation based on reason, are not in that account in any way opposed to the more explicit teaching of the Holy Scriptures on the same subject; it is merely that they are formulated by a process of abstraction. For example, in the discipline of natural law, we abstract from knowledge drawn from Holy Scripture and form a conception of the condition of the first man so far as reasoning alone can achieve it, however he may have been put into the world. To set that in opposition

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[323] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 9.

[324] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 9.

[325] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 7. In "The Disputation Concerning the Passage: 'The Word was Made Flesh'," Luther wrote against the argument, "The wisdom of God does not contradict itself. Philosophy is the wisdom of God. Therefore, philosophy does not contradict itself" that "wisdom does not contradict itself" but there is distinction to be made between living by knowledge of the law (i.e. according to philosophy) and living according to belief Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 38: 248.

[326] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 7.

> to what the Divine Scriptures teach about that condition is the very essence of black malignity and is pure malice.[327]

The difference is one of perspective. Moral theology proceeds from revelation, it presupposes the promise made by God to men via Christ, and it concerns the future a Christian can expect in "the life to come."[328]

There are three sources of knowledge of duty, what man is to do because it is right (*honestem*) and not do because it is wrong. The first is from the light of reason, from which the natural right (*juris naturalis*) flows. The method for discerning this law,[329] is inferring by right reason (per rectam rationem) what is essential to sociality. The second is from the civil laws (*juris civilis*; Weber: *von den bürgerlichen Gesetzen*), which may be known by the will of the legislator. The third source is revelation of divinity (*ex peculiari revelatione divini Numinis*; which his contemporary Weber translated as *das geoffenbarte Wort Gottes*) which is constituted in the discipline of moral theology, by which are implied the duties of a Christian—

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[327] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). pp. 7-8.

[328] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). pp. 8-9.

[329] The distinction between the singular forms of *ius* (right, justice) and its plural forms which are usually translated as law and *lex* is not routinely preserved by Pufendorf. The translation is a fraught with difficulty as the translation of the word *Recht* in Hegel's writing (seeHugh Barr Nisbet, "Translator's Introduction," in *Elements of the Philosophy of Right*, ed. Allen W. Wood (Cambridge [England] ; New York, 1991), p. xxxviii.). Weber's 1691 translation into German clarified in its subtitle that the work concerned "natürlichen Rechte" Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). II: 193. Luther also used *iura* to refer to natural law: "Finally it really means what in Latin is termed *iura*, that is, laws, by which men are properly put in order among themselves for civil life, in secular matters; whence it is also rather frequently used for some convention and custom, likewise for the law of nations or the natural law, as in Ex. 21:9" Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 9: 49.

and which is distinct from the other part of theology explaining the articles of faith.[330] The relationship between these three disciplines is as follows: thought civil law presupposes natural law, the Holy Scriptures have same subject, natural law is discerned by a process of abstraction. There is no contradiction between natural law and moral divinity, between reason and revelation. They exist in a categorial relationship.[331]

"Denatured" Natural Law: Sociality and the Call to Order

This relationship between theology and natural law implies a method that reasons simultaneously from universals and particulars, from the demands of sociality and from a principle of right, shows the extent to which Luther's Reformation thought is taken over as moral and social theory. The *Zwei Reich Lehre* and attendant *Heilsgeschichte* must be considered as a proposition of fact, as a descriptive enterprise (as those within the system do when they argue that Christianity is the religion of truth). The test of its interpretive validity is its accuracy in representing the distinction and relationship between morality and ethics. This means first justifying the difference between *Moral* and *Sittlichkeit*, between word and law, and second describing their association and interaction.

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[330] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 6.; Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). II 5, 101-102.

[331] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 7.

The extent to which "natural" law is natural highlights this distinction. For Pufendorf, natural law is based on a historical notion of sociability. Man is not, as in Aristotle, naturally political or social, and Pufendorf explicitly argues against the idea that a "state of nature" existed. This is, he writes, a "fiction" to be opposed to the reality of human beings as they have existed under governments and kinship groupings.[332] Natural law is intended to speak to the universal condition of human beings, the principles which will be universally valid in promoting human flourishing and an exit from the misery, the "*indigentia*" of the (imagined) atomistic state of nature. In what may seem to be paradoxical, it can only do so in the vernacular of existing societies. The degree to which natural law is natural may be understood by pointing to the word "natural" and realizing that "nature" is itself socially constructed.[333] This is then a distinction between "natural law," which is a product of history, and "innate law" which would be given directly by nature.[334] This law is universal because its domain is limited to the common experience of society, and it is therefore superior to other forms of law claiming universality on the basis of what is actually the particularity of a given state. The civil condition seems natural, but it is part of the *Regiment* of God. The ordering of the world according to natural law is

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[332] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 117.

[333] Discussed in Istvan Hont, "The Language of Sociability and Commerce: Samuel Pufendorf and the Foundations of Smith's "Four Stages" Theory," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987), pp. 265, 268.

[334] The "natural state" of human beings is to be considered in three separate ways. First, as being created by God, human beings are capable of religion and a life different from animals. Second, considered as a solitary individual, a human life would be "more miserable than any beast". Last, the natural state implies a certain feeling of mutuality bred of human kinship (Pufendorf 1991: 115-16).

inconceivable as an act of political will, it belongs to the idea of sociality that operates above the politics of any given kingdom.

> And if men, with their sense of right, were to order and arrange this, they would never succeed. Emperors and jurists have their hands full, administering secular justice and regulating the affairs that are involved in those stations. What would happen if they were to set in order the stations themselves and even the natural law? For this reason human laws are not permanent and do not abide forever. Nor are they universal in the world. But "a new king means a new law." When an empire is changed, its laws are also changed. But these divine stations continue and remain throughout all kingdoms, as wide as the world and to the end of the world.[335]

For this reason, Pufendorf rejects basing natural law on either the law of Rome or on Christianity, because neither of these is common to all human beings. The development of the concept of sociality is then "eclectic." Although Pufendorf wrote Christian Thomasius that the eclectic methodology was only second best to deductive reasoning from first principles, there is an element of historicism in his work that is an innovation on Luther's perspective. Natural law is no longer eternal, though it is experienced as such. History has begun to make more inroads as the expression of *Geist*.

The existence of order is *as if* natural for Luther, but it is part of the worldly *Regiment* of God:

> These divine stations and orders [i.e. social institutions] have been established by God that in the world there may be a stable, orderly, and peaceful life, and that justice may be preserved. Therefore the psalmist

[335] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 13: 369.

> here calls it "God's righteousness," which is permanent and abides forever. Lawyers call it "natural law."[336]

The world without this "natural" order would be unendurable:

> For if God had not Himself instituted these stations and did not daily preserve them as His work, no particle of right would last even a moment. Every servant would want to be a lord, every maid a mistress, every peasant a prince, and every son above father and mother. In short, conditions would be worse among men than they are among the wild animals, where each devours the other; for God did not give them such institutions.[337]

Pufendorf devoted long passages in *De officio hominis* to discussions of the miseries of life outside civil life, some of which were excised by Barbeyrac and his English editors. Pufendorf invited his readers to imagine the life of someone outside the society of other human beings, provided that person lived to adult years:

> He would have no knowledge except what has sprung by a kind of spontaneous generation from his own intelligence. He would be in solitude, destitute of all the help and company of others. Evidently, one would scarcely find a more miserable animal, without speech presumably and naked, who has no recourse but to tear at grass and roots or to pick wild fruits, to slake his thirst at the spring or river or from the puddle in his path, to seek shelter in caves from the assaults of the storm or to protect his body as best he may with moss or grass. Time would pass most tediously with nothing to do; at every noise or approach of another animal he would start in terror, and would at last die of hunger or cold in the jaws of a wild beast.[338]

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[336] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 13: 369.

[337] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 13: 369.

[338] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). pp. 33-4. Rousseau's response to this characterization of the state of nature in the *Second Discourse* is well known. The distinction turns on the social production of knowledge in language as the first social institution. Natural man does not know the distinction between good and evil and has not set out on the linguistic road ending the depravity of modernity. For Pufendorf he is at this stage a "naked dumb animal" Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political

Contrasting the two conditions, in and outside of civil life, Pufendorf writes,

> There is the reign of the passions, there is war, fear, poverty, nastiness, solitude, barbarity, ignorance, savagery; here is the reign of reason, here there is peace, security, wealth, splendor, society, taste, knowledge and benevolence.[339]

Human society is then the source of all human good.

Accordingly, reason is not a cosmic force that act from outside; it is rather a human institution. This understanding gives rise to the claims of absolute certainty for social sciences founded in this tradition[340]—while at the same time arguing that such certainty can not jump the categorial barrier to the moral perspective. The constitutional contingency of this certainty makes it a political question, and one which every human being is called to answer. Heteronomy of the will is not a problem in the political realm because the natural reason appropriate to the forum is not contaminated by human drives, it is rather made up of them (cf. Hegel *PR* § 17, esp. *Zusatz*). Pufendorf does not defend a divine right ("*der Könige göttliches Recht*") of kings and neither is the basis of natural law "natural" in the sense that it derives

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Thought (Cambridge [England] ; New York, 1991). p. 117. Although Rousseau's thinking on the origins of language are, by his own admission, based on the theory of Condillac, I find the contention of Aarsleff (1982) that German interest in theories of languages owes most of its debt to the "tradition of Condillac" preposterous; one of the principal aims of this dissertation is to elaborate the German focus on the importance of language as well as to provide an explanation for that focus. Hans Aarsleff, *From Locke to Saussure : Essays on the Study of Language and Intellectual History* (Minneapolis, 1982).

[339] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 118.

[340] Leonard Krieger, *The Politics of Discretion; Pufendorf and the Acceptance of Natural Law* (Chicago,, 1965). p. 34.

immediately from some aspect of the body, a natural "drive" to sociality.[341] The human will is heteronomous across individuals and within itself. The character of human beings is that they may be oriented to sociality through adherence to natural law, which is the principle of society:

> The laws of sociality, laws which teach one how to conduct oneself to become a useful member of society, are called natural laws.
> On this basis it is evident that the fundamental natural law is: every man ought to do as much as he can to cultivate and preserve sociality. Since he who wills the end wills also the means which are indispensable to achieving that end, it follows that all that necessarily and normally makes for sociality is understood to be prescribed by natural law. All that disturbs or violates sociality is understood as forbidden.[342]

The correct moral stance towards the dictates of reason, thus conceived, is to act in the right spirit. And denial of the reality and the reliability of the spirit, of humanity, is the core the various objections to this view, and the symbol of the absence of faith or worse, of bad faith.

The Spectre of Subjectivity

Human beings, though deeply flawed, are not necessarily faced by the problem of absolute moral and ethical subjectivity. Though evil is abroad in the world, there are both religious and secular remedies for it. Right reason is no mere pretense, it is not a noble lie. The perspective of absolute moral subjectivity is one that is dealt with explicitly in Pufendorf, as it had been in Luther and is in Hegel's thought. One is to

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[341] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 230.

[342] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). pp. 35-36.

be reconciled to human institutions—not as a fatalistic move or even one that is stoic or normatively conservative. Human institutions are necessary to a corrupted nature.[343] This orientation of *Versöhnung* points to a positive programme of reinterpreting or translating the world into an ideal form. The emphasis on speech, on speaking, on the community evoked by the concert of human voices, is the means by which this transformation is enabled.

Because of the categorial separation between natural law and theology, this does not veer into the Pelagianism of justification through works, but is rather perfectly consistent with Luther's teaching. For Pufendorf, man is corrupted by the Fall, and he is therefore an animal seething with evil desires.[344] It would be inappropriate to deduce natural law from the uncorrupted nature of man: not only would it get the story wrong, but it would also transgress the categorial separation between natural knowledge and divine knowledge. The story would be wrong because reason itself is implicated in the Fall, "since natural law does not extend where reason cannot reach, it would be inappropriate to try to deduce natural law from the uncorrupted nature of man."[345] To argue otherwise is to argue that the works of a fallen creature could justify him in the eyes of God:

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[343] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 12.

[344] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 10.

[345] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 10.

> I do not see how it could ever come into his mind to make for himself something which he would want to worship with or instead of the true God, or to believe there was divinity in something he himself had made.[346]

The principles of natural law are consistent across corrupted and uncorrupted conditions, but the particulars are different. Hegel observed that the "meaning of the doctrine of original sin, without which Christianity would not be the religion of freedom" means in philosophical terms that "as spirit, man is a free being who is in a position not to let himself be determined by natural drives." The implication is that an "immediate and uncivilized condition" is not appropriate to him and is something "from which he must liberate himself" (Hegel *PR* § 18 *Zusatz*).[347]

The Seat of Authority

The *religious* "basis" of Pufendorf's Protestant theory of government explains why citizenship, and therefore tolerance, hinges on the possession of *faith*, or at least if that is not present that the group being tolerated is not hostile or corrosive of that faith (and if it is it must not be tolerated). Because the idea of freedom in operation in this tradition resides within each human being—both as a burden and an opportunity—the recourse to reason does not "give the last word." Reason in this tradition is not alien wisdom (Hegel *PR* § 31), and this sets Pufendorf apart from Leibniz' view of a God

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[346] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 10.

[347] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 51.

who is also constrained by overarching reason. Reason is neither the command of God the Father, nor does it command Him.[348]

On the level of human interaction, reason is even less the command of any one person's father. One of the dissonances engendered by this tradition is that to fulfill the fourth commandment it is often necessary to disobey it. Finding one's calling is a necessarily subjective experience. Not being subject to either conception of the father is an expression of this freedom in bondage. This is anti-patriarchal because it forces a distinction between the essential rationale of the family and the rationale of the state. The state does not exist in one man, but in the minds of all its inhabitants. But it also does not want to colonize the family in this spirit—it leaves that institution alone and does not commit the category error of wanting a leveling of all institutions. The presence of a systematic treatment of the family and with it the problem of natural

[348] The attack on Pufendorf by Leibniz is a doubly messy case. First, there are distinct Luther elements in Leibniz' thought (I believe the Catholic/Scholastic elements are in the end decisive). Second, is Leibniz' prominence in German 18th c. intellectual history. The distinction of Pufendorf from Leibniz on one hand and Hobbes on the other is also important. Pufendorf had a social contract theory that attributes far more of what we would call humanity to persons than does Hobbes. For Hobbes, men are beasts, and reason is little more than the ability to add and subtract. Self-consciousness is a problem because it gives voice to subjectivity. When disputes over what the Word means translates into civil war (i.e. a dispute about the law), then you need a strong law-giver (the Leviathan: Hobbes evokes the Job problematic though the Leviathan to show that human justice is distinct from God's justice. For Hobbes this is a categorical divide, not a categorial one.) to impose law and fix the definition of all words. Pufendorf wants to argue that man is unsociable, as Hobbes said, but also sociable. His social contract theory reflects this complexity in ways that make it less dogmatic and authoritarian than Hobbes'.
The distinction of Pufendorf from Leibniz follows from this. Leibniz wants to see Pufendorf as a Hobbesian. With this charge comes the implication that Pufendorf's project is as atheistic as Hobbes' was perceived to be. While debates about how much "God" is in this or that theory seem ridiculous to us (at least as a criterion of judgement of which is correct), in this case what is really going on is a dispute between rival social and political theories. Pufendorf represents a response in the tradition of Martin Luther, so his reaction to Hobbes is in some sense a translation of Hobbes into an understanding consistent with Luther's thought. Leibniz conflates Pufendorf with Hobbes in order not to engage that particular solution. Rather, Leibniz wants to argue that God's law can be known, that our knowledge of God is inherent in the reason that governs both man and God (or that reason is the expression of God's essence); Leibniz wants to deny the Job problematic in his *Theodicy*. Here the practical politics that emerge from the theories are interesting.

authority in systematic works in this tradition is no accident: it is intimately linked with *Mündigkeit*, the finding of one's voice and the capacity to be responsible for one's words which is the definition of moral and political maturity.[349]

Language and Maturity

Pufendorf's theory of language is for this reason central to his moral epistemology.[350] Constrained by his context, Pufendorf wrote most of his major works in Latin. However, Pufendorf's disciple Thomasius can be seen as Pufendorf "verdeutscht," as the spirit of Pufendorf translated into German. Pufendorf's theory of language leads into 18th century debates but which can only be understood in terms of the categories that Luther employed. What Pufendorf does is to make the historical character of language even more explicit than Luther had. This is to point to the existence of the hermeneutic circle. Pufendorf argues that one can not naively read off the law from the word (if you could, it was argued, to know how God's law spoke to human law you would only have to ask a child). Pufendorf argued that language facility—and therefore political maturity—is gained through interaction with the world. It is not the unfolding of a potential, of a perfection inherent in each human being.

Though God is the author of natural law, it is not inherent knowledge. Human beings are obligated to follow natural law to honor their constitution—can follow

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[349] See Hegel *PR* §§ 158-181; also John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). § 50.

[350] Pufendorf studied classical philology at Leyden and published two studies in the discipline. Discussed in Leonard Krieger, *The Politics of Discretion; Pufendorf and the Acceptance of Natural Law* (Chicago,, 1965). p. 18.

laws. Religion is a sign of humanity and is something that animals do not possess.[351] That the "law is known by nature" does not mean it is native, but rather that it can be explored "by the light of reason," and this is how Pufendorf interprets Paul's argument that the law is written in the hearts of men (Rom. 2:15).[352] It is like native language and seems natural after we have learned it,[353] after it has been made second nature.

This has consequences both for the law and for morality. In the legal realm, it shows that political prudence is learned through experience. Reason is the best guide in the political world, and for that reason the youth are to be educated in natural law theory.[354] But this theory of language also has consequences for the moral realm. As Hochstrasser points out, the Pufendorf project tended to generate "histories of morality" as histories of philosophy.[355] This proto-Hegelian project announces the

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[351] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 36.

[352] Compare Barbeyrac's note "correcting" this aspect of Pufendorf's argument to mean that the law is inherent in human reason (at Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature*, ed. Ian Hunter, David Saunders and Jean Barbeyrac trans., Natural Law and Enlightenment Classics (Indianapolis, IN, 2003). p. 28. Pufendorf's understanding is consistent with Luther's: "But since one must now affirm the liberty given by God, let us tell them that Moses in no wise pertains to us in all his laws, but only to the Jews, except where he agrees with the natural law, which, as Paul teaches, is written in the hearts of the Gentiles (Rom. 2:15)" Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 9: 81.; however this knowledge is clouded because the "devil so binds and possesses hearts, that they do not always feel the law" Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 40: 97.

[353] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 37.

[354] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 6.

[355] T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 11.

importance of a historical sense in moral reasoning.[356] It is acknowledgement that there is a hermeneutic *circle* because language comes from the history of language. It elevates cultural production to a new level of importance (and hence gives rise to thinking about aesthetics), and it also places a new importance on philosophy as the arbiter of ways to read.

Pufendorf's discussion of the duties implied by the use of language or discourse (*sermo*) begins with the remark that it has been argued on the basis of language alone that man is social.[357] It is also consistent with the Christian freedom implied by the character of the word (*logos*). Because keeping the faith in one's promises is a cornerstone of sociality, "no man should deceive another by language or by other signs which have been established to express the sense of his mind [*sensi animi*]."[358] There is a double obligation in use of language. The first obligation is to use the same language, the same words for the same objects. This is to be determined by usage in ordinary language. It undermines social life if it cannot be assumed people mean what

[356] Kant's history of philosophy ended with himself. The distinction between Kant and the Luther-Pufendorf-Lessing-Hegel line of reasoning is that the former ends in the exemplar of Kant's critical philosophy whereas the latter has no definite endpoint. They are also democratic in different ways. Kant believed he lived in an age of Enlightenment; so as the rest of the world approached his thinking people became more enlightened. In L-P-L-H, the project of elaborating the "word" is shared by all persons. It is a common project in which the Great Men are not examples of perfection but rather those who have shown they have particularly strong intellectual backs.

[357] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 77.

[358] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 77.

they say.[359] The second obligation is to disclose one's mind (*animi*) so that others can clearly know it.[360] This is however not a categorial prohibition against lying: one may dissemble if not contradict the other's right. The duty is to fairly represent one's mind when other has a right to know or there is an obligation to say.[361] This has a basis in preserving sociality, but it also has a basis in the distinction between morality and ethics. Pufendorf argues that because of the categorial relationship between those two realms, the logical truth is not always the moral truth.[362] This appeal to spirit in addition to the obligations implied by sociality shows the importance of discourse and the fact that is uniquely important, because the word is holy as the expression of this spirit, when it is the expression of the community of God.

From Humanity in Language to the Importance of Voiced Agreement

Agreements between human beings serve in Pufendorf as a bridge between absolute duties and hypothetical duties. They take the form of "pledges of faith."[363] Absolute duties consist of those actions either required or prohibited by the idea of

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[359] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 78.

[360] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 78.

[361] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 79.

[362] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 79.

[363] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 69.

sociality itself—without which human society could not exist. Hypothetical duties are those which are contracted for among human beings in order that they may better serve one another. Pufendorf writes, "The general duty imposed by natural law in this matter is that every man must keep faith given, or fulfill his promises and agreements."[364] This faith is evident in perfect duties where a covenant has been made explicitly as an agreement between human beings. This is a perfect duty. An imperfect duty consists of keeping faith with what one owes another due to his humanity alone. Violating an imperfect duty does not enable compulsion: "I may only complain of his inhumanity, of his boorishness or insensibility. But I may resort to compulsion when what is due by a perfect promise or agreement is not forthcoming."[365]

Duty is "human action in conformity with the commands of law on the ground of obligation," and action is a "motion initiated in the light of understanding and at the command of the will."[366] Human action is self-conscious and willed. The "faculty of comprehension and judgement is called understanding [*intellectus*]"

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[364] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 69. In Hegel's discussion of this problem in *PR* § 3 *Anmerkung* he writes that "the law should guarantee good faith," but a mere understanding of the law is not sufficient: Shylock *understood* the law in Shakespeare's *Merchant of Venice*, but this did not compel him to keep faith with it, to appeal to the good reason (*guten Grund*) for it.

[365] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 69.

[366] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 17.

which "any adult" exercises.[367] Being educated to self-consciousness about one's duty is "right conscience," where a person's "understanding is well informed on what is to be done or not done to the point that he knows how to give certain and incontrovertible reasons for his opinion."[368] This is to be distinguished from ethical knowledge, which most people absorb through habit. Pufendorf is arguing against esoteric political knowledge, where there is in truth no right reason, only ethics (with the appearance of right reason and the esoteric guardians of it). It is the case that "Most men are guided by probably conscience; few have been given the gift of uncovering the causes of things."[369] The will also "peculiar to man as opposed to the beasts."[370] For the purposes of political society its "spontaneity must be asserted without fail."[371] It is not fully arbitrary but rather possesses proclivity (among individuals as well as peoples), it is malleable, can be habituated, and it is

[367] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 17.

[368] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 17.

[369] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 18.

[370] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 19.

[371] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 20.

liable to being directed by public reason.[372] The will, being liable to command, is to be directed by law through a combination of right and force: "fear tempered by respect"—fear of power, respect for the reasons.[373] This combination of the historical and the reasonable was consistently rejected by Leibniz.

Pufendorf, Luther, and Political Theory

In a letter to Christian Thomasius on November 1, 1690, Samuel Pufendorf complained that in a recent academic exchange, Luther's memory had been attacked and badly misused. This, he wrote, could be remedied by understanding the relevance of Luther's thought to political theory. According to Pufendorf, the relationship of the Lutheran citizen to the state was to be understood under three arguments:

> 1. In scripture it states we should be obedient to the authority[374] which has power over us, whether it be monarchic, aristocratic, or democratic, absolute or limited. Therefore the duty of a good Christian is to be a good citizen and to love the presently existing government in which he lives: and it is therefore not more praiseworthy to be thoroughly monarchical than thoroughly aristocratic or democratic. And a Lutheran who is monarchist is a rogue as a citizen in a democracy…2. The type of government in which one is raised and to which one is accustomed usually pleases one the best. Therefore it is no miracle that the Swiss and Dutch are good republicans, and if they were otherwise, it would be a vice. 3. This is the usual nature of human beings: whoever does good to me, I love, whoever does evil to me, I hate. I praise the government in which it probably goes well for

[372] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 21.

[373] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 28.

[374] Even before Pufendorf uses Luther's attitude toward his ruler as exemplary, he uses the same word, "obrigkeit", that Luther used to describe secular authority.

> me; where I am published, I like to be. Therefore one must not make a holy work out of the fact that Dr. Luther was fond of the Elector of Saxony. He was not so well disposed to the Kaiser.[375]

Pufendorf was in principle agnostic about the institutional arrangements of any given country--"in scripture it states" all deserve obedience . Governments should be culturally appropriate and function well in the sense of preserving order according to the sentiments of the people, monarchical, aristocratic, or democratic. Like Hegel, Pufendorf is not capable of arguing normatively for a certain type of universally applicable government.[376] This is due to a historical sense enabled by the doctrine of two realms: the static, perfectly rational justice of God, which implies one law to which all human beings and human institutions should conform, is not available to human beings as an epistemological level, nor is it even desirable given the categorial separation of the two realms. In Pufendorf's conception the specific form of a given

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[375] 1. stehet in der schrift, wir sollen der obrigkeit gehorsam seyen, die gewalt uber uns hat, sie sey monarchia, aristocratica oder democratcia, absoluta oder limitata. Ergo officium boni Christiani est, ut si bonus civis et amet praesentem statum Reip. eius, in qua vivit: und ist also kein größer lob gut monarchisch zu seyn, als gut aristocratisch, oder democratisch. Und ist ein lutherischer civis in democratia, der monarchisch ist ein böser kerl…2. die art von republiq darin man erzogen und derer man gewehnet, gefället einem gemeiniglich am besten. Ergo ist kein wunder, daß die Schweitzer und Holländer gute republicaner sind, und weren sie anders, were es eine faute. 3. Ist das die gemeine natur der menschen; wer mir gutes thut, den liebe ich, wer mir böses thut, den haße ich. In der republicq, da mirs wohl wohl [sic!] gehet, die aestimire ich, wo ich gedruckt werde, dar bin ich gerne. Ergo muß man kein heilig werck daraus nachen, daß dr. Luther dem Churfürsten von Sachsen hold war. Den keyser war er schon so wohl nicht gewogen. Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). I 290.

[376] See in contrast Leibniz' *Monadology* §§ 84-90. The universalist claim that Pufendorf does make is on behalf of the state (*civitas*) conceived as a sovereign power. Like Hobbes, he has a preference for monarchy (Pufendorf 1991: 141) because he thinks it most effectively relates the principle of sovereignity in its institutional layout and is therefore less liable to disintegration. Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 141. As the contemporary (2003) editors of Tooke's translation point out, this is also a critique of the institutional arrangements of the German Empire and in favor of the modern territorial state. Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature*, ed. Ian Hunter, David Saunders and Jean Barbeyrac trans., Natural Law and Enlightenment Classics (Indianapolis, IN, 2003). p. 203.

government is wrought historically. This makes it subject to human freedom in a way that is peculiar to theorists writing on the main line of the tradition of Luther: In one sense a particular regime is chosen--it is arbitrary from a historical point of view, meaning that a particular people could have evolved different arrangements under different conditions. Additionally but crucially important is that from a *moral* point of view, one form of government is just as good as another. From this practical point of view, institutions can either be culturally appropriate or inappropriate. But a regime is not the object of human freedom at the level of individual choice.

The Shape of Freedom

Individual human freedom has a far more robust shape in this tradition, and freedom of the will is far more delimited: it is well-defined and for that reason constrained. This last is not to imply that those writing in this tradition do not endorse the autonomy and efficacy of the will out of a reverence for absolutism. Luther, Pufendorf, and others in this tradition simply see such choices as beyond the scope of situated human beings. And they see it as a *category error* to transpose the radical change possible in the soul under conditions of faith with the natural and social conditions in which human beings in history find themselves. This tradition understands itself in terms of constraints on human action, both in individual moral and socio-political categories. On the moral side, a *Glaubensbekenntnis* or turn to faith is possible—and it can radically transform a person's orientation to the world, even to the point of informing his every action. However, this turn does not morally justify the individual, which can only take place via the *acceptance* of the Grace of

God, which is a free gift of God. To argue otherwise would be to commit the Pelagian heresy that Luther accused the Roman Catholic Church of. If moral justification can be compelled by a human's actions, then God is under an external compulsion. But conversely, the actions of the individual in faith are blessed, they are truly good works, but they do not morally justify. In the Tooke translation to the Preface of *De officio* (1673), Pufendorf argues both against the theoretical separation of the moral and physical and for Luther's corresponding Doctrine of the Two Realms:

> For although the mind of man does with very great ardency pursue after immortality, and is extremely averse to its own destruction; and thence it was, that most of the heathens had a strong persuasion of the separate state of the soul from the body, and that then good men should be *rewarded*, and evil men *punished*; yet notwithstanding such as strong assurance of the certainty hereof, upon which the mind of man can firmly and entirely depend, is to be derived only from the *Word of God*. Hence it is that the dictates of the law of nature [i.e., *juris naturalis*] are adapted only to *human judicature*, which does not extend itself beyond this life; and it would be absurd in many respects to apply them to the divine *forum*, which concerns itself only about theology.[377]

[377] Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature*, ed. Ian Hunter, David Saunders and Jean Barbeyrac trans., Natural Law and Enlightenment Classics (Indianapolis, IN, 2003). p. 20.

In Immanuel Weber's 1691 translation the same passage is rendered:

Den obgleich derer Menschen Gemuether auch von Natur nach der Unsterblichkeit sehr begierig seyn/ und sich vor ihrer Vernichtung hefftig entsetzen/ weβwegen auch die meisten Heyden der Meinung gewesen/ daβ die Seele/ nach dem sie von dem Leibe abgetrennet/ irgendswo verbleiben muesse/ allda es denen Frommen wohl/ denen Gottlosen aber uebel ergienge; So muβ doch die wahre und unfehlbare Versicherung dessen einig und allein aus den geoffenbareten Worte GOttes geschoepfet werden. Dieser Ursachen halber muβ die Disciplin der natuerlichen Rechte auch nur nach den menschlichen Foro eingerichtet werden/ welches sich denn nicht weiter/ als auf dieses zeitliche Leben erstrecket; Und thun diejenigen gar unrecht/ welche sie in vielen Stuecken nach dem Goettlichen Gerichte accomodireen wollen/ da doch diesses eigendlich der Tehologiae morali, un ihren Gesetzeen zukoemmet Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). II 103.

This is the original Latin of Samuel Pufendorf:

Quanquam enim animus hominis non solum ardenti cum affectu immoralitati velut immineat, suique destructionem vehementer aversetur; atque inde apus plerosque gentilium inoleverit persuasiio den animæ à corpore separatæ duratione, & quod tunc bonis bene, malis male sit futurum: ejusmodi tamen

In this portion of the text, the epistemology coincident with Luther's doctrine of two realms is clear: in the theodicy of Job there is no knowledge of God's justice outside of what is communicated in the New Testament. Barbeyrac felt compelled to add a footnote arguing, "For we may, by the meer light of reason, proceed so far at least, as to discover, that it's not improbable, that God will punish in another world, those who have willfully violated the *law of nature*."[378] This takes Pufendorf's Lutheran work in a Calvinist direction that violates its spirit, "for it is impossible that Christ and his gospel should be recognized by reason."[379]

Radical neo-Platonism is also rejected in the Pufendorf text, in that there is a meaningful connection between the two realms, described in the 1691 translation by Weber as "Christen=Wandel," or the inner change that is unique to true Christians.[380] The consequence of this standpoint is that natural law theory only governs visible actions, not those of the heart, which is governed by theology. Here we have Luther's doctrine of the two governments, or *Regimente*. Last, the specifically Lutheran and Christocentric interpretation of this passage that Weber

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circa hæc persuasio, in qua animus hominis plane & firmiter adquiescere possit, ex solo Dei verbo hauritur. Inde & juris naturalis scita ad forum duntaxat humanum adaptantur, quod ultra hancce vitam sese non extendit; quæ ipsa multis in partibus prave ad forum divinum adplicantur, circa quod Theologiæ maxime curæ est Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). II 6.

[378] Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature*, ed. Ian Hunter, David Saunders and Jean Barbeyrac trans., Natural Law and Enlightenment Classics (Indianapolis, IN, 2003). pp. 19-20.

[379] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 52: 209.

[380] Samuel Pufendorf, *Gesammelte Werke*, ed. Wilhelm Schmidt-Biggemann, et al. (Berlin, 1996). II 103.

made with his translation, shows up even in the orthography: God is rendered "GOtt"--the first two letters are capitalized, marking divinity, the last two are not, marking man, and the combination showing the mediation and dual nature of Christ.

Tooke rendered "human judicature" is in Weber's German "den menschlichen Foro" and Pufendorf's Latin "forum…humanum." The political—as opposed to purely juridical meaning—is to be emphasized. What follows from this conception is that in social, historical, and political terms a person does possess "free will." But this is not an unconstrained will. To think of it as such is a psychological misstep. On the individual level it leads to alienated misery. On a social level it has the potential to engender disorder. Both Tooke and Barbeyrac attempted to "soften" Pufendorf's absolutism, where absolutism is the contention that social order largely depends on politics.[381] This went so far as to delete detailed descriptions of the miseries of human existence outside political society.[382]

Pufendorf in "Context": The Denial of Spirit

Innovative recent work on Pufendorf has done much in the way of placing Pufendorf in the context of the intellectual struggles of his day.[383] However, in these studies an overzealous "contextualism" threatens to limit what Pufendorf could mean

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[381] Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature*, ed. Ian Hunter, David Saunders and Jean Barbeyrac trans., Natural Law and Enlightenment Classics (Indianapolis, IN, 2003). pp. 167, 194, 198, 203.

[382] Cf. Samuel Pufendorf, *The Whole Duty of Man According to the Law of Nature*, ed. Ian Hunter, David Saunders and Jean Barbeyrac trans., Natural Law and Enlightenment Classics (Indianapolis, IN, 2003). pp. 115-118.

[383] T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000).; Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001).

to contemporary readers. "Contextualism" can attempt to see historical problem-sets as discrete, each according to their time. This will be a problem where there is continuity. The work can also lack self-consciousness in that it does not explicitly state the relationship of the past to the present, where this must take the form of a contemporary political project.[384] Pagden has written that the contextualist approach focuses on "concrete contexts," on "procedures, aims, and vocabularies" as opposed to "sources and influences" or to neo-Platonic devices like Lovejoy's "unit ideas." But it is also a rejection of the "deconstructionist claim that texts are not the work of a conscious agent."[385] So contextualism in this sense does not mean the analysis of social forces on an individual mind but rather the focus on the individual creative mind—and the resources that mind has at hand. Language, in this view, is not "self-limiting,"[386] though the claim is made that individuals act within specific vocabularies and that four discrete languages of political discourse are to be identified in early modernity.[387] According to Pocock, writing in the same volume, the focus of this

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[384] These recent studies published by Cambridge, the author opens with either an appeal to re-evaluate the work of Leo Strauss T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 6. or of his mentor Carl Schmitt Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001). p. 11.

[385] Anthony Pagden, "Introduction," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987), pp. 1-2.

[386] Anthony Pagden, "Introduction," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987), p. 2.

[387] Anthony Pagden, "Introduction," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987), p. 3.

methodology will be on the level of rhetoric not grammar,[388] though the interaction of *parole* and *langue* is the locus of political creativity.[389] This seems to add up to: swearing off considering influence to be determinate while examining influences; swearing off determinate neo-Platonism while fitting theorists into overarching categories; endorsing free will while insisting on the importance of context. While this is not objectionable, neither is it a very detailed description of the interpretive wisdom that such a methodological approach calls for. What Pufendorf himself does it to lay out the method Luther had developed for mediating these binary interpretive possibilities.

Arguing against the philosophical convention of recasting the history of moral philosophy in terms of its relationship to Kant, the "contextualist" reading shares with them the belief that Pufendorf's thought comprises a "paradigm shift,"[390] or that "…Pufendorf's extraordinarily ambitious attempt to reshape the landscape of early modern ethical and political culture."[391] This attention to Pufendorf as foundational figure takes him out of the Luther commitment in which he understood himself, and in which he is intelligible. In doing so, it endorses the plausibility of the unconstrained

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[388] J.G.A. Pocock, "The Concept of a Language and the *Metier D'historien*: Some Considerations on Practice," in *Ithe Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987), p. 22.

[389] J.G.A. Pocock, "The Concept of a Language and the *Metier D'historien*: Some Considerations on Practice," in *Ithe Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987), pp. 38-39.

[390] T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 85.

[391] Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001). Ch. 4, see especially p. 153.

"Kantian" individual as causal agent. In the Kantian version of the story, Pufendorf prepares several issues to be later taken up and resolved by Kant in a "radical transformation of an older and quite different conception of the issues."[392] This bad faith becomes literal when he is understood out of religious context. The problem is one of focus. Contextualism is of little comfort if the categories into which one attempts to place thinkers are not the correct ones. Taking Pufendorf's self-understanding seriously means not only arguing that he can be classified a political Aristotelian,[393] but asking why such a position would be required given his religious commitment.

Though Hunter argues against comparing Pufendorf to Leibniz with the yardstick of Kant, Pufendorf is nevertheless presented as belonging to the grand narrative of Enlightenment (i.e. Kantian) secularization. Hunter contrasts a Pufendorf-Thomasius secular natural law tradition with what he calls the university scholasticism of Leibniz-Wolff-Kant. For Hunter, university scholasticism has to do with individual projects of moral perfectibility, and it is committing category errors when it tries to pass judgement on the world, on secular law. For Hunter, Pufendorf is involved in the "desacralization" of legal thought. But to separate the two projects draws the distinction too clearly. It does not allow us to understand why the "secular natural law tradition" wanted to distance itself from university metaphysics, nor does it allow us to adequately account for the lack of juridical content if the project is as practical as we

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[392] J. B. Schneewind, "Pufendorf's Place in the History of Ethics," *Synthese* 72 (1987): p. 149.

[393] Anthony Pagden, "Introduction," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge [Cambridgeshire] ; New York, 1987), p. 3.

are lead to believe. And on the other side, it does not allow us to understand why those in the university metaphysics tradition would believe that reason could speak the truth to the law.

"Desacralization" appeals to a project that does not need to be performed. The term itself telegraphs the fact that the main thrust of Pufendorf's project has been misunderstood. Lutheran scholastics in departments of theology (those writing in the tradition that runs Leibniz-Wolff-Kant) were not telling the "state" what to do, they were arguing ineffectively that they *should* have that power, or more probably, that the moral capital their voices represented could be recruited to the ends of the state. Luther himself had argued for the primacy of secular authority except when it transgresses the ability of Christians to exercise their faith. Leibniz is arguing for the unitary re-imposition of the primacy of the Church (now there will be only one Law, the Church-as-philosophy will rule the state). And Roman Catholics were not arguing for a "sacralization" either—their separate legal system is important because it is a competing *legal* not moral system according to the Luther and Pufendorf critique. To the extent that the moral and legal realms were conflated in 17th century thought, this is a consequence of the Reformation's effect on Roman Catholic religious practices.

Pufendorf is advocating a restatement of the conflict between theology and law as one between the spheres of Word and Law, not Law and Law; in other words, he is arguing for a reinstatement of the solution to this category problem that Luther had proposed. In Luther's solution you do not get a categorical but rather a categorial separation between the realms. The connection is preserved between these *Reiche*.

They relate to each other, as opposed to a realm of the world which is to be despised and a realm of God which is to be privileged or the Calvinist solution where the eternal realm governs the worldly one. In the Luther/Pufendorf conception, the state is prior in all things except that which concerns Christians' involvement in their spiritual community (example important in Pufendorf and indeed in this whole tradition: his doctrine of tolerance, only Protestant sects can be tolerated, only Protestants can conceive themselves to be citizens in the correct way).

To the extent to which there are "rival" Enlightenments reflects the basic sectarian divisions which persisted in Northern Europe after the Reformation: Rome, Calvin, Luther, and the Radical Reformation. The presence of these categories of intellectual behavior argues for a robust conception of the constitution of modernity. If Hunter is correct and Leibniz has a project designed to develop "sages," these sages can either be conceived as: in conflict with Pufendorf (i.e. as Law vs. Law); or in concert with him (citizen training to see the difference between Word and Law and the connection between them). This goes to the "function" of intellectual activity for the Lutheran tradition: it is not to give the law, but rather to train individuals to be correctly oriented toward the law (to know the shape, limits, extent of freedom). Hunter wants to be too sociological—to deny a role for the ideas of university philosophers. However, in Germany the university is the intellectual focal point.[394] This is increasingly the case during the 17th c. when universities were being created

[394] Lewis White Beck, *Early German Philosophy; Kant and His Predecessors* (Cambridge, Mass.,, 1969).

not only out of the apparatus designed to train theologians and lawyers, but also out of the *Ritterakademie*.[395]

And this is where we can see what the distortion of Pufendorf's project through bad faith causes us to misunderstand. By contrasting the *paideia* of sage production in Leibniz-Wolff-Kant with the *theoria* of Pufendorf-Thomasius,[396] the sense in which these two traditions are interconnected and part of *one* story is lost. Both parts of the tradition are concerned with producing a certain type of individual. Hunter himself argues that, "Pufendorf's civil philosophy thus sought to complete the desacralization of civil governance by transforming the pedagogies through which young Protestant intellectuals –jurists in particular—acquired their sense of self and relation to the world."[397] But the argument from bad faith assumes that this is in the service of privatizing religious faith as a means of extinguishing it.

By focusing on Pufendorf as a theorist of natural *law* we lose sight of the fact that he never really talked about the substantive forms that *laws* should take. Hochstrasser argues that the system evidences the "absence of an adequate account of how governments should operate in practice…The aim is to establish the moral legitimacy of the state rather than the principles of government upon which it should

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[395] T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 34.

[396] Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001). p. 23.

[397] Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001). p. xii.

operate."[398] In other words, his is not a "practical" project in terms of giving law students the practical tools they need to practice. It is rather an intellectual cultivation tied to a deeply religious world view. This is also the only way one can make sense of his proposals against Leibniz to reconstitute what was possible to push back together of the empire.

Most important, the complaint that natural law theory does not spell out the what the positive law should be ignores the importance of the one command or law acknowledged by Pufendorf: the command to love one's neighbor as oneself (Rom. 13: 9). We could approach this as a command which lacks specificity, but this would be to dismiss its overriding importance as the *basis* of Pufendorf's natural law. Any interpreter is required to take the following statement as seriously as it was intended:

> Our Savior reduced the sum of the law to two principles: love God and love your neighbor. The whole natural law may be derived from these principles in man's corrupt as well as in his uncorrupt state (with the proviso that in his uncorrupt state there would seem to have been little if any distinction between natural law and moral theology).[399]

There may appear to be a lack of specificity, but this is to approach the problem from the side of the civil law and the acknowledgement of the variety of secular law regimes which are possible in history. Natural law, on the other hand, is a principle of *right* and *right reason*. For Pufendorf, human beings are to be distinguished from animals on the basis of their being able to follow law. Luther had argued that "there is

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[398] T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 35.

[399] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 11.

no law in the animal but only in man."[400] Because natural law is a principle of right, "natural law is not what happens but what ought to happen,"[401] and

> Therefore the whole law is summed up in this one sentence, but it is fulfilled by grace. Accordingly, we have been called to freedom; we perform the whole law if we serve only our neighbor whenever he has a need of it."[402]

In Hegelian terms this is "actual" or real to the extent that one finds this principle of right extended into the world in human institutions. Natural law attempts to find what is essential to sociality in demonstrations of the human will, in human institutions.[403] Again, this sociality is also the principle of Christian religion, or as Luther argued, "`You shall love your neighbor as yourself,' says exactly what the natural law says, namely, `Whatever you wish that men would do to you [this, of course, is to love oneself], do so to them [as is clear, this certainly means to love others as oneself].'"[404] He continued to argue that "the whole law is comprehended in this one commandment,"[405] but from the standpoint of his theology, this law does not justify. The law of the Jews given in the Old Testament does not provide justification, because

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[400] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 53: 103-104.

[401] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 54: 104.

[402] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 27: 348.

[403] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 7.

[404] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 27: 355.

[405] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 27: 355.

the coming of Christ cut this connection. As a principle to guide the individual in willing with accordance with the concept of (Christian) freedom, this principle of justice is of ultimate importance in guiding and judging all external actions of the will. The task of forming from corrupted nature the judgement necessary to discern the principle of right explains why the focus of Pufendorf's doctrine is "uniquely useful to young people" and "better suited to the universal system of law than are the elements of any particular system of civil law."[406] Or, as Hegel put it, "this eliciting of the universality of thought is the absolute value of education [*Bildung*].[407]

But following the law is to be understood in a specific sense. It must be followed in the correct spirit. Because "the noble gem called natural law and natural reason is a rare thing among the children of men," it is behaving like a "natural fool" to blindly follow an example, and it is to

> become like apes and engage in monkey business. The ape wants to imitate and follow all things, but the book of the wise tells what happens to him.[30] When he had seen a farmer splitting a large log, he, too, went and sat astride it and split the log with his ax. But as he was not wearing a supporter, his testicles fell into the crack of the log; and he forgot to insert a wedge into the log. So when he pulled the ax out, he crushed and squashed his testicles and remained castrated, or a eunuch, for the rest of his days. Still he had followed the farmers example. The same thing will happen to all who inopportunely follow an example the way he did.[408]

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[406] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 6.

[407] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 20.

[408] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 13: 162.

Because of natural inequality deriving from physical capability and mental aptitude, to correctly approach the natural law is to treat it as an exemplar rather than a command to obey to the letter. This constitutes a moral sanction in favor of obeying the spirit through creativity and individual application of the principles of right.

Hunter wants to show a sharp distinction between the Pufendorf natural law project and the sage project of Leibniz (which put its emphasis on the training of remarkable individuals). This makes him construct a type of causality, a kind of freedom, which Pufendorf and his intellectual light, Luther, does not think exists. It would appear that Hunter wants to "desacralize" the realm of human perfectionism (as distinct from perfectibility—he conflates the two) to make room for the theory of revolution in the civic republican tradition. In disconnecting the operation of the worldly realm from that of the religious, violence is done to what Pufendorf thinks. In Pufendorf's vision, all are called to be interpreters. There is no need for a specialized priesthood who guard esoteric knowledge. The world stands ready to be interpreted and remade in common, according to the principles that Luther made known. What the attempt to see Pufendorf in context forecloses is our ability to learn from him.

From the standpoint of contemporary interest in Pufendorf, what one would want to do is to look at the "context" to give a better idea if some text is appropriable into *our* context. One does not suppress from consideration the author, neither does one suppress one's own interpretive motives. To make the connection between a Pufendorf and the present day, it would be necessary to argue that there is still a live

issue. This brings up two issues. First, why does any mode of reading have more authority than any other? Pufendorf would say it depends on why you are reading; the letter to Thomasius (above) explains what he thinks about how people are conditioned to get along in their political arrangements; but it also has to do with if you are reading speculatively—for the soul--or empirically—to know how to exist in the world. Second: What will we do if we discover the context makes an author like Pufendorf inappropriate to us? The options from the Cambridge school seem to be two-fold: Either we are always separated from the history of political thought because we are not in the same conditions, or we are constrained by the same political conditions in which case we only have to read with a technique designed to recover as much of the message as possible. In the first case there is a permanent revolutionary epistemological condition. In the second we treat the author as meaningfully similar to us only in the sense that we are likewise constrained.

Suppressing part of the story means refusing in bad faith to read the meaning of an author and ask, in the open, what that author has to say to contemporary readers. The inability to believe that anyone could truly hold religious beliefs and want to structure a life-world according to them becomes a liability in understanding ourselves. When we make the bland Enlightenment move of failing to consider what such commitments could be translated into in *our* terms, what we have done is turn a deaf ear to what is—in Pufendorf's case—the whole story. Now, it may be true that a sentence with the word "God" in it must be categorically dismissed by 21st century

readers as nonsense. And if such nonsense were at the center of an author's thought, if it were its organizing schema, we would have to dispose of him entirely.

In his study of Pufendorf, Leonard Krieger wrote that religious elements were included in the system at the "cost of rational integrity."[409] This is a special problem for Krieger because he assumes that Pufendorf must be a covert secularizer.[410] In this way of thinking, the religious motive is always to be rejected, always suspect. However, if we convert the substantive content behind that religious motive and conviction in good faith (by acknowledging something similar in our own thought) we open up the interpretive possibility towards contemporary problems. In the Luther tradition of which Pufendorf is a part, what is hidden is God's justice. And we would be no more or less responsible for knowing that than 17th century theorists in that tradition. What is not hidden is the ground of our conviction to a concept of right and how it relates to law. Losing the ability to see problems in terms of "religious" solutions forged in the past means losing the ability to understand how important "faith" remains.

Making Theology Present: The Double Contract and *Heilsgeschichte*

Pufendorf's social compact theory must be seen in the light of a "device of representation"; it is no more an attempt at historical anthropology than is John Rawls'. The theory makes the individual aware of his situation, its difficulties and its felicities. Its presence in the center of Pufendorf's natural law theory is not designed

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[409] Leonard Krieger, *The Politics of Discretion; Pufendorf and the Acceptance of Natural Law* (Chicago,, 1965). p. 234.

to be an esoteric trick to be used to fool the masses into accepting an oppressive regime. Properly understood, the theory is neither a principle of institutional design nor a noble lie. It is rather a categorial tool, designed to simultaneously situate the individual in both moral and political realms. The normative intellectual problem is determining when "right" is appropriately speaking to "law." The historical problem for Pufendorf is reconstructing the form in which it actually does. But the political stakes are extremely high. Pufendorf is engaged in a debate with, among others, Leibniz over how the Empire can be reconstituted after the Reformation, and after the Thirty Years War.[411] For Pufendorf, this is not a mainly normative question. It is a question of finding a solution that is workable because it does not attempt to do violence to the social changes which had occurred and manifested themselves in social upheaval. However , there is a religious dimension to the problem which has usually been overlooked or misunderstood. And on this dimension it is a highly normative, essentially political question about what ground must not be given in a political system which is to be affirmed by Christians.

The means by which a modern political society is to be understood is by reference to a double compact and a decree. There are two important aspects to this.

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[410] See also T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 41.

[411] This is a project commissioned by their common patron, Baron Boineburg (see T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000). p. 72.), and shows clearly that the stakes of these arguments were high—i.e., the possibility of unification of the Empire. Aside from the crucial fact that Pufendorf is a believer, what he does is to sketch the limits of of this unification which can avoid the Roman yoke. This is not "mere" religious prejudice—it has to do with political independence and the viability of nation-states in Europe. An empire is a political construction that can include multiple religious practices (although usually in a hierarchy); a nation-state is not. See Garth Fowden, *Empire to Commonwealth : Consequences of Monotheism in Late Antiquity* (Princeton, N.J., 1993).

First, the double compact takes cognizance both of the social world and the ideal world. Second, in a particular way, it is the mirror of the covenants made between God and man discussed above. Pufendorf argues that there are two faults which prevent collective action without subordination: the diversity of inclinations concerning goals combined with differing judgements of the best means and indolence. The first is countered by a perpetual union of wills, the second through erecting a power which will inflict suffering in a visible way. To effect the first, everyone in a society must submit to one man or assembly. To effect the second, all must oblige their power to the one to whom all resign their forces.[412]

The specific conception is of two agreements and one decree:

First Compact: All agree individually to become fellow citizens

Decree: form of government

Second Compact: Agreement to submit to the will of one.[413]

The strange thing about this double compact + decree is that it seems remarkably unimportant in Pufendorf's account: it is buried in the fifth chapter of the second book . More important is the interpretive account surrounding it. It seems merely to be a "device of representation" linking the one command in the New Testament to political institutions made actual by virtue of citizens' self-consciousness of their construction.

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[412] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 135.

[413] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). pp. 136-137.

This account does not imply direct civil government "of God" in Calvinist mode. However, it is the case that states are uniquely favorable to the exercise of natural law. This is *Heilsgeschichte* writ large: the double contract is to induce the citizen to have the correct spirit when thinking through the laws. Having the correct spirit entails maintaining the separation between the realms demanded by the Bible, but also maintaining a categorial connection between them via spirit. The civil government is not aimed at the internal governance of sin, but merely the preservation of a setting for human flourishing in which the demands of Christian religion may be exercised.[414]

Conclusion

The German tradition of philology takes as its starting point a desire to understand the Word. This focus on language can be seen in the hermeneutic strategy Luther used to compose his reading of the Bible out of the "Old Testament" and the "New Testament."[415] Samuel von Pufendorf begins with a Lutheran Fundamentalist understanding and extends this into the language of natural law.[416] What he composes is a fundamentally democratic body of work that aims at allowing citizens to understand their situations. On one hand his theory of history delimits the range of secular willing. This constraint on the will might be be seen as unwelcome to a view

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[414] Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully, Michael Silverthorne trans., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 160, 156.

[415] These terms are, as Peters argues, not titles but rather arguments F. E. Peters, *The Monotheists : Jews, Christians, and Muslims in Conflict and Competition*, 2 vols. (Princeton, N.J., 2003). pp. 1-27.

[416] For Pufendorf against the thought of Grotius and Hobbes, see J. B. Schneewind, "Pufendorf's Place in the History of Ethics," *Synthese* 72 (1987).

of freedom that wants an unimpeded reign. But by situating the self in this way Pufendorf helps to achieve the place in which an immanent interpretation of the world can begin. His political hermeneutic urges an engagement with the world that does not rest on special training or expertise, but rather enjoins both the citizen and the ruler to conceive of their relationship as oriented toward a specific moral commitment. This orientation holds the moral and ethical realms in a separate but connected relationship. Just as the Old Testament is in one sense for Luther "really" concerned with the New Testament, so too is the present connected to the eternal for Pufendorf.

IV

Lessing's Progeny: Democratic Possibilities in the German Enlightenment

> Lessing was the first completely mature human being.[417]
> Wilhelm Dilthey

> In forceful, irascible, eternally playful, rippling muscles, Lessing has the unmistakably conspicuous power of a young tiger.[418]
> Nietzsche, Fragment III_4.201

In this study Gotthold Ephraim Lessing (1729-81) has a central place as the key representative of the German Enlightenment. If Kant's project can be seen as an attempt to find a new foundation for dogmatic philosophy, then Lessing's earlier (but more sophisticated) solution took a rival path that takes lessons from the eclectic philosophy of Pufendorf and Thomasius and points forward to the dialectical logic of Hegel. Lessing's commitment is to a dialectical progress in human affairs, to the idea that without philosophical foundations one does not sweat through the bed—or through ten silent years. Instead, individual character imbued with Luther's concept of spirit learns to read the world in moral--and not primarily rational--terms. For Lessing, the central literary figure of the German 18th century, the possibilities inherent in language provide the space for politics and human flourishing. His is a hermeneutics following on the language possibilities that Luther opened up. Lessing's democratic hermeneutics stand in sharp contrast to those of, say, Kant. While Lessing made the distinction between esoteric and

[417] "Lessing war der erste ganz mündige Mensch" Wilhelm Dilthey, *Das Erlebnis Und Die Dichtung: Lessing-Goethe-Novalis-Hölderlin* (Göttingen, 1985). p. 107.

esoteric reading (and writing) that anti-democratic theories exploit, in his hands the relationship was not of an apparent false (but popular) interpretation over a hidden true (but elite) meaning. The two interpretive perspectives can be seen as a complex philosophical statement of Luther's doctrine of two realms. As in Luther, these realms do not cancel each other out. Rather, they exist in a dialectical relationship mediated by an individual subjectivity that is constitutive and not a destructive harbinger of the abyss.

Lessing and the Tradition of Luther

By the mid-18th century, Luther's writings—other than his Bible and standard elements of the liturgy—were neglected. Lutheranism in those polities where it was the official religion was for the most part either a rigid dogmatism or a skeptical liberal neology. The former insisted on the literal truth of the Bible, the latter reacted to undermine the authority of the text by pointing to contradictions in the text and also by pointing out historical inaccuracies. Lessing challenged both scholasticized Lutheran Orthodoxy and critico-historical, liberal theology (neology) that competed with it at the universities and from the pulpit. He did this self-consciously in the spirit of Luther. In an age in which, as Wilhelm Dilthey argued, theology was inescapable,[419] Lessing sought to revive religion--as opposed to theology. He attacked the institutionalization of Lutheran thought with an intent to renew the permanent revolution of the soul that Luther envisioned as the key to

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[418] "Lessing hat die gewaltige, unruhige, ewig spielende, in schwellenden Muskeln überall sichtbare Kraft eines jugendlichen Tigers" Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). III-4.201.

Christians' lives.[420] He attempted to come to terms with the institutionalization of Lutheran thought and renew the permanent revolution of the soul[421] that Luther had envisioned as the key to individual Christians' lives. His mature argument is for a reconstitution of religion in the spirit of Luther.

Luther's conception of citizenship in "two realms"—the eternal and the secular—conditions Lessing's politics. Lessing characteristically elaborates this with the distinction between esoteric and exoteric thought. For this reason, it is only possible to explain Lessing's thought and its place in German intellectual history in terms of Luther's thought. We can see this in Lessing's casting of in his hermeneutics, which deals with the relation of spirit to word to law, in his view of history (which is startlingly innovative and different from Luther's and points the way past the Critical philosophy), and in his engagement with classical antiquity. The most persuasive case for an explicit connection to this tradition of Luther in German thought can be made on the basis of Lessing's theological writings, his dialogue on freemasonry *Ernst und Falk*, and in the sublime late drama *Nathan der Weise*.

Lessing and the German Enlightenment

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[419] Wilhelm Dilthey, *Das Erlebnis Und Die Dichtung: Lessing-Goethe-Novalis-Hölderlin* (Göttingen, 1985). p. 65.

[420] "Fortunam constantissimam verbi Dei, ut ob ipsum mundis tumultuetr" Martin Luther, *D. Martin Luthers Werke : Kritische Gesamtausgabe* (Weimar,, 1883). XVIII, 218, 626.

[421] Friedrich Nietzsche was less sanguine about this possibility. He wrote, "'Lessing' auf die Dauer unmöglich: bis jetzt das Ideal"; "'Lessing' not possible over the long term: until now the ideal" (Nietzsche, 1967 #75 @ III.3 170).

Lessing is, without peer, the key figure of the German Enlightenment. His plan for the education of the German nation demonstrates the special character of *German* Enlightenment thought. Lessing, whom Ernst Cassirer considered the emblematic figure of the Enlightenment, was nevertheless instrumental in developing the Lutheran themes of toleration linked to epistemology in his late play *Nathan der Weise* (*Nathan the Wise*) as well as the development of a German national consciousness through Luther's language project in the educational plan *Die Erziehung des Menschengeschlects* (*The Education of the Human Race*). Lessing exercises an immense influence over German intellectual history. He is often recognized as the first to take German letters to a European standard of excellence through his drama, criticism, and philosophical writings. More important, his status as an exemplar of cultural endeavor was recognized by important authors who follow him. Cassirer writes that Lessing is the embodiment of the Enlightenment: he "not only possessed…magical power in the sphere of poetry, but in the whole realm of eighteenth century philosophy."[422] The early

[422] Ernst Cassirer, *The Philosophy of the Enlightenment* (Princeton,, 1951). p. 360. Cassier's neo-Kantian interpretation puts Lessing in the context of an Enlightenment he casts as the resumption of the battle between Pelagius and Augustine, between the Cusan and Renaissance insistence on the goodness of the will reconciliation of man and God and the Reformation which he casts as resting on Biblical dogma, the depravity of man and his will, and reconciliation with God through one's calling. This is, in my view, a radical misreading both of Luther's Reformation and Lessing's role in the Enlightenment. Though Lessing fought what he called "bibliolatry" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 165.; see discussion below and also Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 24. his was not Leibniz's project to reconcile Christian sects Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 25. If Kant is an attempt to save what may be saved of dogmatic philosophy from empiricism (see below), then at the end of his life Lessing is attempting to save the spirit of Christianity from the various interpretive stances in 18th c. theology: orthodoxy, neology, liberal theology, deism, and skepticism.

romantic writer Friedrich von Schlegel went so far as to compare Lessing's cultural importance to Luther's: "One should marvel at him and follow him as he wanted, as in keeping with how one should with *Luther*, with whom one could well make with him more than a superficial comparison."[423] In 20th century political theory, Lessing's thought influenced such figures as Leo Strauss and Hannah Arendt. His contributions to theology and the philosophy of religion informed Hegel, Kierkegaard, and Nietzsche, and his contribution to contemporary aesthetic theory (via *Laocoon*)[424] is still an active issue.

Lessing imbibed neoplatonic thought through patristic writings, including Augustine[425] and Luther, and through his engagement with the figure of Socrates (a pervasive move in 18th century German letters).[426] To draw out as clearly as possible Lessing's indebtedness to the tradition of Luther, it will be necessary to look at his theological and religious writings. Many of Lessing's most interesting contributions to theology came in a polemical exchange with Pastor J.M. Goeze late in his life.

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[423] "[Man sollte] ihn so zu bewundern und ihm so nachzufolgen, wie er wollte, daβ man es mit *Luthern* halten sollte, mit dem man ihn wohl in mehr als eine Rücksicht vergleichen könnte" Friedrich von Schlegel, *Kritische Schriften*, 3., durch ein Mamen- und Begriffsregister erw. Aufl.] ed. (München,, 1971). p. 355.

[424] For an account of Lessing's impact on aesthetic theory, see Frederick Burwick, "Lessing's "Laokoon" and the Rise of Visual Hermeneutics," *Poetics Today* 20 (Summer, 1999).

[425] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 40.

[426] Ernst Cassirer argued along these lines in *The Philosophy of the Enlightenment*: "After more than two thousand years the eighteenth century establishes direct contact with the thinking of antiquity, a fact equally significant in its historical and in its systematic aspects. The two fundamental theses represented in Plato's *Republic* by Socrates and Thrasymachus oppose each other again. We meet them now indeed in a different shape and formulated in an essentially different conceptual world. But this change of relations does not destroy the inner affinity and the objective connection between the two worlds. One and the same dialectic is revealed in the language of different times. Without loss of strength and precision, this dialectic ignores all previous attempts at a reconciliation of its opposing theses and strives for a clear and fundamental solution" Ernst Cassirer, *The Philosophy of the Enlightenment* (Princeton,, 1951). p. 235.

However, he had been concerned with theological issues from an early age. He was the son of a Lutheran pastor and began his university training at Leipzig in Theology before he dedicated himself to the literary world. Lessing considered himself a lifelong dabbler in theology, though an earnest one,[427] and he was steeped in Lutheran influences. He was well acquainted with Luther's thought as well as Lutheran thought in its dominant 18th century modes, orthodoxy and neology. Against this he evidences a desire to reform 18th century Lutheran practice with a return to what he see as the spirit of Luther. In *A Parable* he wrote,

> Oh that he could do it, he whom I should most like to have as my judge!—You, Luther!—Great, misunderstood man! And by none less understood, then by the shortsighted, fools, who, with your coattails in their hands and an affected noisy zeal saunter along the road which you blazed!—You released us from the yoke of tradition: who will release us from the more intolerable yoke of the letter? Who will finally bring us a Christianity, such as you would *now* teach; as Christ himself would teach! Who— [428]

This last rhetorical question, one strongly suspects, is to be answered, "Lessing." Important here is that Lessing sees himself in the true spirit of Luther, carrying on the work of further Reformation past the point that even Luther had done himself. He argues his understanding of theology was that which Luther would "*now* [*itzt*]" teach,

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[427] I am a dilettante in the field of theology, not a theologian. I have never taken an oath to uphold any particular system. Gotthold Ephraim Lessing, *Sämtliche Schriften*, ed. Karl Lachmann and Franz Muncker ([Berlin,, 1968). pp. 13, 109.Note that this is a political point; the oath he refers to is that of the Lutheran pastor as civil servant.

[428] "O daß Er es könnte, Er, den ich am liebsten zu meinem Richter haben möchte! - Luther, du! – Großer, verkannter Mann! Und von niemanden mehr verkannt, als von den kurzsichtigen Starrköpfen, die, deine Pantoffeln in der Hand, den von dir gebahnten Weg, schreiend aber gleich gültig daher schlendern! – Du has uns von dem Joche der Tradition erlöset: wer erlöset uns von dem unertraglichern Joche des Buchstabens! Wer bringt uns endlich ein Christentum, wie du es *itzt* lehren würdest; wie es Christus selbst lehren würde! Wer - - " Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). IX 50.

responding to the changed historical circumstances. For Lessing, Christianity must be a religion centered on the present.[429]

Consistent with Luther's insistence on the orientation of the soul, it is Lessing's moral character even above his work--or more to the point, his works--that one often sees praised in references to him. Schegel wrote in his essay *Über Lessing*, "In himself he was worth more than his talents";[430] similarly Nietzsche wrote of a Lessing, "whose intellectual importance is elevated itself above every one of his writings, every one of his literary endeavors."[431] One can compare these "Protestant" assessments to a Pelagian or Cusan one, such as the one Sartre announces in "Existentialism as Humanism," where only deeds may count—*soli labores, non sola fide*—in the reckoning of an individual's worth.[432] In this case there is a recognition of the moral worth of this individual apart from his deeds, such that Wilhelm Dilthey could argue "Lessing was the first completely mature human being."[433]

After having seen himself as an Aristotelian and a follower of Diderot--whom Lessing viewed as Aristotle's true heir in the 18th century[434]--he experienced a sort of *Turmerlebnis*: in a famous letter to Mendelssohn on January 9, 1771, he wrote that "by throwing away certain prejudices, I have thrown away a little too much that I shall

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[429] Lessing was "The first thinker…who took a look at the difficult situation of Christianity in modern times." Walther Nigg quoted in Toshimasa Yasukata, *Lessing's Philosophy of Religion and the German Enlightenment* (Oxford ; New York, 2002). p. 6.
[430] "*Er selbst war mehr wert, als seine Talente*. In seiner Individualität lag seine Größe" Friedrich von Schlegel et al., *Kritische Friedrich-Schlegel-Ausgabe* ([Mèunchen,, 1958). II.1 112.
[431] "dessen intellectualle Bedeutsamkeit sich hoch über jede seiner Schriften, jeden seiner dichterischen Versuche erhebt" Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). IV.2.417.
[432] Jean Paul Sartre, *Existentialism and Humanism* (Brooklyn, 1977). p. 48.
[433] "Lessing war der erste ganz mündige Mensch" Wilhelm Dilthey, *Das Erlebnis Und Die Dichtung: Lessing-Goethe-Novalis-Hölderlin* (Göttingen, 1985). p. 107.

have to get back again."[435] On the basis of this epiphany, he began to rework his religious and theological convictions. If in his *Minna von Barnhelm* (1767), the protagonist gets her man "after she has cleansed him of his pride and his lack of compassion in strict accordance to Aristotle,"[436] by the time of the important political and theological writings we can see in Lessing a development of themes of toleration linked intimately to Luther's thought. Friedrich Nietzsche, who esteemed Lessing--though not without reservations, wrote of the connection of the two men in German *Geistesgeschichte*,

> …as finally at least a type of insurrectionist farmers' and preachers' spirit sprang up (Luther is the most well-suited example of that, he who headed up the spiritual farmers' revolt against the "higher man" of the Renaissance -- , as this farmers' and preachers' spirit later transformed into a bourgeois and critics spirit, an attack-ready lust for cutting and biting – of that Lessing is again the most well-suited example, he who headed up the war of the German bourgeois against the aristocratic spirit of French culture: Lessing against Corneille, Lessing Diderot's advocate): until at last our recent double-type of the progressively developed spirit, Goethe and Hegel…[437]

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[434] Gotthold Ephraim Lessing, *Nathan the Wise, Minna Von Barnhelm, and Other Plays and Writings*, Peter Demetz trans., The German Library ; V. 12. (New York, 1991). pp. xxv-xxvi.

[435] "…indem ich gewisse vorurteile weggeworfen habe, was ich werde wiederholen müssen"Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XI.2 144. For a contextualized overview of the development of Lessing's religious view, see Sylvester Primer, "Lessing's Religious Development with Special Reference to His Nathan the Wise," *PMLA* 8 (1893). For Leo Strauss' argument against a religious turn in Lessing, see Leo Strauss and ed. Kenneth Hart Green, "Exoteric Teaching," *Interpretation* 14 (1986): pp. 57-59.Strauss' argument is predicated in some part on a misreading of the January 9 letter. In the following paragraph, Lessing makes clear that what he speaks of is a religious attitude, when he speaks about an "Unnamed person [Ungenannten]" (i.e., Reimarus, see below) and argues that the ethical behavior of saints and prophets must be critiqued "in dem Lichte der Göttheit" "in light of their relation to God" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XI 145.

[436] Peter Demetz in Gotthold Ephraim Lessing, *Nathan the Wise, Minna Von Barnhelm, and Other Plays and Writings*, Peter Demetz trans., The German Library ; V. 12. (New York, 1991). p. xxvi.

[437] wie endlich wenigstens eine Art aufrührerischer Bauern- und Prediger-Geist hervorsprang (Luther ist das schönste Beispiel davon, er, der den Bauernkrieg des Geistes gegen die „höheren Menschen" der Renaissance anführte —), wie dieser Bauern- und Prediger-Geist später zum angriffsbereiten, schneide- und beißlustigen Bürger- und Kritikergeiste sich wandelt — Lessing ist davon wieder das schönste Beispiel, er, der einen „Bürger-Krieg", den Krieg des deutschen bourgeois gegen den

Though this is clearly no endorsement of either Luther or Lessing—Nietzsche's assessment of Luther in particular changed for the worse in his later writings[438]—it does show them engaged in a common project, with the commentary coming from someone who is firmly in that tradition.

The Occasion of Nathan der Weise

Lessing's *Nathan* is his most honored and celebrated work.[439] *Nathan der Weise* demonstrates the concrete functioning of Lessing's mature aesthetic theory. However one would settle the issue of the ultimate efficacy of Lessing, his aesthetic theory does more than delineate rules for judging the beauty of artwork. *Nathan der Weise* was constructed to make certain changes in the humanity of his readers and audience. In this it has influenced the reader response theory of Wolfgang Iser and the aesthetic theory of Berthold Brecht as well as being much in the way of an artfully constructed sermon.[440]

The play was written late in his life, when he was librarian for the Duke of Brunswick at Wolfenbüttel. This was the result of an exchange of polemical essays in a body of work known as *Anti-Goeze* because they were written as part of an extended dispute with Pastor Johann Melchior Goeze. In 1774, as part of his

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aristokratischen Geist der französischen Cultur anführte: Lessing gegen Corneille, Lessing der Fürsprecher Diderot's): bis endlich unser letzter Doppel-Typus des fortentwickelten Geistes, Goethe und Hegel…Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VII.3.442.

[438] See Heinz Bluhm, "Nietzsche's Idea of Luther in Menschliches, Allzumenschliches," *PMLA* 65 (December, 1950), Heinz Bluhm, "Nietzsche's View of Luther and the Reformation in Morgenrothe and Die Frohliche Wissenschaft," *PMLA* 68 (March, 1953).and Heinz Bluhm, "Nietzsche's Final View of Luther and the Reformation," *PMLA* 71 (March, 1956).

[439] Karl Siegfried Guthke, *Gotthold Ephraim Lessing*, 3., erw. u. überarb. Aufl., 11.-15. Tsd. ed. (Stuttgart, 1979). p. 69.

activities as court librarian, Lessing began publishing parts of an unfinished text on written by H.S. Reimarus (1694-1768). These texts, published without attribution to the controversial figure of Reimarus and with commentary by Lessing, concerned the theological controversy that most concerned him: whether revelation must be historically grounded, through faith in the word of the Bible (where the Bible is seen as purely historical document), or if the truth of religion could be rationally pursued. Reimarus took the position that Christianity was no less than a fraud. Though Lessing was highly critical in his commentary on the writings of the "unnamed author" [*Ungenannter*],[441] the publication engendered a public theological dispute between Lessing and with Pastor J.M. Goeze of Hamburg. Lessing took a position against Reimarus--insisting that "proof" was inadequate to compel religious faith or confirm the truth of the Christian religion. But this also put him in conflict with orthodoxy in the form of Pastor Goeze. As a result of this public feud, on July 6, 1778 the Duke of Brunswick withdrew Lessing's *Zensurfreiheit*, prohibiting him from publishing anything further on the subject of religion.[442]

Nathan der Weise has been seen as--*among other things*--an avenue for Lessing to advance his argument against Goeze. However, after an inquiry by J.G. Herder about obtaining copies of *Nathan*, Lessing wrote on 10 January 1779,

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[440] This is how it was received by contemporaries.

[441] On this point see Priscilla Hayden-Roy, "Refining the Metaphor in Lessing'S *Erziehung Des Menschengeschlechts*," *Monatshefte* 95 (Fall, 2003): esp. p. 398-400.

[442] Unlike the prohibition on Kant's religious writing in Prussia, the prohibition on Lessing extended even to publications outside Braunschweig.

> I want to hope that you expect neither the prophet Nathan, nor another satire on Goeze. It is a Nathan who is named Melchisedek in Boccacio (Giornatata I. Novella 3.) and whom I could only have let have this name because he would probably, like Melchisedek, go again from the world without a trace before and after him. *Introite, et hic Dii sunt!* I can however surely call out to my readers, whom this hint wants to make them even more aggravated.[443]

This name change is interesting because the Melchisedek of the Bible, whose name may be a title meaning "My king is justice,"[444] does *not* go without a trace before and since. He appears as a priest whose fate is intertwined with the house of David (Gen 14: 18-20; Psalm 110: 4). In Hebrews 7:16, Melchisdek, who "owed his priesthood not to a system of earth-bound rules but to the power of a life that cannot be destroyed," is linked in the Christian reading to the high priesthood of Jesus. Nathan, on the other hand is the prophet who in 2 Samuel 12 chastises King David with a difficult parable that challenges the morality of his rule (2 Samuel 12:1-4).[445]

The Latin phrase "*Introite, et hic Dii sunt!*"—Enter, for here too are Gods! — serves as the motto for the work, appearing on the title page. Lessing took this from *Noctes Atticae*, a collection of excerpted Roman phrases. He attributes it to the editor

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[443] "Ich will hoffen, daß Sie weder den Prophet Nathan, noch eine Satyre auf Goezen erwarten. Es ist ein Nathan, der beim Boccaz (*Giornata 1. Novella 3.*) Melchisedek heißt, und dem ich diesen Namen nur immer hätte lassen können, da er doch wohl wie Melchisedek, ohne Spur vor sich und nach sich, wieder aus der Welt gehen wird. Introite, et hic Dii sunt! kann ich indes sicher meinen Lesern zurufen, die dieser Fingerzeig noch unmutiger machen wollte" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XII. 225.

[444] F. E. Peters, *The Monotheists : Jews, Christians, and Muslims in Conflict and Competition*, 2 vols. (Princeton, N.J., 2003). p. 3.

[445] Melchisedek was king of Salem ("peace"), priest of the most high God, "without father, without mother, without descent, having neither beginning of days, nor end of life, but made like unto the Son of God; abideth a priest continually." The passage in Hebrews 7: 1-3 supports the contention that Jesus is to be seen by the Hebrews as a priest even though he was not of the tribe of Levi.

of that collection, Aulus Gellius. This sentence is an abridged Latin translation for a sentence in Aristotle's *De Partibus Animalium*.[446] There it reads:

> That is why we must avoid childish complaints about examining the less honorable animals; for in all natural things there is something admirable. The story goes that when some strangers wanted to see Heraclitus, they stopped on their way in, since they saw him warming himself at the oven; but he kept urging them, 'Come in, and don't worry; for there are gods here also.' In the same way, then, we must go forward without embarrassment with our search into each type of animal, assuming that there is something natural and fine in each of them. (Aristotle, *De Partibus Animalium* 645a 17- 23)

The purpose of this motto is certainly to indicate that religious and ethical truth could be found in the drama.[447] It is a broad hint that Lessing--in spite of what he told Herder--was purposely evading the spirit of the Duke's command (and in this he stands as a counter-example to Kant's behavior in much the same situation). It is also reasonable to assume, both given there is no overt supernatural element to the plot, and in what the play intends to convey, that Lessing is alluding to his contention that human beings are "limited gods."[448]

While Lessing has denied to Herder that he is continuing the feud with Goeze, he had earlier written to his brother Karl (on Nov. 7, 1778),

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[446] In a letter to Wilhelm Fliess, Sigmund Freud wrote, "The first things about my work that I can disclose to you are the mottoes: "The psychology of hysteria will be preceded by the proud words, Introite et hic dii sunt 'Enter--for here too are gods.' Aristotle, De partibus animalium;" Sigmund Freud, J. Moussaieff Masson, and Wilhelm Fliess, *The Complete Letters of Sigmund Freud to Wilhelm Fliess, 1887-1904* (Cambridge, Mass., 1985). pp. 204-205.Notice that this preserves the abridgement indicating that Freud may well have become acquainted with the quotation via Lessing's drama. It would then also might point to the Protestant character of modern hysteria: Freud uses *words* to uncover problems on the other side of an epistemological divide in the service of reconciliation. On the similarities of Freud's and Lessing's thought see also Kenneth S. Calhoon, "The Education of the Human Race: Lessing, Freud, and the Savage Mind," *German Quarterly* 64 (Spring, 1991).

[447] Ingrid Strohschneider-Kohrs, *Vernunft Als Weisheit : Studien Zum Späten Lessing*, Hermaea, N.F., Bd. 65 (Tübingen, 1991). pp. 114-117.

[448] (cf. Psalms 8:6)

> My *Nathan*...is a piece that I have wanted for three years...to complete a clean copy of and allow to be published. I have tried again only now because it suddenly occurred to me that I, after a small change of the plan, could fall on the enemy's other side and thereby in his flank.[449]

There are sound textual reasons to believe that Lessing even went so far as to make Pastor Goeze a character in the play, but we can also rely on reception, in which contemporaries referred to "Patriarch Goeze."[450] The patriarch is the most fanatical and unsympathetic of the characters in the drama. He clearly stands in for the uncompromising orthodoxy of Goeze's Lutheran dogma. While it is true that Lessing was a man known to throw himself into polemical exchanges, it quite surprising that Lessing would have risked and lost his freedom to publish and still continue the attack even afterwards. This is especially true given his reputation as not only the standard-bearer of Leibnizian esotericism,[451] the wearer of a "Socratic mask,"[452] who was praised by Nietzsche as "among Germans the most seductive author,"[453] but also the figure to whom Leo Strauss attributes the inspiration for the precise construction of his distinction between esoteric and exoteric writing.[454]

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[449] "Mein Nathan…ist ein Stück, welches ich schon vor drei Jahren, gleich nach meiner Zurückkunft von der Reise, vollends aufs Reine bringen und drucken lassen wollen. Ich habe es jetzt nur wieder vorgesucht, weil mir auf einmal beifiel, daß ich, nach einigen kleinen Veränderungen des Plans, dem Feinde auf einer andern Seite damit in die Flanke fallen könne" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XII 207.

[450] Gustav Gruener, "The Genesis of the Characters in Lessing's "Nathan Der Weise"," *PMLA* 7 (1892): pp. 78-79.

[451] Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 88.see also Chadwick in Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 43.

[452] Jan-Olav Henriksen, *The Reconstruction of Religion : Lessing, Kierkegaard, and Niezsche* (Grand Rapids, Mich., 2001). p. 23.

[453] "unter Deutschen der verführerischeste Autor" Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). III.2.204.In German, seduction (Verführung) emphasizes the way in which the seduced is seriously mis-led.

[454] Leo Strauss and ed. Kenneth Hart Green, "Exoteric Teaching," *Interpretation* 14 (1986).

The Quick and Lessing's Son

Why did Lessing take this particular battle so much to heart? In 1777, in his capacity as court librarian, Lessing was asked by Goeze to do some research on the topic which would become their battleground. On 5 January 1778, Lessing wrote to his brother about the birth of his son 11 days earlier on Christmas Eve:

> I have now just experienced the saddest fourteen days I have ever had. I ran the danger of losing my wife, whose loss would have embittered the rest of my life. She gave birth, and made me the father of a very cute boy who was very healthy and lively. He remained that for only 24 hours, and was thereafter the victim of the cruel means by which he had to be pulled on to the earth.[455]

Lessing had been married to Eva König for two years after having wooed her for 6 years previously. Two days later he wrote to his friend J.J. Eschenburg,

> In the last few days, the hope of a recovery of my wife has again sunk deeply: and actually now I only have the hope of again soon being

[455] "Ich habe nun eben die traurigsten vierzehn Tage erlebt, die ich jemals hatte. Ich lief Gefahr, meine Frau zu verlieren, welcher Verlust mir den Rest meines Lebens sehr verbittert haben würde. Sie ward entbunden, und machte mich zum Vater eines recht hübschen Jungen, der gesund und munter war. Er blieb es aber nur vier und zwanzig stunden, und ward hernach das Opfer des grausamen Art, mit welcher er auf die Welt gezogen werden mußte." Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XII 117.(The boy had to be pulled from his mother with forceps, see Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XII 116.) Nietzsche wrote in perhaps the cruelest sentence in his corpus, "Es ist merkwürdig, dass dies der Intellekt zu Stande bringt, er, der doch gerade nur als Hülfsmittel den unglücklichsten delikatesten vergänglichsten Wesen beigegeben ist, um sie eine Minute im Dasein festzuhalten; aus dem sie sonst, ohne jene Beigabe, so schnell wie Lessings Sohn zu flüchten allen Grund hätten" "As the intellect is really just an aid attached to the most miserable, most delicate, most ephemeral being to keep it in existence for a minute, it is remarkable that it brings about a condition; from which, having added nothing, it would otherwise have every reason to flee as quickly as did Lessing's son" Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). III.2 369.This is made even more bewildering by Nietzsche's high regard for Lessing and also by the tenderness in the following sentence from the Nachlaβ: "Faunische Züge der Verzweiflung: z.B. bei Kleist, siehe den Abschiedsbrief, oder das Bild Lessings über den Tod des Kleinen sammt der Mutter" (Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). III.3.33.

> permitted to hope. -- I thank you for the copy of the essay by Goeze. These materials are now truly the only ones which can distract me.[456]

His next letter, again to Eschenburg on the 10th of January reads in part, "My wife is dead: and now I have had this experience also. I am glad that there cannot be many similar experiences left for me to have; and I am completely light. –"[457] In this period Lessing did not pursue the research Goeze had entrusted to him and as a result the Pastor felt betrayed and began his public attacks on Lessing. But the play was even more important to him than the continuation of the *Anti-Goeze* by other means. It was "a son of his approaching old age, whom the polemic helped to bring forth."[458]

Nathan's Wisdom

The action of *Nathan der Weise* takes place in Jerusalem during the crusades. The Muslim Sultan Saladin spares a Christian knight's life, based on his superficial resemblance to the potentate's dead brother. The knight in turn rescues Recha, the adopted daughter of a Jew known as Nathan the Wise. The Templar's religious objection to a relationship with Recha is overcome by Nathan's offer of friendship, and the young man seeks her hand. Nathan stalls, troubled by suspicions about the knight's ancestry. Angered by this equivocation and by the revelation of Nathan's servant Daja, who claims that Nathan has seduced Recha away from her Christian

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[456] "Die Hoffnung zur Besserung meiner Frau ist seit einigen Tagen wieder sehr gefallen: und eigentlich habe ich itzt nur Hoffnung, bald wieder hoffen zu düfen. – Ich danke Ihnen für die Abschrift des Götzischen Aufsatzes. Diese Materien sind itzt wahrlich die einzigen, die mich zerstreuen können Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XII 119.

[457] "Meine Frau ist tot: und diese Erfahrung habe ich nun auch gemacht. Ich freue mich, daß mir viel dergleichen Erfahrungen nich mehr übrig sein können zu machen; und bin ganz leicht. –"Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XII 119.

birth, the Templar almost betrays Nathan to the Patriarch of Jerusalem. Nathan is summoned to Saladin, who plans to commandeer the rich man's wealth for the war effort. Seeking to trick Nathan, the Sultan asks him which of the three great religions is the true one. Nathan answers with a parable of three identical rings, the central metaphor of the drama. His wisdom wins Saladin's friendship. The conflict surrounding the two lovers is solved when it is discovered that they are brother and sister, the children of Saladin's deceased brother and his Christian wife.

Saladin asks Nathan which of the three religions that inhabit Jerusalem is the true one: What belief, what law, has enlightened you the most?[459] Nathan answers with a story of a king who possessed a ring with the power to make its bearer beloved and blessed to all. Over several generations, this ring was passed from father to son, until finally it reached a king with three sons, each as obedient and beloved as the other. Not wishing to pass the ring on to just one of them, the king has two exact copies of the ring made. After his death, his sons realize that they do not know which of the rings is the true one: “the real ring could not be proved--almost as unprovable as the true religion is to us.”[460] The ring's authenticity, like the religions, is based on a purely historical provenance: “And history must surely be received on trust and

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[458] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XII 193.

[459] "Was für eine Glaube, was für ein Gesetz Hat dir am Meisten eingeleuchtet?" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). III.5. 323-324.

[460] "der rechte Ring war nicht erweislich; - fast so unerweislich, als Uns itzt - der Rechte Glaube." Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). III.7 446-447.

faith."[461] They bring their case before a judge, who scornfully tells them that the ring has only the efficacy its bearer lends it, and they are "swindled swindlers."[462] The three princes realize that the ring never did work to fool others, rather it caused the wearer to make inner changes. In fact, it will be possible to identify the true ring through a "thousand thousand years"[463]-long process of self-perfection that Lessing called the *Erziehung des Menschengeschlechts* (the education—or raising—of mankind). After the telling of the Parable, Saladin initiates a warm friendship with Nathan.

As was indicated in the letter to Herder above, Lessing's admitted direct source for his ring parable was Boccaccio's *Decamerone*,[464] though Medieval ring parables such as that found in the *Gesta Romanorum* and the Jewish *Schebet Jehuda* also played a role in Lessing's creation.[465] Lessing indicates in that letter that he has changed the name of the Jew in the novel I, 3 from Melchizedek (Hebrew: "king of justice") to Nathan (Hebrew: "gift of God"). In the *Decamerone*, we have as in *Nathan der Weise*, an emboxed narrative. Indeed, in Boccaccio's work the Ring Parable is nested as follows: Melchizedek tells the parable to Saladin inside a story being told by

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[461] "Und Geschichte muß doch wohl auf Treu Und Glauben angenommen werden" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). III.7 461-462.
[462] "betrogene Betrieger" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). III.7 508.
[463] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). III.7 534.
[464] Bohnen and Schilson in Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). III.7 1136.
[465] Bohnen and Schilson in Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). III.7 1151-1153.

Filomena ("loving") in order to woo Filostrato[466] ("conquered by love"), inside the story of a group of young people who flee their plague-stricken city, emboxed by a narrator in the *Decamerone*.[467] Important for our understanding of *Nathan* is Boccaccio's graphic description of the plague and his observation that,

> It was not merely a question of one citizen avoiding another, and of people almost invariably neglecting their neighbors and rarely or never visiting their relatives, addressing them only from a distance; this scourge had implanted so great a terror in the hearts of men and women that brothers abandoned brothers, uncles their nephews, sisters their brothers, and in many cases wives deserted their husbands. But even worse, and almost incredible, was the fact that fathers and mothers refused to nurse and assist their own children, as though they did not belong to them.[468]

That the characters telling the stories of the *Decamerone* themselves flee their city and kinfolk is a demonstration of this, but it has also recently been argued that Boccacio's work is an allegorical exposition of Aristotelian-Thomistic ethics requiring reason to triumph over the other two parts of the soul, anger and lust. This is "a long-standing concept whose roots may be traced back from the *Summae* of the medieval

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[466] Boccaccio also wrote a *Filostrato* based on the medieval romance Troilus and Cressida. A Nathan does appear in the Decamerone, in novel 10,3. Filostrato tells a story in which Mithradanes, who envies Nathan's reputation for courtesy sets out to murder him. He meets Nathan but fails to recognize him. Nathan gives Mithradanes advice on how best to commit the murder. When Mithradanes is later confronted with Nathan's identity, he abandons his plans and becomes Nathan's friend. The friendship motif as well as the revelation of true identity have great assonance with the plot of Lessing's Nathan. One might also remark on the Christianity of the act of Boccacio's Nathan.

[467] If we apply the reference to our interpretation of *Nathan der Weise*, it evokes both the plague in Athens and Hannah Arendt's *Politics in Dark Times*, in which she collected her Lessing Prize lecture focusing on *Nathan*.

[468] Giovanni Boccaccio and G. H. McWilliam, *The Decameron*, 2nd ed., Penguin Classics (London ;, 1995). pp. 8-9.

scholastic philosophers through the patristic writings of Augustine and Jerome to the dialogues of Plato."[469]

Having argued in the chapter on Luther's thought, above, that the Reformer was consciously engaged in a process of "de-Greeking" theology—ridding Germany of what he saw as the inappropriate use of Aristotle in the scholastic philosophy of medieval Roman Catholicism—it is at this point that Lessing's position towards antiquity should be considered. In the 18th century, the question is one of how antiquity was to be reconstructed as a model for the unfolding German national project. Hegel wrote that, after the acceptance of Christianity had "entvölkert"—depopulated—German cosmology of Teutonic gods, the Germans were left with inappropriate Jewish heroes via the Bible (with the possible exception of Luther). This situation left Germany without political imagination, and for this reason the Greeks were taken up in German classicism as possible substitutes for the unrecoverable German past.[470] The "pre-critical" attempt to recover the Greeks for German use was in the work of Winkelmann, but, "As no less a skeptic in matters of theoretical and literary-historical change than Goethe would later attest, it was Lessing who spelled the beginning of the end of neoclassical literary norms of his time."[471]

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[469] G.H. McWilliam in Giovanni Boccaccio and G. H. McWilliam, *The Decameron*, 2nd ed., Penguin Classics (London ;, 1995). p. lxxiii.See also Victoria Kirkham, "An Allegorically Tempered Decameron," *Italica* 62 (Spring, 1985).

[470] "In der Einbildungskraft unseres Volkes lebt ein David, ein Salomon, aber die Helden unseres Vaterlandes schlummern in den Geschichtsbüchern der Gelehrten, und für diese hat ein Alexander, ein Cäsar usw. ebensoviel Interesse als die Geschichte eines Karl des Großen oder Friedrich Barbarossa"Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). I: 197.

[471] Claudia Brodsky Lacour, ""Is That Helen?" Contemporary Pictorialism, Lessing, and Kant," *Comparative Literature* 45 (Summer, 1993): p. 236.

The Socratic Gesture in Nathan

For purposes of interpretation, I want to compare Lessing's parable to Plato's retelling of the story of the ring of Gyges in the first book of the Republic. Though I am fairly certain that there is no direct trail of transmission between the two ring traditions, it is true that both Lessing and Boccaccio were familiar with the *Republic*.[472] Lessing regarded the work as belonging to the basis of any education[473] and Jamison has pointed out Lessing's familiarity with the tradition of classical republicanism.[474] The theme of imposture is another link back to antiquity, with Lessing responsible for its reintroduction into the literature of his century.[475] Also, the figure of Socrates cast a spell over the 18th century, and Lessing in particular:

> Perhaps as the purest example of this intellectual approach, Lessing embodied with a large part of his energies the head of the Socratic movement. The critical, almost fanatically extreme, character of his fight against error--above all against the dangerous and erroneous foundations of dogmatic belief--reflects his view of Socrates.[476]

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[472] Ingrid Strohschneider-Kohrs, *Vernunft Als Weisheit : Studien Zum Späten Lessing*, Hermaea, N.F., Bd. 65 (Tübingen, 1991).; Thomas Caldecot Chubb, *The Life of Giovanni Boccaccio* (New York,, 1930).

[473] Martin Bollacher, *Lessing, Vernunft Und Geschichte : Unters. Zum Problem Religiöser Aufklärung in Den Spätschriften*, 1. Aufl. ed. (Tübingen, 1978). p. 289.

[474] Robert L. Jamison, "Classical Republicanism in Lessing's Samuel Henzi," in *Lessing and the Enlightenment*, ed. Alexej Ugrinsky (New York, 1986).

[475] H.B. Nisbet, "*De Tribus Impostoribus*: On the Genesis of Lessing's Nathan Der Weise," *Euphorion* 73 (1979).

[476] Vielleicht als reinster Vetreter dieser geistigen Einstellung verkörpert Lessing mit einem großen Teile seines Wesens die Spitze der sokratisch autonomen Bewegung. Die kritishe, ja bis zum Fanatismus gesteigerte Art seines Kampfes gegen den Irrtum, vor allem gegen die gefährliche irrtümliche Begründung dogmatischer Behauptungen, spiegelt sich in den Zügen seines Sokratesbildes wieder Benno Böhm, *Sokrates Im Achtzehnten Jahrhundert. Studien Zum Werdegange Des Modernen Persönlichkeitsbewusstseins*, (2. Aufl.) ed., Kieler Studien Zur Deutschen Literaturgeschichte, Bd. 4 (Neumünster,, 1966). p. 195.

Romantic philosopher Friedrich Schlegel attested this, likening Lessing's *"Enthusiasmus der reinen Vernunft*" (enthusiasm of pure reason) to that of Plato.[477]

Modifications Lessing made to the Boccaccio Parable are also suggestive in this regard. First, the ring in Boccacio's version does not have magical powers, it is only a symbol of rule. Lessing's ring is a "Wunderring," at least initially.[478] Secondly, in Boccaccio's version, the Jew Melchisedech tells Saladin the story only to escape confiscation of his wealth. Nathan exercises a Socratic, educative purpose with his telling. Last, Boccaccio's version ends having made the point that the determination of which of the three great religions is the true one cannot be made by human beings. Lessing adds a third component. Maurer argues that in the first age, "one *undoubted* ring (religion) is accepted." However, the origins of the ring are shrouded in mystery; The second age is the time of three rings, "the age of Saldin and the period of bickering." This is to be followed by long, *tausand tausand Jahre*, process, ending in

> an utopian age in which particularized religion in which particularized religion is of minimal importance (Nathan) and in which the differences of creeds disappear in the harmony of a universal brotherhood of man.[479]

Activity, a particular type of human activity, is what brings about the third age, the age that Lessing terms the "eternal Gospel" in his *Education of Mankind*.

The ring parable is tied intimately to Lessing's theory of history as presented in the *Education of Mankind*. However, there is a much clearer explication of the role of

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[477] Quoted in Ingrid Strohschneider-Kohrs, *Vernunft Als Weisheit : Studien Zum Späten Lessing*, Hermaea, N.F., Bd. 65 (Tübingen, 1991). p. 191.
[478] Gustav Kettner, *Lessings Dramen, Im Lichte Ihrer Und Unserer Zeit* (Berlin,, 1904). p. 360.
[479] Warren Maurer, "The Integration of the Ring Parable in Lessing's Nathan Der Weise," *Monatshefte* 54 (1962): p. 259.

human action in *Nathan*. This is consistent with his aesthetic theory as explicated in the *Hamburger Dramaturgy*, and shows his conscious reliance on an understanding of Aristotelian theory of drama that puts human action at the center both of the development of plot and character and, more importantly, of ethical life.[480] However, to only discuss the impact of Laocoon, as is often done, is to misunderstand what the late 18th century thought about the role of aesthetic theory. It was not a tool so specific as to be useful only in art criticism. Since Luther recruited rhetoric and music to the Reformation's cause and modern theatre began to take form in the new political and economic environment, aesthetic theory subsumed topics in political theory that it can no longer claim.[481] This is clear in Lessing's opinion of what we now call entertainment, recorded in his *Gedanken und Einfälle*:

> The word pastime [Zeitvertrieb] should be the name of a drug, some kind of opiate, a sleeping aid, through which time unnoticeably elapses for us on a sick bed, but not the name of a pleasure [eines Vergnügens]. Nevertheless do we not often come into society which we have to endure, and in which the time becomes just as unbearable as in the hospital? Language usage always has its justification. But one should for this reason constrain the word to those idolatries and distractions that make in such associations but not those we plan for ourselves alone.[482]

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[480] See Michael Anderson, "A Note on Lessing's Misinterpretation of Aristotle," *Greece and Rome, Second Series* 15 (April, 1968). and K.A. Dickson, "Lessing's Creative Misinterpretation of Aristotle," *Greece and Rome, Second Series* 14 (April, 1967). for discussions of the fidelity of Lessing's understanding to current interpretations of Aristotle.

[481] See Rebecca Wagner Oettinger, *Music as Propaganda in the German Reformation*, St. Andrews Studies in Reformation History (Aldershot, Hants, England ; Burlington, VT, 2001). and Brian Cummings, *The Literary Culture of the Reformation : Grammar and Grace* (Oxford ; New York, 2002).

[482] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). pp. 791-2.

Lessing's aesthetic conception is connected to the project of political orientation, and this short harangue shows that as well as the pointed, exoteric, and combative character.

Though Lessing relies heavily on the Aristotelian ideal of mimesis in art, the *Hamburger Dramaturgy* and his *Laokoon* together form a critique of Aristotle's aesthetic theory. Lessing was profoundly influenced by his reading of Aristotle, and his intimate knowledge of the Philosopher may well have contributed to his reputation as having made the first major contribution to aesthetic theory since antiquity. The precise form of this critique is a neo-platonic rejoinder to Aristotle; in other words, Lessing has a Protestant theory which shows his aesthetics to be an expression of his political theory. Furthermore, the debt to Luther's formulation of these ideas can be clearly seen. At this moment in German history, the category boundary between theology and politics is fluid.

The Ring and Political Power

In Glaucon's hands, the ring is a symbol of political power. It is a release from obligation and necessity to preserve keep up (any) appearances. Being seen as just by others is the warrant for just acts: "they don't praise justice by itself but the good reputations that come from it" (363a) Reasonable use of the ring of Gyges points to the seizure of power, the overpowering of all conventions. It is the catalyst for corrupt, selfish action as it takes the individual out of the social milieu.

In a liberal conception, human beings must be put into situations where they clearly understand their choices and that those choices are meaningful in the sense that

they have the resources to act on them. Of course this is a modern conception. Athens was horrified by such visions of autonomy: Socrates was sentenced to death for it and Aristippus was reviled for it.[483] In the *Republic*, Glaucon's version of the story of the ring of Gyges framed to cause maximum horror in the Greek reader. The bearer of the ring is invisible, released from all convention, and acts only according to his individual desire: he kills the king, sexes down the Queen and lives happily ever after. This stands in contrast to the version of the myth in Herodotus. That telling has a key tragic element: the ring-bearer is discovered and must either kill himself or the King to satisfy the demands of the Queen's tribal customs. The tragedy present in the Herodotus version points to the decisive importance of custom for the Greeks.[484]

In *Nathan der Weise*, the Ring Parable serves most immediately to seal a friendship between Nathan and Saladin. When the ring's power to make its bearer blessed and beloved is lost, only recourse to social processes, first in front of a judge, then in a much longer process of rational truth seeking. While Glaucon's ring initiates a coup d'etat, Nathan's forces the realization that a social process toward moral perfection is in motion. Plato's ring leaves its wearer in need of magic. To be rational, his actions must take place completely outside of social reality, in a zero-sum political struggle against everyone else.

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[483] Steven Holmes, "Aristippus in and out of Athens," *American Political Science Review* 73 (March, 1979): p. 124.

[484] The issue of what to do with Nathan's adopted daughter Recha seems to intersect here, not simply because the Recha-problem and the ring-problem are versions of the same thing in *Nathan*. In Herodotus, the King's wife is a Lydian. This is important because of the supposed mystical qualities of Lydians (Interestingly, Luther would refer to faith as the "Lydian touchstone" of Biblical interpretation) and the resolution of Gyges' subjectivity by reference to her customs.

That there are three rings in the Enlightenment ring story points to a subjectivity and a view of reason which allows for its individuality of application. This parable is a caveat to all who would argue for one rational path to any good. It is a plea for tolerance and a recognition that human perfection is at the same time a solitary project and a social--but not political--process. Each faith and each person has access only to a partial or relative truth:

> Since each religion possesses a relative, and none the absolute truth, each is worthy of respect. On this basis they can coexist in a harmonious relationship, as mutually respected members of one universal family, and this was precisely the theme of *Nathan the Wise*.[485]

Self-understanding is presented by him as the way to the discovery of individual truths.[486]

In the related "Eine Parabel" (1778) Lessing used a metaphor that evoked once again Plato's cave; the Christian religion is presented as a huge and idiosyncratically designed palace. While the outside is confusing, the inside is orderly and surprisingly well lit. The light, Lessing explains, is due to the vast numbers of windows and doors to the palace.[487] The path to truth is again depicted as an individual one. The head of the path is the self-recognition of inborn human worth, and though in this way Lessing closely approaches Kant, the exercise of humanity rather than reason is the engine of enlightenment.

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[485] Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 134.
[486] Beate Allert, "Pluralisierung Der Ringe Oder Ringverlust?," in *Streitkultur : Strategien Des Überzeugens Im Werk Lessings : Referate Der Internationalen Lessing-Tagung Der Albert-Ludwigs-Universität Freiburg Und Der Lessing Society an Der University of Cincinnati, Ohio/USA, Von 22. Bis 24. Mai 1991 in Freiburg Im Breisgau*, ed. Wolfram Mauser, et al. (Tübingen, 1993), p. 120.

Lessing's conception of reason reflects his engagement with the philosophies of Spinoza and Leibniz. Although for Cassierer he was a "convinced Spinozist,"

> …the relation between the whole and the part, between the general and the particular, between the universal and the individual, is a different matter for Lessing than for Spinoza. The particular and individual in experience have for Lessing a decidedly positive significance rather than a merely negative one. In this respect Lessing was an unswerving follower of Leibniz.[488]

But there are good reasons to distinguish Lessing both from Leibniz and from Spinoza.

Reason was for Lessing an intellectual process which can be universally participated in[489] and leads to a "gradual becoming" for individual and species.[490] This process is in one sense extremely hostile to positive religion--religion based on historical transmission. But it is only through the exercise of positive religion over human history that the truth of rational, natural religion is gradually uncovered. Revelation is for him above reason, but accessible to it.[491] Inside the universals of reason and nature religion lie a radical subjectivity. Benno von Wiese observed,

> The drama of ideas *Nathan der Weise* clears subjectivity from the problematic elements which had previously arrested it and shows it as humanity, a symbolic reflection of human existence itself. The realm of the subjective is now secured and it gives the idea of humanity new

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[487] Klaus Bohnen and Arno Schilson in Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). pp. 41-52.
[488] Ernst Cassirer, *The Philosophy of the Enlightenment* (Princeton,, 1951). pp. 190-191.
[489] Manfred Durzak, *Zu Gotthold Ephraim Lessing : Poesie Im Bürgerlichen Zeitalter*, 1. Aufl. ed. (Stuttgart, 1984). p. 77.
[490] Paul Hazard, *European Thought in the Eighteenth Century, from Montesquieu to Lessing* (New Haven,, 1954). p. 371.
[491] H.B. Nisbet, "Lessing and the Search for Truth," *Publications of the English Goethe Society* 43 (1972): pp. 78-79.

> shape and weight, which is lived and taught in the dramatic poem *Nathan der Weise*.[492]

Both this relationship between history and reason and the subjectivity in Lessing's thought as expressed in *Nathan der Weise* find targets in the *Republic*.

City, Family, and Individual

In Book II of the *Republic*, Socrates proposes that what is good for individuals might be investigated by looking at the city. This would be enlightening, "if, of course, they do happen to be the same." (368d) It is this proviso which puts into question the claim to rationality that the Kallipolis exercises. Lessing's rationality as demonstrated in *Nathan der* Weise challenges this cold and spare version of thought. Enlightenment rationality is not a simple-minded regurgitation of half a dialectic. In Lessing's hands, it removes the distinction between reason and nature,[493] recognizing the natural context and the universal goals within which it operates.[494]

Nowhere is the tension between these two views of rationality more striking than in their relationship to the family. Does rationally pursued justice demands the sort of gender arrangements portrayed as necessary in the *Republic*? *Nathan der Weise* argues that reason alone does not dictate the radical restructuring of familial relations in society. A view predicated on another view of human possibilities will take a different course from the one that Plato envisioned.

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[492] Das Ideendrama *Nathan der Weise* reinigt die Subjektivität von dem Problematischen, was ihr bisher anhaftete und erhebt sie als Humanität zum symbolischen Gleichnis des menschlichen Daseins überhaupt. Der Bereich des Subjektiven is jetzt gesichert und gibt sich als Idee der Menschheit neue Normen und Maße, die in dem dramatischen Gedicht Nathan der Weise gelebt und gelehrt werden. Benno von Wiese, *Lessing: Dichtung, Aesthetik, Philosophie* (Leipzig, 1931). p. 66.

[493] Klaus Bohnen, "Über Das 'Gegenbild Einer Gesellschaft' Bei Lessing," *Deutsche Vierteljahrschrift für Literaturwissenschaft und Geistesgeschichte* 53 (1979): p. 409.

In one reading of Plato's city in speech (369a), it is a "thought experiment"[495] designed to portray the requirements of a just city. This version of the argument for the gender reforms of Book V is the following: Men and women are only as dissimilar as bald men and men with hair. On the other hand, both men and women possess rational capacities which are the essential (and important) human characteristics. It is the development of these rational capacities that necessitates the radical sexual reforms including disbanding the family (457c-d), strictures on sexual contact (460-1) and eugenic breeding (459).

Justice demands that sexuality be banished from the guardian class, because sexuality particularizes and differentiates, thus creating injustice: "If sexuality is a source of injustice, then only its virtual eradication will allow justice to be done to the shared forms of human excellence.[496] The thought experiment is through necessary logic driven to these extremes. It is designed to represent the most robust form of justice at the expense of other values. The price is the negation of the body and anything we value about it. This argument sets up a duality between rationality and nature, represented by individual mind and familial relations.[497] But to Socrates, Kallipolis *is* justice. That it is unattractive to most merely points out the nature of Plato's argument and the difficulty in attaining justice as the end of political life. There is clearly an argument to be made that this extermination of the body, in the

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[494] H.B. Nisbet, "Lessing and the Search for Truth," *Publications of the English Goethe Society* 43 (1972): p. 82.
[495] Steven Forde, "Gender and Justice in Plato," *American Political Science Review* 92 (1997): p. 667.
[496] Steven Forde, "Gender and Justice in Plato," *American Political Science Review* 92 (1997): p. 667.
[497] "We compromise justice for the sake of other goods we want, such as families and private erotic attachments" Steven Forde, "Gender and Justice in Plato," *American Political Science Review* 92

service of rational mind, runs counter to Lessing's version of human nature. Implicit in the "price" is the tacit acknowledgement that what we are buying might not be worth it: If human nature is not fitted to this justice, can it be said to be humane?

Is Recha an Occasion for Revenge (*Rache*) or Right (*Recht*)?

In the context of *Nathan der Weise*, Lessing makes specific arguments for a different rational ordering of human relationships. The drama takes up gender issues and resolves them rationally by recognizing both subjectivity and natural constraints. The Jew Nathan has been adoptive father to Recha, who we are told was "born" a Christian. She has been raised in neither faith, rather in reason. Nathan, the Templar, Saldin and his sister Sittah all attempt to control her and determine whom she will marry. She is the object of both sexual desire and a desire by men to protect her. In some ways, the play is about "*zu wem Recha gehört*"—to whom she belongs, or by whom she is owned.[498] In a solution borne of Lessing's Enlightenment worldview—and in contrast to the solution of the closed society of the *Republic*—Recha can make her own decision about whom to marry. It is made clear that Recha does not belong in any way to the Templar. Saladin tells him, "Was du gerettet ist deswegen nicht dein Eigentum" [What you saved is not therefore your property] (V, 8. 171-2). Recha is coached by Saladin and his sister Sittah,[499] against the worried stalling of Nathan, to

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(1997): p. 668"We compromise justice for the sake of other goods we want, such as families and private erotic attachments" (Forde 1997: 668.

[498] Beate Allert, "Pluralisierung Der Ringe Oder Ringverlust?," in *Streitkultur : Strategien Des Überzeugens Im Werk Lessings : Referate Der Internationalen Lessing-Tagung Der Albert-Ludwigs-Universität Freiburg Und Der Lessing Society an Der University of Cincinnati, Ohio/USA, Von 22. Bis 24. Mai 1991 in Freiburg Im Breisgau*, ed. Wolfram Mauser, et al. (Tübingen, 1993), p. 118.

[499] If Recha's name is a play on both revenge (*Rache*, Old High German *rächa*) and justice (*Recht*), then Saladin's sister Sittah is likewise the stand in for customs and mores (*Sitte*). This occasions the hermeneutical issue--reading Recha's name. The problematic of the ring parable resides also in what

make her own decision. When it is revealed that Recha and the Templar are brother and sister, this problem is removed; the two rationally, even as they are astounded, accept the constraints of nature.

But *Nathan der Weise* is about family in a much wider sense. Atkins argued,

> *Nathan der Weise*, then, is not a family drama constructed around a parable of three rings. The parable of the rings is rather a function of the all-important family plot which symbolizes the brotherhood of man, the need of men to tolerate one another, and one another's ways and ideas, even as they do with their own families.[500]

Even as the two would-be lovers are frustrated, the revelation that they are brother and sister and that they are Saladin's deceased brother's children makes the point that all belong to this overarching family. Nathan's place in the family is no less secure. Having had his wife and children murdered by Christians, his adoption of Recha was concrete proof of his rejoining the family of man through a return to reason.[501] Saladin adds, "the blood, the blood alone does not make the father!"[502] This is not a bourgeois family drama, because eros is being rejected in favor of agape, which stands for true Christianity in Lessing's view. Solving the question of where Recha "rightfully" belongs is not then an occasion for revenge (*rächen*), but rather to be solved only by an elected affinity.

The brotherhood of humanity is a natural fact for Lessing. But of course this fact cannot be historically received. It is only to be realized through the individual,

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the other characters are to do about Recha. For etymology see Gerhard Köbler, Deutsches Etymologisches Wörterbuch (1995 [cited 7/10/2004 2004]); available from http://www.koeblergerhard.de/derwbhin.html.

[500] Stuart Atkins, "The Parable of the Rings in Lessing's Nathan Der Weise," *Germanic Review* 26 (1951): p. 267.

[501] F.W. Kaufmann, "Nathan's Crises," *Monatshefte* 48 (1956): p. 277.

rational investigations of each person. In this way it is an argument against the founding word of Kallipolis, the Noble Lie. There is a recognition in *Nathan der Weise*, as in the *Republic*, that acceptance of historical fact (especially as pertaining to matters of faith) is predicated on faith. Given this, one might argue that one should put this faith in those with ties of blood and tradition.[503] This historical provenance does not, however, establish the truth of individual faiths; it merely demonstrates again that each individual has a subjective relationship to these truths. The political point is mirrored in the liberal ideology of subjective attachment to the polity (consent), complicated by the acknowledgement, in this tradition, of the importance of blood and situational ties.

Ties of blood and tradition receive further implicit treatment in *Nathan* in that the drama is set amongst the crusades. If men are brothers in a particular sense through a belief in something like the noble lie, then such wars are possible. But if men are brothers in a universal sense, each with a common goal but different routes to truth, strife between men and nations become less likely; the nation becomes meaningless as all "noble lies" dissolve. Lessing's belief in this rational and attainable utopia[504] is demonstrated and made real in the drama itself: "The method of critical dialog is to the Enlightener the guarantee of political emancipation."[505]

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[502] "das Blut, das Blut allein Macht lange noch den Vater nicht!" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). V.7. 551-552.
[503] Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 142.
[504] Beatrice Wehrli, *Kommunikative Wahrheitsfindung : Zur Funktion Der Sprache in Lessings Dramen*, Hermaea, N.F., Bd. 46 (Tèubingen, 1983). p. 149-150.
[505] "Die diologisch-kritishe Methode ist dem Aufklärer Garant politischer Emanzipation" Beatrice Wehrli, *Kommunikative Wahrheitsfindung : Zur Funktion Der Sprache in Lessings Dramen*, Hermaea, N.F., Bd. 46 (Tèubingen, 1983). p. 170.

Lessing's commitment to free rational inquiry militates against any blind acceptance of historical accounts of brotherhood. In its service as an anti-Goetze, *Nathan der Weise* rejects the reception of myth. Lessing has the Templar warn that this process is not a simple one:

> The superstition in which we grow up
> Does not lose its power over us
> Even when we recognize it.
> Not all those who ridicule their chains are free.[506]

Human beings are to be free of all lies, noble and otherwise, over the long course of the process of Enlightenment. This is a recognition of the poverty of the will going back to Luther's conception and forward to Hegel's and Nietzsche's.

Even more than this, for Lessing family becomes an interpretive metaphor. In his *Paralipomena zu Ernst und Falk* (1770/1), he speaks of the work of the *genealogist*, who need not be a member of a particular family to receive the truth of a particular doctrine. He writes,

> Wouldn't it be bad if a noble race wanted to reject its family tree because the author was not related to it? Because he…did not want to receive the message that he found in the common archive of history?[507]

Though in some important sense for Lessing, Christianity is a product of the Jewish people, non-Jews must not on that basis reject it; conversely, Jews (i.e. Nathan) are

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[506] Die Aberglaub', in dem wir aufgewachsen,
Verliert, auch wenn wir ihm erkennen, darum
Doch seine Macht nicht über uns. --Es sind
Nicht alle frei, die iher Ketten spotten
Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). IV.4. 377-380.

[507] Wäre es nicht schlecht, wenn ein vornehmes Geschlecht seinen Stammbaum verleugnen wollte, weil der Verfasser ihm nicht verwandt gewesen? Weil er <…> die Nachtricht nicht annehmen wollte, die er in dem allgemeinen Archive der Geschichte gefunden? Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 70.

also not freed of the necessity to take cognizance of the moral innovations of Christianity. That Nathan, a Jew, "overcomes" the Law, and becomes "a true Christian" ("ein wahrer Christ") shows this as well as the ethical effort required of each individual who aims to confront the world with his humanity.

If the *Republic* is a thought experiment, an imagining of perfectly rational justice, then Lessing's *Nathan* replies that given the faultiness of reason in human time, the exercise of humanity is not only prudentially superior, but also, *for the human race*, asymptotically reaches rational perfection as well. If one is in a sense blinded by reason in the pursuit of the beautiful city, this single-minded, narrowly understood rationality calls for the sacrifice of humanity. This is the lesson of Lessing's disappearing ring to Plato's ring of invisibility. The individual is not directly engaged in a project of perfectibility. Lessing understands perfectibility like Leibniz, not like Rousseau (or Goethe). The individual is engaged in perfectionism (evoking Nietzsche and Cavell), not perfectibility. In a letter to Mendelssohn from 21 Jan 1756, he writes,

> You take it (*perfectibilité* in Rousseau) as an *undertaking* to make oneself more perfect; and I just understand the composition, which all things in the world have, and which were unavoidably necessary to their continued existence.[508]

[508] Sie nehmen es für eine *Bemühung*, sich vollkommener zu machen; und ich verstehe bloβ die Beschaffenheit eines Dinges darunter, vermöge welcher es vollkommner werden kann; eine Beschaffenheit, welche alle Dinge in der Welt haben, und die zu ihrer Fortdauer unumgänglich nötig war. Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985).

For Lessing this means that a savage cannot transcend being a savage; his task is to first attain savagery, and then after that become the best savage he can be.[509]

This engagement with Rousseau is actually a crucial passage for understanding Lessing's political theory because it contrasts "Protestant" perfectionism with Averroean, philosophical, perfectibility. Lessing will not extend to the will the power to transform human nature. Only the sweep of history can transform human beings' understanding of themselves. Human nature remains constant (this he borrows most notably from Leibniz), and human potentiality is contained at least in germ form, in all human beings of all time. However, Lessing's engagement with Spinoza is a long meditation on determinism, and this means that history is guided by providence. Human nature remains constant, but it is masked by a historically developing self-consciousness.

Subjectivity and Perspectivism

Truly human conduct, as Lessing examines it in *Nathan der Weise*, involves the exercise of a particular type of subjectivity. The ring is given its true value through the orientation of its wearer. When Nathan is called by Saladin he expects to be asked for money but instead is asked to tell which of the three great religions is the true one. Nathan says to himself:

> I thought of money; And he wants –truth. Yes truth! And wants it so—So bare and blank—as if the truth were coin!—And were it coin, which anciently was weighed!—That might be done! But coin from modern mints, Which but the stamp creates, which you but count Upon

[509] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985).

> the counter—truth is not like that! As one puts money in his purse, just so One puts truth in his head?[510]

Money is the symbol of an abstract universalism that Lessing wants to reject. Not only does it measure the value of things with an arbitrary act of political authority ("the stamp creates"—money is created out of coin by an act of the state), it reduces the value of all things to a common measure. Ancient (*uralte*) coins had to be individually weighed, not taken at face value, and presumably carry variable value according to their individual weight. Nathan is faced by the double prospect of uncovering the true desire of Saladin and also revaluing their relationship. Nathan decides that he cannot answer this request on the basis of religious authority, because Saladin will object that he does not listen to the same authority as the Jew. This is for Lessing a political understanding because positive religions are artifacts of the states they inhabit.[511] Of course, Nathan could take the "modern" way out and simply pay up with new coins. He doesn't want to do this first of all because he is, up to this moment in the play, cast with a stereotyped relationship to money—he himself is pre-

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[510] --Ich bin
Auf Geld gefaβt; und er will Wahrheit. Wahrheit!
Und will sie so, --so bar, so blank, als ob
Die Wahrheit Münze wäre! Ja, wenn noch
Uralte Münze, die gewogen ward! –
Das ginge noch! Allein so neue Münze,
Die nur der Stempel macht, die man aufs Brett
Nur zählen darf, das ist sie doch nun nicht!
Wie Geld im Sack, so striche man in Kopf
Auch Wahrheit ein? Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). IX 554.

[511] In *On the Origin of Revealed Religion* Lessing argued that orthodoxy necessary not in state of natural freedom but rather in state of social connection with other people. Further, persons in each political state participate in natural religion perspectivally: "The indispensability of a positive religion, because of which the natural religion is modified in each State according to its natural and accidental conditions, I call its inner truth, and this inner truth is as great in one as in another" Chadwick in

modern in the sense that the concrete differences between individuals have not been removed by a modern conception of equality. He must rather procede on the basis of friendship and common humanity. He must reject the abstract universalism of new coins (argument from a particular authority) to fashion a concrete, barter solution in the form of the Ring Parable and its object, friendship. In this instance Nathan must reason in the service of human individuality. This is a concrete, not an abstract individuality. Saladin must not be engaged as an abstract individual, not even one who has been assigned membership in a positive category ("Jew" or "Muslim"). He must be engaged on the basis of humanity and engaged with humanity as a friend.

Nathan does not respond to Saladin's request for the truth with the trickery of Boccaccio's example, but rather fashions a "new truth."[512] This political epistemology is a solution in the tradition of Luther. Luther contends that although all human beings are not the same for God one cannot know God's mind with regard to particular individuals. This is, once again, the doctrine of *deus abscondita*. What one has to go on are the laws of the secular *Reich* and the word that governs the spiritual *Reich*. In contrast, for Leibniz one can know the mind of God, because it too is governed by reason. God is constrained by reason (and because of this we are confined to only the best of all *possible* worlds). To paraphrase John, for Leibniz in the beginning was logic--scholastic logic.

Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). pp. 104-105.

[512] This recalls Heidegger's rendering of *alethein* as an active creation rather than literally a-lethein, "not forgetting."

Lessing agrees with Luther that individuals cannot know the mind of God. Human beings then have two places to turn for advice about action, reason and humanity. For Luther, the *logos* of moral action was given in the New Testament. The solution is to see one's true humanity expressed there. But for Lessing the contestation of what the "word" is means that the compatibility of the New Testament with both logic and historical understanding must be evaluated. The Bible cannot be uncritically received as the word of God. However, we may recognize a *logos* in the Bible. Untying this knot is for Lessing a political act. Seeing "Vernunft als Weisheit," reason as wisdom,[513] is not an innocent epistemological move. It sees the constitution and exercise of reason as political. It involves several things. First, it involves the historical process of the development of what we would call public reason. Leibniz is here the counter-example, because although reason is as reliable as it was in Leibniz' universal conception, reason is *truly* experienced only in differing perspectives. In Leibniz individuals experience perspectival truths which are partial, distorted by their distance from the center of the city. For Lessing we inhabit different cities in both time and space, each with its own authentic truth. The trajectory of history does not make prior truths less valid in their own contexts. Indeed, in a letter to Mendelssohn, Lessing scoffs at the notion that one could say that Socrates was *really* a Christian.[514] It is important to note that Lessing writes the *Christianity of*

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[513] Ingrid Strohschneider-Kohrs, *Vernunft Als Weisheit : Studien Zum Späten Lessing*, Hermaea, N.F., Bd. 65 (Tübingen, 1991).

[514] Compare this to Wolff's student Lorenz Schmidt's "Wertheimer Bible" (1735), a translation of the Bible into Wolffian terminology (see Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 36.), but also to D.F. Strauss' *Life of Jesus Critically Examined* (1835), in which Jesus expounds Kantian philosophy.

Reason, not the Reason of Christianity. The truth of Christianity--which, among similar competitors considers itself the religion of truth--as a positive religion is prior to all expressions of Christianity, including the Bible. Natural religion on the other hand is wholly rational. This does not mean that the Bible must be tested with reason, and if part of it is found wanting, rejected, as liberal neology did. And it does not mean that interpretation of the Bible should be driven by a necessity to make the Bible conform to reason, as the liberal theologians of Lessing's time wanted. For Lessing, the truth of the Bible is a spiritual truth. The truth of the Christian religion does not come from the words of the Bible. The Word is not Spirit, so objections to the word are not objections to religion. The truth of Christianity is prior to the Bible.[515]

Lessing's distinction between the letter and the spirit is in one sense a radicalization of Luther's Reformation. For Luther the New Testament is God's Word, and the Old Testament is to be read through this lens as well. However, without the Holy Spirit, the Bible cannot be experienced correctly: this explains the necessity of Christian translations (*Brief über Dolmetschen*) and the oral preaching of the Word in church. And Lessing's project is not antinomian and therefore analogous to pure mysticism or the more troublesome of radical reformers of Luther's day. There is a progressive element in Lessing's conception of history (where Luther's is Biblical and eschatological), but the temporal *progression* is the human project. Though mystics may have sensed the epoch of the eternal gospel, it is not attainable

[515] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 18. Lessing "constructs his hermeneutics on the principle of the linguistic mediacy of the Biblical text, and then exploits its ability to generate multiple meanings (the very quality that led Reimarus to reject it) in order to formulate a

without the striving of all human beings throughout history. Bacon's New Atlantis is a destination which can now be speculated about, but it cannot be reached until time has run out.

Importantly, Lessing says he is vindicated by the *spirit* of Luther.[516] In his unfinished *Bibliolatrie*, Lessing says that his complaint with Luther's treatment of the Bible is the contention that it is the body of Christ.[517] Lessing's contention is that this statement by Luther is to be understood not as the Lutheran orthodoxy would have it, but rather can be interpreted as the announcement of a project. The Bible is not the true and fixed expression of spirit because the men who wrote the Bible had the benefit of revelation. Rather, the Bible is a book for the exercise of *our* spirit. In his discussion of early Christian writings in the *Briefe an Gottesgelehrte*, Lessing holds strongly to the central tenet of Luther's doctrine of *sola fide*:

> Confession of faith alone makes the Bible comprehensible to all people: and that is precisely that which I want. But this confession of faith must not be drawn out of the New Testament, but rather it must be earlier than the New Testament, and in its complete independence from the New Testament, at least just as worthy of belief as the New Testament.[518]

By coining the word Bibilolatry, Lessing intended to draw a distinction between a false stance towards the Bible epitomized by Goeze (the pun on idol—Götze--is used

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notion of evolving, progressive interpretation" Priscilla Hayden-Roy, "Refining the Metaphor in Lessing'S *Erziehung Des Menschengeschlechts*," *Monatshefte* 95 (Fall, 2003): p. 404.

[516] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 23.

[517] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 166.

[518] Das Glaubens-Bekenntnis allein macht die Bibel allen Menschen verständlich: und das ist gerade das, was ich will. Aber dieses Glaubens-Bekenntnis muβ nicht aus dem neuen Testament gezogen sein, sondern es muβ früher als das neue Testament, und in seiner völligen Unabhängigkeit vom neuen

repeatedly) and a true stance of honoring the Bible. Once again, in the *Briefe an Gottesgelehrte*, Lessing argues that truth is conferred by a spiritual move:

> To him [Clemens], human witness, even the witness of the prophets and apostles [is to be doubted], so long as they are taken as independent of the rule of truth. The voice of the Lord that counts by itself, that by itself rules out further demonstration, is this rule of the truth, which we have received from the truth itself. It is, in a word, the confession of faith.[519]

The test of truth is faith. And this means that religion is not, at least in our time, achieved but must rather be seen as project. Pointing to the quote from Euripides' Io with which he begins *Bibliolatrie*, Lessing writes that he sees himself working *on* the temple not *in* the temple.[520] For Lessing, the truth of Christianity does not depend on its historical "scaffolding."[521]

For Lessing, the contention that the truth of Christianity is prior to the words of the Bible does not mean that Christianity can be experienced outside of words, nor that

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Testamente, wenigstens eben so glaubwürdig also das neue Testament sein. Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 200.

[519] Ihm [Clemens]sind die menschlichen Zeugnisse, eben die Zeugnisse der Propheten und Apostel, so lange sie unabhängig von der Regel der Wahrheit genommen werden; und die Stimme des Herrn, die allein gilt, die allein keine weitere Demonstration zuläβt, ist diese Regel der Wahrheit, die wir von der Wahrheit selbst empfangen haben; ist, mit einem Worte, das Glaubens-Bekenntnis. Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 200.

[520] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 170.

[521] Coleridge was troubled by what he saw as Lessing's categorical rejection of all historical evidence as relevant to the truth of Christianity, which includes by extension the evidence of one's own sense experience: "I feel at each perusal more and more puzzled how so palpable a *miss* could have been made by so acute a mind" in Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 32. This would seem to be English empiricism's inability to understand the religious and atemporal point being made by Lessing. Sense experience was indeed a guide to the primitive peoples who received their revelation as visible miracles, but the critical stance of the 18th c. makes such demonstrations both unnecessary and irrelevant. Lessing was not rejecting sense data. Indeed, he believed that some human beings have exercised more than five senses "*Wunderbare Menschen*" and that all might one day possess more than five Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf*

there is some other truth that is not expressible in words.[522] It is rather a case people must decide which words to give themselves ourselves over to. He advocates a "critical" stance toward language itself. This critical stance is not the perspective of one who wants to commit to nothing. It is rather the perspective of the *Philo-loge*, the lover of the word. In Lessing, the decision to believe is what is the essentially religious moment. It is a moment of subjectivity both in the sense that more than one choice is possible but more importantly that the existence of this choice exhibits the fact of self-consciousness and the realm of freedom. And what is important in choosing the words one will inhabit: *sola fide*. This decision has such importance because it forms the essence of humanity and will determine the exercise of that humanity once the decision has been taken. Asking the question of which law, which faith is a profoundly radical, de-centering, human step.

By using the phrase political epistemology, I hoped to show how in *Nathan*, the construction of moral truth in political reason is to be seen as a political process. For Lessing we are neither in possession of the type of reason Leibniz believed we had access to nor are we in a position to uncritically take our truth from historically contingent texts or other authorities. In Luther's terms this means that Aristotelian reason is a work that cannot justify, and that God's instructions cannot be issued by a priest caste and received by an uncritical laity. Pointing to a scene in *Nathan* designed to evoke *Job* (IV, 7), Lessing wants to argue against a progressive theodicy. Job is an

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Bänden, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 645-649. However, sense data is irrelevant to determining the truth of the Christian religion.

argument against the ability of human beings to know God's reasons, to be in possession of anything like universal reason. Nathan is rather on many dimensions an argument for *Versöhnung* or reconciliation within the limits and powers of human knowing. This "reconciliation" is not fatalistic, it is an affirmative recruitment into what Lessing sees as the project of history: one's humanity is not built from nature up, but rather with full consciousness of one's place in history.

Lessing and History

The ring parable makes a distinction between positive and natural religion that Lessing reworked many times, particularly in his philosophy of religion, where positive religion is the manifestation of religion in a particular time, for a particular people, cluttered up with a particular set of cultural practices. Natural religion is in the essence of all positive religion. But this natural religion can not be directly experienced. It is only to be had in the context of history, in the positive religions.

As demonstrated in *Nathan der Weise*, the human race progresses from darkness to light, from the cave into the open air. But this progression from the most primitive stage to the last one, the "eternal Gospel" that mystics foresaw in the *Education of the Human Race* in which positive and natural religion are identical is accomplished not by pure reason—not in accord with laws laid down by *Vernunft*. This is why Hannah Arendt can remark on the dramatic tension in *Nathan* between humanity in friendship and truth and argue that for Kant, "it is as though he who had so inexorably pointed out man's cognitive limits could not bear to think that in action, too, man cannot

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[522] As in Wittgenstein and Heidegger; see also Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann

behave like a god."[523] She contends Lessing is willing to sacrifice truth to humanity, *doxa* to *aletheia*, pointing out the inhumanity of Kant's moral theory.[524] But this also shows how much more closely Lessing follows Luther in this regard. While Kant wants to connect man's will to the authority of laws of reason, Lessing wants men to listen only to what he perceives as the "spirit" of Christianity as expressed in the words of the testament of John: "Little children, love one another."[525]

Inevitably quoted in studies of Lessing is an excerpt from a letter to his friend Moses Mendellsohn, in which he writes,

> Not the truth, in whose possession one or another person is or maintains he is, but rather the upstanding effort that he has brought to bear to get behind the truth makes the worth of the person. Because it is not through possession but rather through investigation of the truth that his powers broaden, in which exists all his ever increasing perfection. Possession makes one calm, lethargic, proud -- if God held all truth enclosed in his right hand and in his left the one the always activated drive to truth, but with the condition that I would always and eternally err, and said to me: "Choose!" I would fall solemnly in his left and say, "Father, give! The pure truth is surely for you alone!" [526]

Arbor,, 1966). p. 118.

[523] Hannah Arendt, *Men in Dark Times*, [1st] ed. (New York,, 1968). p. 27.

[524] Hannah Arendt, *Men in Dark Times*, [1st] ed. (New York,, 1968). p. 27.

[525] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 58. Kant might reply that the categorical imperative is a reformulation of the Golden Rule. But this would only seem to confirm that in Luther's and Lessing's terms, he has collapsed the categories of Word and Law. For Lessing, right action is not *subject* to reason--God is not a lawgiver whose commands are transmitted by Aristotelian logic. On the contrary, right action is subject to a moral sense that is not accessible to reason; and reason is the debris of cumulative and successive individual moral engagement over centuries.

[526] "Nicht die Wahrheit, in deren Besitz irgendein Mensch ist oder zu sein vermeinet, sondern die aufrichtige Mühe, die er angewandt hat, hinter die Wahrheit zu kommen, macht den Wert des Menschen. Denn nicht durch den Besitz, sondern durch die Nachforschung der Wahrheit erweitern sich seine Kräfte, worin alle seine immer wachsende Vollkommenheit bestehet. Der Besitz macht ruhig, träge, stolz - Wenn Gott in seiner Rechten alle Wahrheit und in seiner Linken den einzigen immer regen Trieb nach Wahrheit, obschon mit dem Zusatze, mich immer und ewig zu irren, verschlossen hielte und spräche zu mir: 'Wähle!' Ich fiele ihm mit Demut in seine Linke und sagte: 'Vater, gib! die reine Wahrheit ist ja doch nur für dich allein!'" Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).

The comparison of this view of history with Mill's theory of progress is obvious. Compare also Nietzsche's extended attempt in *Unzeitgemäβige Betrachtungen* to defend Lessing from

This is a commitment to the *pursuit* of truth—or more appropriately to the endless exercise of the human spirit. For Luther it important that the Holy Books had to be taken out of Latin and reinterpreted for the German spirit —but not directly, it was necessary to first go *ad fontes*. But even more democratically, the argument that every man is a priest, an interpreter of the Word, is precisely on the trajectory that Lessing occupies. Having argued that the Greek Gospels all stem from a lost Hebrew source (*New Hypothesis Concerning the Evangelists Regarded as Merely Human Historians*, 1778),[527] he also denied the religious importance of the critical philological debate between the neologists and perspectives like the one of Reimarus claiming that the contradictions in the Bible disproved its truth. In the *Erziehung des Menschengeschlechts*, he places the work of the human spirit on the text of the Bible over millenia in historical account of the development of the humanity towards a hypothetical end state where the utility of the positive religions has been exhausted. For Allison, the genius of Lessing was his adaptation of "Leibnizian pespectivism" to solve the simultaneity of the eternal, universal, and rational character of religious truth

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misappropriation by D.F. Strauss: "Wenn Gott in seiner Rechten alle Wahrheit, und in seiner Linken den einzigen immer regen Trieb darnach, obschon unter der Bedingung beständigen Irrens, ihm zur Wahl vorhielte, würde er demüthig Gott in seine Linke fallen und sich deren Inhalt für sich erbitten — dieses Lessing'sche Wort hat man von jeher zu den herrlichsten gerechnet, die er uns hinterlassen hat. Man hat darin den genialen Ausdruck seiner rastlosen Forschungs- und Thätigkeitslust gefunden. Auf mich hat das Wort immer deswegen einen so ganz besondern Eindruck gemacht, weil ich hinter seiner subjectiven Bedeutung noch eine objective von unendlicher Tragweite anklingen hörte. Denn liegt darin nicht die beste Antwort auf die grobe Schopenhauer'sche Rede von dem übelberathenen Gott, der nichts besseres zu thun gewusst, als in diese elende Welt einzugehen? Wenn nämlich der Schöpfer selbst auch der Meinung Lessing's gewesen wäre, das Ringen dem ruhigen Besitze vorzuziehen?" Also wahrhaftig ein Gott, der sich das beständige Irren, aber mit dem Streben nach Wahrheit, vorbehält und vielleicht sogar Strauss demüthig in die Linke fällt, um ihm zu sagen: nimm du die ganze Wahrheit" Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). III-1.194.

and the manifestation of religion in history in positive forms. While for Leibniz perspectivism entailed finite beings seeing only part of a unified and eternal city, for Lessing the culturally specific and historically conditioned truth exists in a developmental historical process.[528] The end result will be that, "*for the first time in the eighteenth century the question of the facticity of the Christian revelation was held to be irrelevant for the truth of the Christian religion*".[529]

In the *Erziehung des Menschengeschlechts*, Lessing grapples with the relationship of religious truth to history. He argued in *On the Proof of the Spirit and of Power* (1777) that nothing can be demonstrated through reported historical truths: "accidental truths of history can never become the proof of necessary truths of reason."[530] In a critical formulation, he writes that since all historical truths are only historically certain, even those said to be inspired, and that he can't get over that "wide ditch."[531]

In *The Education of the Human Race*, he will reconstitute history as revelation. He begins by arguing that "What education is to the individual man, revelation is to

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[527] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 72.
[528] Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 133.
[529] Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 96. The motto of *EMG*, from Augustine, is: Doch folgendes: diese Dinge sind alle aus dem gleichen Grund einerseits wahr, wie sie anderseits Täuschung sind. Und dazu, daβ sie wahr sind, verhilft allein, daβ sie in anderer Hinsicht Täuschungen sind.
[530] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 53.
[531] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 55.

the whole human race."[532] But in a democratic move that dispenses with the need for a professional priesthood and therefore consistent with Luther's thought, he says, "Education is revelation coming to the individual man; and revelation is education which has come, and is still coming, to the human race."[533] Unlike Luther though, "Education gives man nothing which he could not also get from within himself";[534] this is the influence of Leibniz. There is truth inside each human being and reason is not fallen: "revelation gives nothing to the human race which human reason could not arrive at on its own."[535]

The story is not just an abstract one however. It is the story of Christianity. God began revelation with the most rude and ferocious people.[536] This is the revelation of laws to the Jews. Lessing argues there was no doctrine of immortality in the Old Testament because the laws applied only to the time of Moses, requiring a "heroic obedience" to follow laws just because they belong to your people.[537] The influence of Persian doctrine brought the concept of immortality, and Lessing sees Christ as first reliable teacher of immortality of soul as well as the first practical one

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[532] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 82. Hegel, who held Lessing up as an exemplar, can be seen as following this project with his *Phenomenology of Spirit*: he portrays the development of culture as the progressive action of collective human spirit.

[533] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 83.
[534] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 83.
[535] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 83.
[536] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 83.
[537] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 88.

because he showed how to put one's life in accord with principles.[538] Although Jesus only was supposed to preach to Jews, the New Testament is the best teacher, enlightened because of over a thousand years of application and exercise of reason on it.[539] The historical unfolding is nothing compared to truth of the doctrine through reason, but dubious historical truth has lead human reason toward truth.[540]

Lessing issues a call for freedom of conscience, by claiming that speculation has never done harm to civil society, only the oppression of thought.[541] Preserving the distinction between Luther's Two Kingdoms, Lessing argues that speculation requires exercising reason on spiritual matters as against most human beings wanting to focus on concerns of the body.[542]

But Lessing's history is very different from Luther's is the constitution of history, and this will stamp Lessing's importance on the rest of this tradition both in Hegel and beyond--even from one perspective in Nietzsche. Mankind will reach perfection:

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[538] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 92.
[539] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 91.
[540] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 95.
[541] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 95-96. Allison argues that Lessing "profoundly influenced historical understanding of the Reformation: 'Henry Chadwick, editor of *Lessing's Theological Writings*, suggests in his introduction (p. 23) that: 'With this claim Lessing imported into German Protestantism and many history books the legend that the fundamental principle of the Reformation was the right to exercise unrestricted private judgement'" Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 192.
[542] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 96.

> 84. This is the aim of *human* education, and does the divine education not extend so far? Is nature not to succeed with the whole, as art succeeded with the individual? Blasphemy! Blasphemy!
> 85. No! It will come! It will assuredly come! The time of the perfecting, when man, the more convinced his own understanding feels about an ever better future, will nevertheless not need to borrow motives for his actions from the future; for he will do right because it *is* right, not because arbitrary rewards are set upon it, which formerly were intended simply to fix and strengthen his unsteady gaze in recognizing the inner, better, rewards of well-doing.
> 86. It will assuredly come! The time of the new eternal gospel, which is promised us in the primers of the New Covenant itself! 1 Rev. xiv.6[543]

Reaching for the insights of medieval and 17th century mystics, Lessing argues they saw an "eternal gospel" coming.[544] But, in accord with Hegel (and Luther), there are "three ages of the world."[545] Though mystics thought they could make people worth of the third age without traveling through the educational process. But this is a democratic vision of perfection, "Small, fast wheels set the great slow wheel bringing mankind to perfection."[546]

Lessing ends with the idea of transmigration of souls by asking, "But why should not every individual man have been present more than once in this world?"[547] Finishing out the piece is the following:

> 98 Why should I not come back as often as I am capable of acquiring new knowledge, new skills? Do I bring away so much from one visit that it is perhaps not worth the trouble of coming again?

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[543] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 97.
[544] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 97.
[545] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 97.
[546] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 97.
[547] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 97.

> 99 Is this a reason against it? Or, because I forget that I have been here already? Happy is it for me that I do forget. The recollection of my former condition would permit me to make only a bad use of the present. And that which I must forget *now*, is that necessarily forgotten forever?
> 100 Or is it a reason against the hypothesis that so much time would have been lost to me? Lost? –And what then have I to lose?—Is not the whole of eternity mine?[548]

History as revelation means that mankind asymptotically approaches perfection as in the accounts passed to Mill through Coleridge and Humboldt. Lessing's concept of history is much more like ours than was Luther's *Heilsgeschichte*; perhaps Hegel was then correct to argue that history begins with the state.

Lessing and Luther

In the above discussion, I have attempted to connect Lessing to other thinkers in the tradition of thought which begins in Germany with Luther. Now I want to be even more explicit in making this connection—and in testing it. The quote from Lessing which precedes this chapter indicates the degree to which Lessing saw himself at least related to that tradition. That he had intimate knowledge of Luther's writings there is no doubt. In his Nachlaβ there is even a witty and perceptive *Bruchstück eines Wörterbuchs zu Luther* compiled over the years 1760-1778 (Werke 10: 334-38). More important than this to the argument I am making is the recurrent use of Luther's mental *topoi* in Lessing's work. In the *A Parable*, he concludes, in *Sperrdruck*:

> *Write, Herr Pastor, and let your supporters write, as much as you will: I shall also write. If in the least thing which concerns me or my*

[548] Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). pp. 97-98. The content, the aphoristic style, even the punctuation evoke Nietzsche.

> *anonymous author I leave your writing unanswered when you are wrong, it will mean I am incapable of holding a pen.*[549]

This is clearly a result of the heat generated by the *Streit* between the two men, but it is also highly evocative of the stance Luther took at Worms. In the Luther chapter I suggested that we read, "Here I stand, I can do no other, God help me, Amen," as an ontological statement; Luther gave not an account of his will, but rather an accurate description of his capacity and fixed orientation.[550] He has transfigured himself into an ideal, not through an action of his will but through a relinquishing of it. Lessing here gives a similar ontological account of his character. Physical incapacity is the only thing that can end his participation in the controversy. And indeed, even the removal of his *Zensurfreiheit* does not end his compulsion. The connection to Luther's thought will be laid out in this section in two parts. The first is an examination of Lessing's language politics, and the second is a reading of his most explicitly "political" work, the dialogue on Freemasonry *Ernst und Falk*.

Lessing and Language: The Ring Parable as Hermeneutic Exercise

Lessing was the first German to raise German theatre and criticism to a European standard. I am arguing that is part of Luther's reformation project. From Lessing's perspective, after Luther's death there had been a scholasticization of the

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[549] "*Schreiben Sie, Herr Pastor, und lassen Sie schreiben, so viel das Zeug halten will: ich schreibe auch. Wenn ich Ihnen in dem gringsten Dinge, was mich oder meinen Ungenannten angeht, Recht lasse, wo Sie nicht Recht haben: dann kann ich die Feder nicht mehr rühren*"cGotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 52.

[550] Despite the negative remarks about Luther in the *Genealogy*, Nietzsche's attitude towards the doctrine of "free will" and the final words in that work reflect Luther's indictment of the will: the will was saved (by the Pelagian heresy the late Medieval Catholic church was guilty of) such that "man would much rather will nothingness than not will" Friedrich Wilhelm Nietzsche, *On the Genealogy of Morality : A Polemic*, ed. Maudemarie Clark, Alan J. Swensen trans. (Indianapolis, IN, 1998). p. 118.

Evangelical Church's dogma. Luther's Christocentric doctrine had been turned into a false bibliolatry in which the Word had become *eine Goeze*, an idol.[551] Aspects of the Reformation had to be re-fought, and carried further.

In the Luther chapter I pointed to the hermeneutic revolution that Luther staged, both with the help of Renaissance philological tools but more importantly with his Christocentric interpretation of the Bible. For Luther the Bible (both the Old and New Testaments) compose a coherent story, or *Heilsgeschichte*. This stands against the emphasis on an allegorical interpretation of the Bible common to the late medieval Church.[552] Remember that Luther had rejected the Quadriga method of biblical exegesis composed of four possible readings: 1. literal (historical); 2. allegorical (spiritual beliefs); 3. tropological (moral content); and 4. analogical (eschatological future).[553] This approach was rejected as belonging to an Aristotelian reasoning process inappropriate to true Christian thought (i.e., reason as the Greek whore). Instead,

> Luther progressively developed his distinctively Christocentric combination of Scripture's 'historical' and 'spiritual' dimensions (*literaliter spiritualiter*). He interpreted the Bible as historical documents that were at once in essential agreement (*concordat*) with the salvific inner testimony of the Holy Spirit (*testimonium internum Spiritus Sancti*). In other words, its literal-historical sense witnessed externally to

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[551] In this way I am reading Lessing's rejection of the 18th c., neo-platonic interpretation of the opening lines of the Gospel of John as a stance consistent with Luther's. Gotthold Ephraim Lessing, *Theological Writings; Selections in Translation with an Introductory Essay*, A Library of Modern Religious Thought (London,, 1956). p. 59.

[552] William Henry Lazareth, *Christians in Society : Luther, the Bible, and Social Ethics* (Minneapolis, MN, 2001). p. 38.

[553] So: Jerusalem is in turn: 1. the Jewish city; 2. the church; 3. a human soul; 4. Heaven. See William Henry Lazareth, *Christians in Society : Luther, the Bible, and Social Ethics* (Minneapolis, MN, 2001). p. 38.

> God's creation through Christ, while its interacting prophetic-spiritual sense was wholly coherent internally with God's redemption in Christ.[554]

Luther's hermeneutics has a profound influence on Lessing (and we can also see this approach in Hegel, most notably in the *Phenomenology of Spirit*).

This hermeneutic approach has political implications for Lessing that it did not have for Luther. The ring parable is the means by which Nathan forges a bond with political authority (with Saladin). It is laid out according to the *quadriga*, in a way that suggests the limitations of that scholastic form of interpretation: first the history of the ring is at issue; second, the allegorical interpretation shows that the institutional means of transmission of the ring from father to son has broken down; third, the moral meaning of the ring is explored as Nathan muses on the necessity of each son to fill the mandate of the ring through good works; last the analogical interpretation in which the sons bring the ring in front of a judge. That judge defers judgement beyond human history such that the epistemological divide between God and man is preserved but also the interpretive process of human beings continues indefinitely.[555]

Because the audience does not know the true origin of the ring, it is placed in the situation of having to perform an interpretation of its own. As in Hegel's "presuppositionless" and immanent philosophy, there is no *a priori* starting place. The power of the ring is conferred by faith alone, and its interpretative possibilities are signaled by the Opal set in it, which is both a political symbol and a symbol of radical

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[554] William Henry Lazareth, *Christians in Society : Luther, the Bible, and Social Ethics* (Minneapolis, MN, 2001). p. 38.

[555] This explication, though not the connection to Luther, leans heavily on Robert S. Levanthal, "The Parable as Performance: Interpretation, Cultural Transmission, and Political Strategy in Lessing's Nathan Der Weise," *German Quarterly* 61 (Autumn, 1988).

subjectivity.[556] I suggested above the comparison with the Ring of Gyges in the *Republic* precisely because in Plato the ring is symbolic of the epistemological crisis in the Greeks world which has political causes and political implications. One could also contend (with Nietzsche) that Christianity played a role like that of Plato's ring of Gyges in the late Roman empire.[557]

But this hermeneutic analysis can be extended. For Luther, each Christian is responsible for interpreting the Bible. This is precisely the position that Lessing's audience is placed in. For Lessing, the Bible itself has the interpretive problems that the ring does; it is opaque in itself and does not comprise the truth of Christianity. Instead, one is to wear what Luther in the *Freedom of a Christian* called the "wedding ring of faith."[558] Lessing is calling, here as elsewhere, our attention to the problem that the search for truth can hinder the exercise of Christian love. This is the battle of Aristotle and Paul, of Lessing and Lutheran orthodoxy.

For Lessing, is the moral action taken by Nathan the only possible political action? In other words, does Lessing conflate Luther's two kingdoms? He does not, but to understand why we have to return to Lessing's aesthetic theory. Consider the following argument by Leventhal:

> As a "performative," the parable does not *represent* or *prescribe* a certain system of values to be followed, but rather calls upon the reader to confront the multiplicity and indeterminacy of historical meaning,

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[556] Robert S. Levanthal, "The Parable as Performance: Interpretation, Cultural Transmission, and Political Strategy in Lessing's Nathan Der Weise," *German Quarterly* 61 (Autumn, 1988): p. 510.
[557] This could be done by pointing out Augustine's role in creating an institutional solution similar to the one Hobbes suggested in *Leviathan*.
[558] Martin Luther, *On Christian Liberty*, Harold John Grimm trans. (Minneapolis, 2003). p. 15.

> and to create value consistent with that multiplicity and indeterminacy through action.[559]

This seems a misstatement: Lessing has no such extreme postmodern view of history: we are far more situated than this. Lessing's drama *Nathan* does not act, as Brecht's does, as a call to action. What is going on in the play is for Lessing never action (*handeln*) in the sense of performing political works, but rather it is *dramatic* action (*Handlung*). We are to understand *Handlung* as against action; its force is aesthetic rather than practical; and has to do with the governance of the soul vs. governance of the body, or what Luther would call the word against the law.[560] At the end of Luther's *On Secular Authority*, he tells a cuckolding story that evokes Herodotus' Gyges. A nobleman captures and ransoms the enemy's life against the virtue of his wife. After the wife sleeps with him, the nobleman has his enemy beheaded. Duke Charles of Burgundy orders the nobleman beheaded in order to restore the political balance. Luther writes that he was not instructed by anyone to render such a verdict, that it was a "truly princely punishment on wickedness" and that "it came from unfettered reason, which is greater than all the laws in books."[561] Reason is appropriate as the source of all *law*, and the exercise of it is an example of God's government of the secular Reich. Moreover, it is "so just a judgement that everyone is

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[559] Robert S. Levanthal, "The Parable as Performance: Interpretation, Cultural Transmission, and Political Strategy in Lessing's Nathan Der Weise," *German Quarterly* 61 (Autumn, 1988): p. 519.

[560] In Nietzsche, if the will to power is the desire to will, we can easily translate this into Luther's terms as the fallen nature of human beings; we desire to justify ourselves through works, but as fallen creatures we are not capable of this. It may be that Nietzsche is extending the reformation of language that Hamman held up to Kant. This language skepticism is then traceable as a motif to Lessing.

[561] Martin Luther, "On Secular Authority: How Far Does the Obedience Owed to It Extend?," in *Luther and Calvin on Secular Authority*, ed. Harro Höpfl, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1991), p. 43.

bound to approve it and fine written in his heart that it is right."[562] The government (*Regiment)* of the temporal kingdom (*Reich*) is also, at least in the *exceptional case*, to be direct, via *logos*:

> And therefore written law is to be held in lower regard than reason, for indeed reason is the source of all laws, that from which they sprang. The source is not to be constricted by the stream, and reason is not to be held captive by letters.[563]

Lessing's interpretive skepticism is primarily a rejection of the allegorical interpretation that Luther had argued against as well. However this is a radicalized need for skepticism. It extends to language itself. This language skepticism leads Lessing to doubt not only that the Hebrew conception of time is being communicated adequately in translation of verbs ("*Zeitwörter"*) from the Old Testament and second-hand translations of the New Testament but also that causation is being attributed by the grammar of indoeuropean languages that could not be intended in Hebrew.[564]

Not only can we see this later in the century as Hamann chides Kant for the necessity of a critical stance towards language itself in the *Metacritique*. Lessing does in one sense radicalize Luther. But Lessing is not a radical reformer; history remains important. Lessing's *fide historica* means that we are not to disregard our historical surroundings but rather to work within them. A more concrete example can be

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[562] Martin Luther, "On Secular Authority: How Far Does the Obedience Owed to It Extend?," in *Luther and Calvin on Secular Authority*, ed. Harro Höpfl, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1991), p. 43.

[563] Martin Luther, "On Secular Authority: How Far Does the Obedience Owed to It Extend?," in *Luther and Calvin on Secular Authority*, ed. Harro Höpfl, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1991), p. 43. Darumb sollt man geschriebene recht unter der vernunfft hallten / darauβ sie doch gequollen sind / als auβ dem rechts brunne / on nit den brun an seyne floβlin bynden / und die vernufft mitt buchstaben gefangen furen. Martin Luther, *Luthers Werke in Auswahl*, 5. Aufl. ed., 8 vols. (Berlin,, 1959). 2:394.

explored by returning to what Allison calls Lessing's Leibnizian perspectivism. A purely rational religion is the ultimate conceivable truth for Lessing, but not the one of neology or deism: it is for him the striving towards an ideal that can never be reached. In the metaphor of Leibnizian perspectivism, the city could be viewed directly from its center. Distance from the center of the city is what causes different perpectival reports. But the city can in principle be viewed absolutely and not perspectivally. For Lessing, the empire is dead. All that exist are perspectival views. However, there is a providence, a historical development that tracks the unfolding of different perspectives.

It is important to note the visual character of Leibniz' metaphor as well, and to compare it to Luther's insistence on the priority of the spoken word over the written word and over visual representations. Lessing had the insight in his *Laocoon* that the form of a work of art is intimately tied to its interpretive possibilities. Visual arts are spatial and lack the component of time, but narrative arts exist primarily in time. This contrast of vision and hearing also points back to the voice out of the whirlwind and the epistemological problem that both Luther and Lessing adopt from Job.

In his dramatic theory, Lessing argues that the drama, and tragedy in specific, is a vehicle for excercising the audience's capacity for pity (*Mitleid*). As Arendt points out (1968), this is quite different from Aristotle's conception.[565] In this sense drama is an overcoming of the privacy that Lessing sees as a problem in modernity. It forms a

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[564] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). X 636.
[565] See also Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). XI.1 88, XI.1 145.

bridge between human beings. However, it is important to note that *Nathan der Weise* is neither a comedy nor a tragedy. It occupies the same space between these possibilities that the *Tempest* does. And in that sense the positive teaching of *Nathan* is not justification or a theodicy, but rather an attempt at *Versöhnung* in Luther's sense.[566]

Ernst und Falk: Lessing and Liberalism

Lessing's *Ernst und Falk*: *Gespräche für Freimäurer* (1778) is his most "exoteric" political work. However, it begins with an extended remark on the applicability of religious problems, and the necessity of seeing the political and religious problems as connected to one another. Lessing indicates that his political theory may only be understood with reference to religious categories. This is primarily to be seen in the contention that the rites of freemasonry do not constitute the truth or even the existence of Freemasonry. Freemasons are governed by faith alone.[567] They act in the liberal, bourgeois order to redress the forces that tend to separate human beings from one another. In one of the dominant metaphors of *Ernst und Falk*, if the negative externalities of the liberal order are smoke, then freemasonry is the light that ignites the flame of the positive aspects of liberalism and ameliorates the smoke. They are, in effect, *Versöhner*.

Lessing begins the dialogue between Ernst and Falk by remarking in the voice of a "third" that he will not be discussing the ontology but rather the essence

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[566] "*Nathan* is the Song of Songs of reconciliation" Sylvester Primer, "Lessing's Religious Development with Special Reference to His Nathan the Wise," *PMLA* 8 (1893): p. 360.
[567] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). p. 136.

of freemasonry.[568] He writes that if freemasons from various traditions object that the dialogues do not correctly represent the truth of their particular understanding of freemasonry adopt "healthy eyes"[569] they will see the "true form" freemasonry. And why has such a clear discussion not been had before? Lessing argues that one can find no more similar question than this: "why in Christianity the systematic teaching texts came into being so late."[570] This came much too early in Christianity, he writes, and the faith of Christians gained little through the creation of those texts. This distinction between word and deed, the distinction his religious thought rests on, is developed throughout. It is introduced in the first of five dialogues as a riddle in two parts: that there were freemasons before freemasonry; and that freemasonry consists in good works that make good works unnecessary.[571]

The solution to the riddle consists of unraveling an idiosyncratic etymological assertion by Lessing. He argues that the history of freemasonry is both unknown to history and falsely known in historical texts. Freemasonry is esoteric and exists in "schema, covering, disguise" (*Schema, Hülle, Einkleidung*).[572] Attempts to make it more "exoterisch,"[573] tend to conceal more than they reveal. This is to be seen most notably in Lessing's reconstruction of the history of freemasonry. The word itself conceals the origins, which Lessing argues comes not from "masonry" but "masony."

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[568] Hegel's logic is developed in three parts: being, essence, and notion.
[569] "gesunde Augen" cf. "Neue Augen für das Fernste" (Nietzsche KSA 6:167).
[570] "warum in dem Christentume die systematischen Lehrbücher so spät entstanden sind" Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[571] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[572] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[573] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).

Freemasony, then, was an originally Saxon practice,[574] furthermore an oral not written practice of "social eating" or "Tischgesellschaft."[575] This meaning of *Massonei*, he insinuatingly argues, was still known in Luther's time.[576] The egalitarian practice of knights sitting at a round table forms the core experience and meaning of the custom, and not the attempts by the Englishman Christopher Wren to make the practice more exoteric through the use of architectural metaphors.[577] This points to "true" or original Christian practice where Agape—Love—was celebrated in a common meal.[578] Indeed, this unravels the meaning of Lessing's curious etymological musings about "freemasonry" vs. "freemasony." More important is the implication for his politics: "freemasony" forms the esoteric or invisible Church, a brotherhood of those committed to the essence of Christianity. This forms the hidden moral core of liberalism, inside the utilitarian institutional structure.

When asked if he is a freemason, Falk says, "I believe it to be so."[579] When pressed on this curious formulation by Ernst, he expands by saying that "but the few, who know, *cannot* say it."[580] Freemasonry is something foundational to the "essence of human beings and bourgeois society."[581] However, external signs of freemasonry have the same relationship to its essence as does the Church to Christianity.[582] After Ernst has become a freemason himself, Falk reveals that the secret to unlocking the

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[574] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[575] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[576] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[577] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[578] F. E. Peters, *Children of Abraham : Judaism, Christianity, Islam* (Princeton, N.J., 1982). p. 53.
[579] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[580] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[581] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[582] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).

riddle is to realize "because one may be something, without being called that."[583] Freemasonry is a calling, though it is not a calling in the sense of a worldly vocation.[584] The highest duty of freemasonry not to be known (not to demand recognition). Indeed the true nature of freemasonry cannot be said…it is contrasted with a secret, whereas a freemason can't bring it over his lips. Instead, good works speak for themselves.[585]

Freemasonry is essential to the bourgeois order. Falk argues that in the liberal order,

> States unite people and it is in order and through this uniting that every single human being can thereby better and more surely enjoy his share of happiness. The sum of every individual's happiness is the happiness of the state. Aside from this there is nothing at all. Every other happiness of the state including that few parts suffer, and must suffer, is the stuff of tyranny. Nothing else![586]

But there is a perverse effect, that the very institution that brings individuals together also separates them. Different states separate peoples from one another.[587] This has the consequence that a person who lives in a different state does not approach another as a human being "as such" ("ein *bloβer* Mensch") but rather as "that kind of human being" ("ein *solcher* Mensch"). This problem is also recreated within each state, as

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[583] "Weil man etwas sein kann, ohne es zu heiβen."Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[584] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[585] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[586] "Die Staaten vereinigen die Menschen, damit durch diese und in dieser Vereinigung jeder einzelne Mensch seinen Teil von Glückseligkeit desto besser und sichrer genießen könne. - Das Totale der einzeln Glückseligkeiten aller Glieder, ist die Glückseligkeit des Staats. Außer dieser gibt es gar keine. Jede andere Glückseligkeit des Staats, bei welcher auch noch so wenig einzelne Glieder leiden, und leiden müssen, ist Bemäntelung der Tyrannei. Anders nichts!" Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[587] The precise form in which this argument is developed in *Ernst und Falk* suggests strongly that Kant's *Perpetual Peace* essay is indebted to it.

bourgeois society is highly differentiated.[588] Though it recognizes the positive aspects of the liberal order, Freemasonry's task is to redress the spiritual chasms that it creates between human beings.[589]

Freemasonry as an attitude is uniquely capable of accomplishing this. Religion cannot do it. This Ernst explains: "One state: multiple states. Multiple states: multiple constitutions. Multiple constitutions: multiple religions."[590] Further, even the existence of Christianity in its current form is due to political, not spiritual, factors. The distinction between Christian, Jew, and Muslim is only the distinction between the three officially tolerated religions in the Roman Empire.[591] The dialogues end on two notes. First, Falk says to Ernst, "The sun is setting. You must go into the city."[592] The beginning of the first dialogue took place just at dawn. This is clearly a reference to the *Republic*, but it is reversed in order. As a dominant motif throughout the dialogues, freemasonry is cast as a form of "light." One also suspects that the reversal is a comment on the difference between modernity and antiquity. Second, the "third" writes after the close of this fifth dialogue that there was a sixth dialogue consisting of critical remarks on the fifth. It is however being "withheld"—i.e., it is left up to the reader to carry the message of the piece further.

The relationship between esoteric and exoteric in Lessing's works has vexed generations of scholars. Here is one solution: the distinction consciously adapts

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[588] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[589] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[590] "Ein Staat: mehere Staaten. Mehrere Staaten: merere Staatsverfassungen. Mehrere Staatsverfassungen: mehrere Religionen" Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).
[591] Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).

Luther's two realms. Though the Bible may be an exhausted text, and both orthodoxy and neology prove this to Lessing, the problem arises because both of these hostile forces attempt to collapse the moral realm and the temporal realm. Orthodoxy converts Christianity to tradition and neology rejects it as inconsistent with modern historiography and Aristotelian logic. The solution is to maintain these two separate realms, which interact dialectically and never collapse. It is the task of each mature human being to carry on this mediation, and this means embracing the formal incommensurability with the character of a mature individual.

Conclusion

Lessing is writing at a point in German intellectual history where theology, religion, aesthetics, and politics can not be rigorously separated. To do so would be to purposely misinterpret his project. If we examine them as a whole, however, it seems that we may discover the extent to which Lessing understood liberalism both as a problem for Christianity but also that liberalism is developmentally, genealogically connected to Christianity. Because this is true, his *Nathan der Weise* functions as a political text, orienting its audience to the world that Luther confronted in his own psychic crisis. Lessing's solution is Luther's and it is effected through a *Versöhnung* in the world, an understanding of the limits of the will, and with a the capacity for human works or actions to solve that spiritual, psychological, and by extension political problem.

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[592] "Die Sonne geht unter. Du muβt in die Stadt" Gotthold Ephraim Lessing, Werke [CD ROM] (Directmedia, 1998 [cited).

For Lessing it sometimes appears that the *Neuzeit* is a time of not too little but rather too much revelation. Nathan says,

> A miracle?--The greatest wonder is
> That to us all the true and genuine wonders
> Can come to be so commonplace, and should.
> Without this universal miracle,
> A thinking man might not have used the word
> For that which only children should so call,
> Who, gaping, only see the most uncommon,
> The latest happening. (*Nathan* I, 2)

Lessing argued that miracles, visual demonstrations of God's power, were needed in Christ's time because his message was so radically different from the religious messages that had preceded it. But the task of moderns is to learn to read the revelation appropriate to us, and to find our place in the historical development he conceives of as the education of mankind. For Lessing, miraculous action is generated when men participate in the ethic of friendship, in the spirit of religion.

The message for human action is derived from his belief in the importance of the Testament of John, that men should confront each other as men, not in their particularistic roles. In *Nathan*, it is internal orientation that must precede political action—the efficacy of the ring must be proven by activity of the individual, such that true religion becomes a good work. According to Allison, "This standpoint constitutes the realm of pure humanity, wherein men confront one another simply as

men."[593] This is not justification by works, but rather good works after the proper orientation of the soul has taken place.

[593] Henry E. Allison, *Lessing and the Enlightenment; His Philosophy of Religion and Its Relation to Eighteenth-Century Thought by Henry E. Allison* (Ann Arbor,, 1966). p. 144.

V

Attaining Political Maturity: Why Kant has no Political Philosophy to Speak Of

In his overheated *The Mind of Germany: The Education of a Nation*, Hans Kohn claims that the "alienation of German from Western thought" does not encompass Kant, who belongs to "the great stream of German European thought."[594] This Germanophobe position is typical of jingoistic glosses of German culture and politics which became common around the time of the First World War and whose production accelerated especially after World War II. These usually spare the Königsberg sadler's son, although usually they note Romantic "misappropriation" of his philosophy. William Shirer lamented that "Even Kant"—whom he characterized as belonging to "the most elevated minds and spirits of the western world"—"preached that duty demanded suppression of human feeling."[595] As perspicuous a thinker as Hannah Arendt argues that although she finds Kant's thought guilty of "inhumanity,"[596] the appropriation made of him by

[594] Hans Kohn, *The Mind of Germany; the Education of a Nation* (New York,, 1960). pp. 19-20. Kohn's book, written in affinity with Mosse's *Crisis of German Ideology* (and reviewed admiringly by Mosse) has the argument that "Germany did not succumb to Hitler because she had become part of modern western society; she succumbed because this modern society has been imposed on premodern social and intellectual foundations which were proudly retained" Hans Kohn, *The Mind of Germany; the Education of a Nation* (New York,, 1960). p. 8.

[595] William L. Shirer, *The Rise and Fall of the Third Reich : A History of Nazi Germany* (New York, 1960). pp. 137, 143. Shirer blames Nazism on Fichte, Hegel, Treitsche, Nietzsche, and Wagner.

[596] Comparing him to Lessing, she argues that although Kant ruled out truth, he was prepared to sacrifice humanity to truth (where Lessing would choose to sacrifice truth to humanity). The

the National Socialists is "outrageous on the face of it, and also incomprehensible."[597]

For many contemporary theorists, Kant's philosophy functions as an ideal image of liberalism: It is argued that Kant has built morality out into an ideal politics based on rational respect for human dignity. In this, the story goes, he stands against the broad sweep of German thought, which is illiberal and undemocratic.[598] For some critics he is the culmination and resolution of a long development, and for many others the one good apple in a very bad barrel.[599] Kant alone among the Germans escapes association with the worst form of

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inhumanity in Kant's doctrine is due to the absoluteness of truth: "it is as though he who had so inexorably pointed out man's cognitive limits could not bear to think that in action, too, man cannot behave like a God" Hannah Arendt, *Men in Dark Times*, [1st] ed. (New York,, 1968). p. 27.

[597] Hannah Arendt, *Eichmann in Jerusalem : A Report on the Banality of Evil*, Rev. and enl. ed. (New York, 1976). p. 136.

[598] For a now classic study contrasting liberalism and democratic practice, see Benjamin R. Barber, *The Death of Communal Liberty; a History of Freedom in a Swiss Mountain Canton* (Princeton, N.J.,, 1974). especially pp. 3-18 and 237-274.

[599] The first view was certainly Kant's own story, and see also Lewis White Beck, *Early German Philosophy; Kant and His Predecessors* (Cambridge, Mass.,, 1969). for a reconstruction of German philosophical history in that mode. Kant remains one of the few, if not the only, "continental" philosopher considered required reading in Anglo-American philosophy. See also Samuel Fleischacker, *A Third Concept of Liberty : Judgment and Freedom in Kant and Adam Smith* (Princeton, NJ, 1999). for the argument that Kant's view of freedom effectively solves the antithesis of negative and positive freedom, but Katrin Flikschuh, *Kant and Modern Political Philosophy* (Cambridge ; New York, 2000). dissents from that view. Frederick C. Beiser, *Enlightenment, Revolution, and Romanticism : The Genesis of Modern German Political Thought, 1790-1800* (Cambridge, Mass., 1992). counts Kant a liberal among conservatives and romantics. In Cronin's thoughtful discussion Ciaran Cronin, "Kant's Politics of Enlightenment," *Journal of the History of Philosophy* 41 (2003): p 53., see an analysis that reproduces the political problem with Kant's philosophy. He argues that in the *Aufklärung* essay, Kant is attempting to reconcile the ideal requirements of a republican constitution with the political reality of Prussia. This failure of nerve to mediate between ahistorical liberalism on one hand and rigid contextualism on the other is typical of the mindset that Kant seems to inspire. It is a failure to mobilize intellectual resources in the service of the present. With the argument that these two strands of Kant's thought may not be reconciled, Cronin again lapses into historicism, by arguing this happens to be so due to our contemporary prejudices. The locus of control, the commission of political theory, is held rigidly outside the gift of the individual.

nationalism.[600] Indeed, the move to reexamine the contention that German thought was apolitical gained traction with analyses of Kant's thought.[601] In contrast, I argue that to the extent Kant's thought is even relevant to political theory, it precludes democratic politics.[602] His *anti-political* theory is hierarchical, and is to be distinguished from the democratic tradition in German thought beginning with Luther. The political consequence of Kant's philosophy is to bind the resources necessary for democratic action to a fixed concept of reason. If the will is tied to a point fixed by Greek logic, it is no longer free.[603] This stands in contrast to the decisionist concept of the political will in the tradition of Luther and Pufendorf, which emphasizes the necessity of a political hermeneutic of spirit.

Is Kant Liberal or Democratic?

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[600] Ernest Gellner, *Nations and Nationalism* (Oxford, 1983). pp. 130-133. Also Howard L. Williams, *Kant's Political Philosophy* (Oxford, 1983).; But see Elie Kedourie, *Nationalism*, 3rd ed. (London,, 1966). pp. 17-18, 137. Kant's philosophy is again implicated only indirectly in that account. Kedourie writes that Kant "is not responsible for his disciples and successors," though these misinterpretations are made possible by incoherencies in Kant's philosophy Elie Kedourie, *Nationalism*, 3rd ed. (London,, 1966). pp. 137, 138. In Tamir's *Liberal Nationalism*, Kant acts as a tonic to bad nationalism Yael Tamir, *Liberal Nationalism*, Studies in Moral, Political, and Legal Philosophy (Princeton, N.J., 1993). p. 115. Similarly Isaiah Berlin, *Four Essays on Liberty* (London, New York [etc.], 1969). pp. 138-139.

[601] Hans Siegbert Reiss, "Introduction," in *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge, 1991), p. 3. But see Thomas P. Saine, *The Problem of Being Modern, or, the German Pursuit of Enlightenment from Leibniz to the French Revolution* (Detroit, Mich., 1997). p. 15.

[602] Rosen argues that Kant is a second rate political theorist, that his political thought was not important, not original, and not influential Allen D. Rosen, *Kant's Theory of Justice* (Ithaca, 1993). pp. 209-210., but see Hans Saner, *Kant's Political Thought : Its Origins and Development* (Chicago, 1973). p. 3. The consequences of his "self-evident" importance in contemporary political philosophy are noted in Patrick Riley, "Review Essay of Oneill and Flikschuh," *Political Theory* 31 (April, 2003): p. 317.

[603] Kant's "Calvinist" view is critiqued by Pufendorf, above: "spontaneity" as absence of violent constraint means that persons have the same freedom, so-called, as water which is not hindered in moving down a slope Samuel Pufendorf, *The Divine Feudal Law, or, Covenants with Mankind, Represented*, ed. Simone Zurbuchen, Theophilus Dorrington trans., Natural Law and Enlightenment Classics (Indianapolis, Ind., 2002). p. 147..

Kant's conflation of the moral and ethical realms[604] combines with the contention that only one political system can claim the necessary authority of reason. At his most "political," Kant argues for universal republican government. He does this, as will be demonstrated below, by moving from the moral to the politico-ethical sphere. This is revealing in two ways. First, the direction of the move from the moral to the political is important—the moral is privileged as a judge, and a hanging judge at that. Second, the politico-ethical sphere is treated as a temporarily errant area of activity;[605] it will and must be brought under moral control. It is important to note that the moral realm is not the dimension of word, as in Luther, but rather that of the law. This marks a critical departure from Luther, because in Kant the moral and political spheres are seen to be in principle the same. In other words, they may be made congruent because they ought to operate by the same rules. According to Kant, they belong to the same category. Though he formally preserves the distinction, this is markedly different from the effective reach of Luther's Doctrine of the Two Realms, in which each of the Realms exists in its own category, with the Christological spirit in each individual conducting traffic between them. Kant's solution consciously puts the moral realm at incessant

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[604] Philosophers tend to present this as a positive aspect of Kant's thought, see Onora O'Neill, "Reason and Politics in the Kantian Enterprise," in *Essays on Kant's Political Philosophy*, ed. Howard Williams (Chicago, 1992).

[605] It is temporary in theory, permanent in practice. The emergency situation (*Notstand*) mobilizes the forces of conflict which may never stand down. The practical permanence of this "temporary" situation withdraws the possibility of presence. Ernst Hartwig Kantorowicz and William C. Jordan, *The King's Two Bodies : A Study in Mediaeval Political Theology* (Princeton, N.J., 1997). p. 286. addresses this move to permanent "emergency" status connected to funding of increasingly endemic war in modernity. In an analogous development, Luther recognizes the head of state as the "*Notbischof*" "emergency bishop" of the national churches.

war with the political realm. This is instantiated in the endless and poisoned heat and light of moralized politics, as well as at the individual level, where each person is at war with himself.[606]

Kant vs. Luther

Kant's thought has important connections to Luther and the tradition of Luther reception. This is true not only in the problems Kant addresses but also formally in the construction of the apparatus of his philosophy. But Kant remains in steady substantive conflict with that tradition. In spite of his privileged position in some accounts as the initiator of philosophical modernity,[607] especially in the secularizing effect of his thought,[608] Kant's thought points away from a resolution of and arguably even deepens the problems of modernity. This infelicity is due to his rejection of the spirit of Luther's thought. And it is Kant's philosophy, and not primarily that of the so-called "counter-Enlightenment" thinkers,[609] that provides the model for much of the subsequent anti-democratic thought. With his steady conflation of moral and ethical categories he leads his readers toward a state of

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[606] In Luther too there is this idea of a constant battle within each believer. The difference is that there is no broad individual solution on the basis of a belief state. The only solution for Kant comes in the Endtime, when all of humanity is at rest. Before then, he blandly asserts in *Religion Just Within the Boundaries of Reason*, "We *ought* to conform to it [the moral law], and therefore we must also *be able* to" (VI 62).

[607] J. B. Schneewind, *The Invention of Autonomy : A History of Modern Moral Philosophy* (Cambridge ; New York, 1998). See also Michel Foucault, "What Is Enlightenment?," in *The Foucault Reader*, ed. Paul Rabinow (New York, 1984), pp. 38-39.

[608] Bernard Yack, *The Longing for Total Revolution : Philosophic Sources of Social Discontent from Rousseau to Marx and Nietzsche*, Studies in Moral, Political, and Legal Philosophy. (Princeton, N.J., 1986).

[609] See Isaiah Berlin and Henry Hardy, *Three Critics of the Enlightenment : Vico, Hamann, Herder*, Princeton Paperbacks. (Princeton, N.J., 2000).

perpetual war. In his *Lectures on the History of Philosophy* Hegel remarked on the implications of this conflation:

> The human being should be moral. It stands still at this *should*. The result is that this goal is only to be realized in *unending progress*…completed morality remains a supernatural beyond [*Jenseits*]…only fighting remains…[610]

Kant's thought animates disorder: it generates political passion at the expense of mature political judgement. While necessary to the conduct of politics,[611] heated political passion can not lead to an understanding of politics, a political science, or a praxis because it cannot provide the *Versöhnung* or reconciliation necessary to mature political judgement.

My reading of Kant gives rise to two questions which my critique must be able to answer. First, what is the basis of the objection within the Luther tradition to Pelagianism? It can be convincingly shown that Kant is wholly allied with the "Pelagian" linking of moral and ethical realms and also with the concomitant insistence that human beings are in a position to bear such a burden. This means a conception of the human will that is on one hand radically free and on the other available to be put to use in any action. The first means a will that is untainted by original sin or, to express it in secular terms, is potentially severed from the body (and perhaps even physical reality writ large). The second requires a form of an

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[610] Der Mensche soll moralisch sein, es bleibt beim *Sollen* stehen. Das Resultat ist, daβ dieses Ziel nur im *unendlichen Progresse* zu erreichen sei…vollendete Moralität muβ ein Jenseits blieben…der Kampf kann nur sein…Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:369.

[611] Georg Wilhelm Friedrich Hegel, *Lectures on the Philosophy of Religion : One-Volume Edition : The Lectures of 1827*, ed. Peter Crafts Hodgson (Berkeley, 1988). p. 23.

autonomy so stringent that it lies under moral commandment to be expressed. If it is not, if the burden of this autonomy proves unbearable, the personality who folds under the pressure is to blame: the lack of autonomy is said to be self-incurred. The answer from the Luther tradition will have to make use of—and make sense of—the technology of *Versöhnung* or reconciliation between right and good.

The second question that this means of inquiry raises concerns the terms of Kantian secularization. How is it that a God who had disappeared—was *abscondita* in Luther, dead in Hegel[612]—is preserved, albeit invisibly, in Kant? In other words, what is the function of Kant's argument against the death of God that seemed so central to the Wittenberg Reformation and the tradition in Germany it inspired? I will argue that this move on Kant's part is subversive of the democratic spirit even as it is corrosive to the experience of morality. Kant's privatization of faith and his redress for this transformation stand off the trajectory that allows moderns to read the lessons of religion and its technologies.[613] The individual is no longer in a position to experience his ultimate importance as spirit, while he is required to submit to a foreign law inscribed in "reason."

In the Luther tradition, there is no one necessary or best form of government. This is because many government forms are compatible with the religious freedom necessary to the practice of Christianity. This holds out the possibility and

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[612] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 359.

[613] Feuerbach makes imagination central to his explanation for the existence of religion, just as Kant traces the human "Fall" to this capacity. See Van Austin Harvey, *Feuerbach and the Interpretation of Religion*, Cambridge Studies in Religion and Critical Thought ; 1 (Cambridge ; New York, 1995). p. 43.

motivation for "democratic" action in any regime. From the point of Luther's political theory, the moral realm does not directly inform the political realm. It does so through different "governments" and most importantly, the tide of justification does not run from the political to the moral realm at any point. The political realm can never be a means or a symbol of the justification of believers. This does leave open the possibility of a government on Christian principles, but it does not make it necessary. It would depend on the cultural conditions of the people involved. If a people is somehow in the position to choose their form of government, they could form a government in *analogy* with Christian principles. There are various ways to effect this analogy. One of them is modeling the form of government on Church government.[614] Of course there are various means of Church government, and Luther moved in his thought from a conception of local Church government to a national one in accord with political conditions and with the caveat that this was a temporary situation.[615]

In the analogy that points most directly to democratic governance, one learns to speak as a sacred citizen perhaps, then applies that to the secular realm. This is the most direct conduit by which this tradition makes its contribution to democratic thought—although it is not the sole one. In contrast to Kant, however, it is not a

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[614] As was the case in many of the American colonies in the 17th century. See Donald S. Lutz, *Colonial Origins of the American Constitution : A Documentary History* (Indianapolis, IN, 1998). esp. pp. 3-4, 35. It has also been persuasively argued that it is this tradition that informed most closely the French Declaration of the Rights of Man. See Georg Jellinek, *The Declaration of the Rights of Man and of Citizens : A Contribution to Modern Constitutional History* (Westport, Conn., 1979).

[615] Given the precarious times, Luther argued a prince should act as a *Notbischof* (emergency bishop) W. D. J. Cargill Thompson and Philip Broadhead, *The Political Thought of Martin Luther* (Brighton, Sussex, 1984). pp. 147-149.

necessary contribution. It does point out a subjectivism all regimes must contend with, even if Lutheran polities have been associated mostly with obedience.[616] If Kant's vision is somehow "subversive" of authoritarian government,[617] it is not automatically the case that this is a good thing. Subversion for its own sake has the potential to produce chaos as well as improvement. Kant's strong support of obedience to authority is both (on the surface) consistent with Luther's stated views and indicative that Kant had in mind a deeper revolution of the soul—one inconsistent with the principles of Luther.

Every Man a Priest?

Kant's philosophy is anti-democratic in two additional ways. Both of these bear on Kant's treatment of political maturity (*Mündigkeit*). First, Kant's epistemological work replaces that which the Luther tradition views as revealed—the promises and advice of God—with an eternal X, the thing in itself.[618]

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[616] Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York, 1976). pp. 81-87.

[617] John Christian Laursen, ""the Subversive Kant: The Vocabulary of 'Public' and 'Publicity'," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996), p. 266.

[618] The structure of the system is quite similar to Luther's: there are two "realms" (*Reiche*), and the relation of the transcendental realm to the phenomenal is similar, but in the crucial place of "spirit" Kant substitutes "reason". In other words, the problem is not that Kant's system does not mimic Luther's or that it does not attempt to solve the same problems, but rather that it lacks the element Luther calls "spirit." In Luther's worldview this can be socially experienced in its healthy form in the community of the Church, while for Kant it must be experienced privately or as the fanaticism (*Schwärmerei*) that both he and Luther decried. The distinction is that *all* of the mystical element has been purged from Kant and is now grouped under the heading of fanaticism. See Emil L. Fackenheim, "Immanuel Kant," in *Nineteenth Century Religious Thought in the West*, ed. John Clayton Ninian Smart, Steven Katz, and Patrick Sherry (Cambridge, 1985), p. 31. On the connections between Kant's and Luther's thought, see Ernst Katzer, *Luther Und Kant* (Giessen, 1910).,Bruno Bauch, *Luther Und Kant* (Berlin,, 1904)., Hans Rust, *Kant Und Das Erbe Des Protestantimus. Ein Beitrag Zu Der Frage Nach Dem Verhältnis Von Idealismus Und Christentum* (Gotha,, 1928)., and Jürgen Eiben, *Von Luther Zu Kant--Der Deutsche Sonderweg in Die Moderne* (Wiesbaden, 1989).

Significant in this is that the thing in itself can never be known. This draws the veil darkly over the *possibility* of any knowledge of God. This makes room for faith in faith alone—for merely formal faith—and therefore keeps religion radically private (and even silly—for such private knowing does not rise to the level of "knowledge").[619] Religion has been stripped of all its content, taking with it any importance and connection to the world. Although the voiding of the substance of religion does give rise to independent categories of "culture" and "psychology"—but they are no longer connected to their previous crucial role in legitimating life, they are only in a position to treat it. The category of religion is empty except for its role in orienting the system with a teleology now terminating in a walled-off dead end. Rather than the position implied by Lessing—that revelation in the text of the Bible has been translated into the spirit of Western institutions and culture—Kant has preserved the need for revelation without providing a means to get to it.[620] It is not clear how a belief in God is possible in this situation. The act of faith—to be distinguished from the mental state, belief—that Kant has left room for can not be justified.[621] He has left room only for an intensely private and hypersubjective

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[619] In *Religion Just Within the Boundaries of Reason*, Kant writes of grace, the effects of grace, miracles, and mysteries, "it is impossible to make these effects *theoretically* cognizable" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 53.

[620] This attitude is apparent in the to my mind disingenuous defense of his religious writings Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 12-14.

[621] In his discussion of Kant in the *Lectures on the History of Philosophy*, Hegel argued that in Kant, "Gott bliebt so Postulat, ist nur ein *Glaube*, ein Dafürhalten, welches nur subjektiv, nicht wahr und für sich ist" "Gott thus stays a postulate, is only a *belief*, a just because, which is only subjective, not true and on account of itself." This puts the enlightened believer in the situation of children who make a scarecrow and then agree amongst themselves that they will pretend to be afraid of it Georg Wilhelm

irrationality.[622] This "pure" or unmotivated faith can only be seen as madness if consciously embraced or alternatively as merely habituated if unconsciously accepted (which would not satisfy the Lutheran definition of an act of faith). The notion of a radically private, radically subjective relationship to the concept of God removes the sanction of the believer to direct his faith into the world, to transform it. The authority of the individual has thereby been withdrawn with his situation and replaced by an eschatalogical, endlessly approachable but never present maturity.[623]

Kant's view arrests religion at the level of superstition, and the position seeks to block a self-conscious evolution and critique of public religion. If belief is purely subjective, the experience of that belief cannot be spoken of, where speaking implies a more than merely indulgent listener. Philosophy is made safe from attack by the theological faculty at the expense of every other human freedom. In this perspective, religion can not be integrated with a thick concept of culture, or rather it remains trapped in that category—ready for critical demolition as an irrational cultural affect—and it is prevented from speaking to morality. Religion is left not knowing what

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Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 371.

[622] This may be the clearest link to the effect of Kant's Pietist upbringing. See Manfred Kuehn, *Kant : A Biography* (New York, 2001). pp. 34-40. and Allen Wood's Introduction in Immanuel Kant, *Religion and Rational Theology*, ed. Allen W. Wood, George Di Giovanni trans., The Cambridge Edition of the Works of Immanuel Kant. (Cambridge [England] ; New York, 1996). pp. xii-xiii.

[623] One might rightly object that Luther is also an eschatological thinker. The Reformer thought himself a prophet in the last days Diarmaid MacCulloch, *The Reformation*, 1st American ed. (New York, 2004). pp. 126-129.—but this temporal aspect is the crucial distinction. Luther's message echoes the early Christian privileging of the present, the sense that something important is happening now, whereas Kant's philosophy of the future puts off action until the process of "enlightenment" is complete.

problem it is supposed to solve—and this is complicated by the anti-religious stance of Enlightenment thinkers who cast all religion as empty superstition (which it becomes, once privatized to the degree Kant argues for).[624]

The second way in which Kant's philosophy is anti-democratic is that it relegates the determination of truth to sage-experts.[625] In the realm of reason this sage-expert is the academic or court philosopher. In the realm of aesthetic judgement the relevant figure is the genius. In both cases the ultimate authorization for what these experts discover is nature. In other words, even the priests do not interpret, they discover with ready-made tools forged at the Lyceum. In one case the discovery is nature as law. In the other it is the discovery of nature as beauty. In both cases the renown for each advance redounds to the genius. This is to be contrasted, for example with a view of specific human beings chosen by God (Luther's *Wundermänner*) for specific and even limited time and purpose or with Hegel's world historical individuals who are seen as unconscious participants in the grand narrative of political history. For Kant, the individual genius is responsible for his advance, and it is he who is to be praised for bringing the world more in line with the ideal set in human nature by reason as a given faculty and end of the race. The implication for democratic politics is that very few individuals are capable of the type of insight

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[624] Max Weber, *The Sociology of Religion* (Boston, 1993). p. 27.

[625] Hunter (2001) and Hochstrasser (2003) are particularly good on this point and in distinguishing Kant from the more democratic approach favored by Pufendorf and his disciple Christian Thomasius. Hochstrasser argues that Kant must be seen as a partisan of dominant Reformed, or Calvinist, elements in the Prussian state. Ian Hunter, *Rival Enlightenments : Civil and Metaphysical Philosophy in Early Modern Germany*, Ideas in Context (Cambridge, U.K. ; New York, 2001).; T. J. Hochstrasser, *Early Modern Natural Law Theories : Contexts and Strategies in the Early Enlightenment* (Dordrecht ; Boston, 2000).

necessary for political maturity. Kant's view is not quite consistent with the view common in the French Enlightenment of religion as an empty trick.[626] For Kant, this "trick" has a positive social value as the carrier of improvement.[627]

Kant's epistemology sets out to solve the problem of freedom, the radical subjectivism implied to him by his reading of Hume. That problem is seen as a problem to be solved, erradicated, rather than one to be engaged with a democratic and deliberative spirit. It is not to be faced with the attitude of *Versöhnung* but rather with resignation. The power with which Hume's skepticism is received by Kant—who unlike Hume cannot shrug and return to backgammon—shows the yawning void of radical subjectivism that Kant views as lying immediately below the surface of science.[628] That Kant is shaken by this vision, that he believes a finger must be placed in the dyke, is intensely revealing. It shows his connection to a heroic conception of the philosopher, toiling at an esoteric level to stem the collapse. If he is at all egalitarian—which is not to say democratic—it is because this esoteric knowledge will be available to all in the Endtime, when politics will have disappeared into rational morality.[629] Kant's reading of Rousseau leads to an equation—albeit in a

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[626] Ernst Cassirer, *The Philosophy of the Enlightenment* (Princeton,, 1951). p. 70.

[627] In the *Nachlass* he writes that the improvement of humanity must be public and must "auf die moralisierung angelegt werden" "be constructed in the development of moralilty" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898.

[628] Hegel observed in his *Lectures on the History of Philosophy* that Kant's philosophy is the consciousness of thinking in its subjectivity Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 330.

[629] Uncertainty defers democratic action, or as Hegel observed pithily in a lecture on Kant: "es ist dasselbe wie mit dem Schwimmenwollen, ehe man ins Wasser geht" Georg Wilhelm Friedrich Hegel,

sophisticated way—of nature and morality. In morality as in science, nature is experienced as law (not "word"). This law is ultimately sanctioned by an aesthetic judgement which is also given by nature in the form of the genius.

This can be contrasted with the triune hermeneutic of the Luther tradition in the following way:[630] in Kant, the revealed word is replaced by reason (which the philosopher determines); law is the prerogative of the will of the ruler (informed by reason and the duty to follow reason); and spirit is simultaneously the (private) affair of the individual and the public affair of the genius (but public in the sense that the *Publikum*[631] receives the gifts of the genius).[632] There is a substantive collapse of the moral and ethical categories. Both are to be given in "reason." The system acknowledges that both are not (yet) at this point, but the action of history is one of

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Werke, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 334.

[630] See *Religion Just Within the Boundaries of Reason* Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 142. for Kant's explicit rejection of Luther's conception of the trinity.

[631] John Christian Laursen, ""the Subversive Kant: The Vocabulary of 'Public' and 'Publicity'," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996).; Allen W. Wood, *Kant's Ethical Thought*, Modern European Philosophy. (Cambridge [England] ; New York, 1999). pp. 306-309.

[632] The genius is in privileged position of being able to avail himself of what Luther terms "spirit": this is show in § 60 of the *Third Critique* Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). V 354-356., where Kant argues that the genius has a special capacity to communicate his direct participation with nature to the broader mass of people Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). V 355. The more democratic move, sanctioned by Luther's view of every man a priest implies again the collapse into chaotic subjectivity for Kant. The order-protecting law is to be innovated by the few who can dance the dance implied by an exemplar, but the mass (Pöbel) must embrace the law as an example. This is explicitly discussed in connection with Christianity in *Religion Just Within the Boundaries of Reason*, where Jesus is a "*Vorbild*" "example," literally a picture prefiguring the behavior to be imitated Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 66.; see also Walter Sparn, "Kant's Doctrine of Atonement as a Theory of Subjectivity," in *Kant's Philosophy of Religion Reconsidered*, ed. Philip J. Rossi and Michael J. Wreen (Bloomington, 1991), p. 104.

moral-ethical *Gleichschaltung*[633]—the differences between the reason in morality and its application to the will of rulers and citizens is asymptotically attenuated, and a state of rational perfection as redemption of a pre-fall Adamic condition.[634] Philosophers, as the arbiters of truth, determine it in the service of rulers, who give the rule to the faculties of medicine, law, and theology. The picture of the broad mass of human beings is one of crippling human frailty which is only to be withdrawn at some future point of perfection and it stands in contrast to the Luther tradition, which acknowledges a handicap under which human beings operate—their cognitive and moral limits—but which argues they have the resources to confront their difficulties. In Luther, everyone has a vocation. In Kantian language this would mean that everyone possesses genius. But one should resist the urge to "democratize" him by insisting that this is what Kant really must mean—this violates, I want to say, his spirit. Kant is a courtier for whom the emperor *must* have clothes: the masses are not in a position neither to judge art, or politics, or right. If their subjectivity is permitted to run wild like this it endangers the system, such that it must be disciplined by nature (in epistemology), by genius (in art), and by a rational system of law (in collapsed politics and morality).

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[633] The psychological effects of such a breakdown during the 1933-1945 period in Germany are explored in Bettelheim (1979): the pressure to maintain a core moral identity was gradually broken down by public displays of lawfulness. Bruno Bettelheim, *Surviving, and Other Essays*, 1st ed. (New York, 1979).

[634] In Kant this is not presented as an original position of mankind to be re-entered—like Rousseau he thinks we can not and would not want to return to a natural state—so that the Adamic, rationally perfected state of humanity stands as a goal.

The Conflation of Morality and Ethics

Because I am arguing that Kant departs from the tradition of Luther, it is helpful to make this distinction with reference to one of Kant's most perspicuous critics. In the closing words of the Introduction to his *Philosophy of Right*, Hegel distinguishes his project from that of Kant both in its impetus and in its analytic delineation:

> Philosophical subdivisions are certainly not an external classification—i.e. an outward classification of a given material based on one or more extraneous principles of organization—but the immanent differentiation of the concept itself. -- *Morality* and *ethics*, which are usually regarded as roughly synonymous, are taken here in essentially distinct senses. Yet even representational thought seems to distinguish them; Kantian usage prefers the expression *morality*, as indeed the practical principles of Kant's philosophy are confined throughout to this concept, even rendering the point of view of *ethics* impossible and in face expressly infringing and destroying it.[635]

This means first, that philosophical categories are neither given by reason nor directly by nature. In other words, Hegel does not argue from a perspective of privilege, outside the system. Though philosophy is the realm of truth, the only *possible* analysis is an immanent one. We inhabit a world built in language, and in the analysis of that world requires that we do not have use of tools that stand outside of it. This condition is historical at the same time it is philosophical. The content of morality grows out of historical ethical conditions even as the concept of morality and abstract right "are both abstractions whose truth is attained only in *ethical life.*"[636] Second, the

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[635] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 33.

[636] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 33 Zusatz.

conflation of morality and ethics—*Moral* and *Sittlichkeit*—makes the actualization of human freedom impossible because, in his well known charge of Kantian or moral freedom as arbitrariness, "freedom is nothing other than this formal self-activity [of the will]."[637] Because moral willing happens without context, it can neither explain itself (developmentally or genealogically) nor can it provide content to itself.

Hegel's position cannot be reconciled with Kant's, nor is it possible to argue that Hegel misunderstood (purposefully or not) what Kant was arguing. Kant wrote in his *Second Critique* that,

> The moral law is given, as an apodictically certain fact, as it were, of pure reason, a fact of which we are *a priori* conscious, even if it be granted that no example could be found in which it has been followed exactly. Thus the objective reality of the moral law can be proved through no deduction, through no exertion of the theoretical, speculative, or empirically supported reason; and, even if one were willing to renounce its apodictic certainty, it would not be confirmed by any experience and thus proved *a posteriori*. Nevertheless, it is firmly established of itself.[638]

The moral law is given, not derived, from reason itself. If Kant "would have been astonished to find that he was a partisan of 'contentless formalism'," [639] he would have done so on two grounds. Both of these are incompatible with the position in Hegel's *Philosophy of Right.* First, Kant argues that the content—not the form—can be seen from the ends, that is to say teleologically. For example, in the *Third Critique*, Kant

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[637] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 15 Anmerkung.

[638] Immanuel Kant, *Critique of Practical Reason*, ed. Lewis White Beck, 3rd ed. (New York, 1993). p. 48.

[639] Patrick Riley, *Kant's Political Philosophy*, Philosophy and Society (Totowa, N.J., 1983). p. 49.

wrote, "For a personal [moral] worth, which man can only give to himself, is pre-supposed by reason, as the sole condition upon which he and his existence can be a final end."[640] Here reason plays double duty: it produces the concept of moral worth in addition to orienting human action teleologically. This position explicitly collapses the realms of politics and morality into a purposive unity.

Second, reason gives up the moral law from its own operation. This is to be radically distinguished from the immanent analysis being performed by Hegel above. What Kant is doing proceeds unproblematically—and uncritically—from the precepts and operation of reified reason in its practical operation:

> It is therefore the moral law, of which we become immediately conscious as soon as we construct maxims for the will, which first presents itself to us; and since reason exhibits it as a ground of determination which is completely independent of and not to be outweighted by any sensuous condition, it is the moral law which leads directly to the concept of freedom.[641]

Here reason functions as the anvil upon which and through which moral laws are forged. Again, this is incompatible with Hegel's view because reason is not called to account for itself—as indeed Kant could not. Hegel wryly remarked in his *Lectures on the History of Philosophy* that Kant discovers reason empirically, as if coming upon an object:

> One searches around in the soul-sack to see what kind of capacities may be present there; by chance reason is still to be found there. It would

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[640] Immanuel Kant, *The Critique of Judgement. Translated with Analytical Indexes by James Creed Meredith*, ed. James Creed Meredith (Oxford,, 1973). p. 153.

[641] Immanuel Kant, *Critique of Practical Reason*, ed. Lewis White Beck, 3rd ed. (New York, 1993). p. 29.

> have been just as well, if it hadn't: just like magnetism is incidental for the physicists, -- it is one and the same if it is there or not.[642]

This leads to yet another example of the conflation of politics and morality pervading Kant's thought,because the moral law leads to a concept of freedom which is not merely moral freedom but simultaneously political freedom as well.[643]

Justification by Works

Patrick Riley is therefore correct to suggest that, "Kant's theory of will and freedom…is thus a kind of skepticized Pelagianism."[644] This would mean that human beings are called—and Kant does use this term—to instantiate the moral **law** in the world. It is through the works of reason, he explains in his *Fundamental Principles*, that human beings justify their existence:

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[642] Es wird im Seelensack herumgesucht, was darin für Vermögen sich befinden; es findet sich zufälligerweise noch Vernunft, -- es wäre ebensogut, wenn auch keine: wie Magnetismus bei den Physikern zufällig ist, -- es ist gleichgültig , ob sie sei oder nicht Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 351.

[643] It was Hamann's contention in the *Metakritik* that reason could *never* be guilty of empty formalism, because this misunderstands what language is Johann Georg Hamann and Josef Nadler, *Sämtliche Werke* (Wien,, 1949). p. 284. It should be noted that Hamann's argument is not in tension with Hegel's: Hegel is attempting a critique of Kant's self-understanding. See Herman (1993) for what I take to be a defense of Kant on this understanding. Barbara Herman, *The Practice of Moral Judgment* (Cambridge, Mass., 1993).

[644] Patrick Riley, *Kant's Political Philosophy*, Philosophy and Society (Totowa, N.J., 1983). p. 32. If the "Reformation may be regarded as a continuation, and to a certain extent an intensification, of the sporadic late medieval debate concerning the reception of the anti-Pelagian thought of Augustine" Alister E. McGrath, *The Intellectual Origins of the European Reformation*, 2nd ed. (Malden, MA, 2004). p. 174., then Kant would in this regard have more in common with the counter-Reformation. On Kant's links to Pelagianism, see also Kurt Borries, *Kant Als Politiker* (Aalen,, 1973). p. 141. and Howard L. Williams, *Kant's Political Philosophy* (Oxford, 1983). p. 30. In 418 A.D. the Council of Carthage declared that Pelagius and his followers were guilty of the following errors: 1. They denied original sin, and that death concupiscence resulted from Adam's fall; 2. They taught that man was able, by the ordinary powers given to his nature, to avoid sin and reach heaven; 3. That forgiveness of sin through faith means forgiveness from punishment, not renewal in grace; 4. That the Law is equal to the Gospel as a guide to heaven; 5. That men can by training their wills live without sin, and have done so, not only since Christ but before. M. L. Cozens, *A Handbook of Heresies*, Abridged ed., Canterbury Books. (New York,, 1959). p. 59.

> What then justifies virtue or the morally good disposition in making such lofty claims? It is nothing less than the privilege it secures to the rational being of participating in the giving of universal laws,[645] by which it qualifies him to be a member of a possible kingdom of ends, a privilege to which he was already destined by his own nature as being an end in himself, and on that account legislating in the kingdom of ends.[646]

The consequence of this view, in Luther's critique of it, is that it constitutes a limitless, insupportable, and inhumane responsibility.[647] It is limitless because everything in the world must be totalized to be consistent with "reason"; it is insupportable because it is beyond the means and, Luther thought, the nature of human beings to erradicate what Kant calls heteronomy; and it is inhumane not only because it is unperformable not only because it is compassionless but also because it is not to be expected of us.

Kant does not agree with the assumptions undergirding Luther's objections to the Pelagianism he battled most relevantly in the dispute with Erasmus over freedom and bondage of the will. His disagreement takes seemingly contradictory forms. First, knowledge of God—or the functional equivalent of God—is said to be unapproachable. Second, the reason constraining both God and man is politically to be applied in the same way Leibniz suggested in his *Monadology* § 87:

> Since earlier we established a perfect harmony between two natural kingdoms, one of efficient causes, the other of final causes, we ought to note here yet another harmony between the physical kingdom of nature

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[645] "Gesetzgebung" or law-giving is to be contrasted with "Bestimmung" or determination. The 1748 work by J.J. Spalding, *Die Bestimmung des Menschen*, gave a rationalistic cast to this originally religious concept. Johann Joachim Spalding and Horst Stephan, *Spaldings Bestimmung Des Menschen (1748) Und Wert Der Andacht (1755)* (Giessen,, 1908).

[646] Immanuel Kant, *Fundamental Principles of the Metaphysics of Ethics*, ed. Thomas Kingsmill Abbott, 10th ed. (London, New York [etc.], 1926). p. 45.

[647] See also Borries (1973: 146), who makes a similar point.

> and the moral kingdom of grace, that is, between God considered as the architect of the mechanism of the universe, and God considered as the monarch of the divine city of minds.[648]

For example, in the *Critique of Judgement*, Kant wants to reconstruct a teleology of the world based on an effective law of sufficient reason:

> Hence judgement must assume, as an a priori principle for its own use, that what to human insight is contingent in the particular (empirical) natural laws does nevertheless contain a law-governed unity, fathomable but still conceivable by us, in the combination of what is diverse in the [form] of an experience that is intrinsically possible.[649]

Third, and consistent with this last, rational perfection is possible and indeed commanded by the presence of reason in the minds of human beings.[650] This is the Averroist call for a return to the Adamic state—the position of imagined rational perfection before the fall.[651] Relying also on Rousseau's vision of moral freedom,

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[648] Gottfried Wilhelm Leibniz, *Philosophical Essays*, ed. Daniel Garber, Roger Ariew trans. (Indianapolis, 1989). p. 224.

[649] Immanuel Kant, *Critique of Pure Reason*, ed. Patricia Kitcher, Werner S. Pluhar trans., Unified ed. (Indianapolis, Ind., 1996). pp. 183-184.

[650] In the third part of *Religion Just Within the Boundaries of Reason*, entitled "Der Sieg des guten Princips über das böse und die Gründung eines Reichs Gottes auf Erden" "The victory of the good principle over the evil and the foundation of the Kingdom of God on Earth," Kant argues for this project explicitly: Die Herrschaft des guten Princips, so fern Menschen dazu hinwirken können, ist also, so viel wir einsehen, nicht anders erreichbar, als durch Errichtung und Ausbreitung einer Gesellschaft nach Tugendgesetzen und zum Behuf derselben; einer Gesellschaft, die dem ganzen Menschengeschlecht in ihrem Umfange sie zu beschließen durch die Vernunft zur Aufgabe und zur Pflicht gemacht wird Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 94.

[651] This tradition, relatively unimportant in where it originated in Islam, but persistent in Western Christianity (see Peters 1992: 187-188), argues for the power of reason (at least in the hands of the adept) to return human beings to their pre-Fall or Adamic state. The Parisian Averroist controversy in the 13th century is one high tide of this mode of thought Alister E. McGrath, *The Intellectual Origins of the European Reformation*, 2nd ed. (Malden, MA, 2004). p. 75.; Ernst Cassirer, *The Individual and the Cosmos in Renaissance Philosophy* (New York,, 1963). pp. 127-128. and see Ernst Hartwig Kantorowicz and William C. Jordan, *The King's Two Bodies : A Study in Mediaeval Political Theology* (Princeton, N.J., 1997). p. 472. on the idea of the education of the human race to this end in Dante. This position implies a corresponding constraint on the powers of God, as in Leibniz: God is not omnipotent but rather bounded by rationality. Kant further tightens the noose by putting reason at the service of

Kant wants God to speak to us directly through reason. Interestingly, as the Eberhard controversy between Kant and his neo-Leibnizian critic demonstrates,[652] Kant's project seems more in the way of salvaging dogmatic metaphysics than destroying it.

Furthermore, Kant will struggle against *both* Mendelssohn's and Herder's accounts of history. In his essay on theory and practice, Kant argues that Mendelssohn acts like an *Aufklärer*, even if he says otherwise, "…since the human race is constantly progressing in cultural matters (in keeping with its natural purpose), it is also engaged in progressive improvement in relation to the moral end of its existence."[653] This progressive action is guided by providence expressed through human nature and "may be *interrupted* but never *broken off.*"[654] According to Kant, we "must look to nature alone."[655] And nature speaks the language of reason. Here the story gets even more complicated as Kant battles both Herder and Hamann: For Herder, reason is itself a historical category and continually demonstrates the presence of God. Importantly for both Herder and Hamann, reason reveals itself to man *in language* and therefore Kant can never truly get free of the world. Kant seems trapped in a strange worship of the idol of language. Language is never to be looked

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nature. On Kant in the Averroist tradition, see Allen W. Wood, *Kant's Rational Theology* (Ithaca, N.Y., 1978). p. 63.

[652] See Immanuel Kant, *The Kant-Eberhard Controversy; an English Translation, Together with Supplementary Materials and a Historical-Analytic Introduction of Immanuel Kant's on a Discovery According to Which Any New Critique of Pure Reason Has Been Made Superfluous by an Earlier One, Èuber Eine Entdeckung Nach Der Alle Neue Kritik Der Reinen Vernunft Durch Eine Èaltere Entbehrlich Gemacht Werden Soll*, ed. Henry E. Allison (Baltimore,, 1973).

[653] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 88.

[654] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 88.

[655] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 90.

at directly—the word is the X, the thing in itself. This explains why Kant has little resembling a philosophy of language[656] and why many of his critics picked precisely this spot to attack him.[657]

Critical Scholasticism: Reason and the Justification of Humanity

Kant's "Idea for a Universal History Aimed at World Citizenship" shows his engagement with both the historical consciousness of Lessing's *Education of the Human Race* and Pufendorf's natural law theory. This engagement is mediated by the introduction of the "voice of nature" from Rousseau, but with nature speaking the Greek of the Lyceum. The influence of Rousseau is present in the sense that "nature," the voice that does not lie, is to be the basis of history. This basis is doubly conceived. In the first instance, Kant aims to argue for a particular interpretive stance. Nature, whose plan is to be seen in the grand sweep of history, wants that human rational

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[656] Hans Aarsleff, *From Locke to Saussure : Essays on the Study of Language and Intellectual History* (Minneapolis, 1982). p. 276.; but see John Sallis, *On Translation*, Studies in Continental Thought. (Bloomington, 2002). pp. 13-15.

[657] The most extended meditations we have from Kant on the issue of language occur in the *Anthropology* § 39:
Alle Sprache ist Bezeichnung der Gedanken, und umgekehrt die vorzüglichste Art der Gedankenbezeichnung ist die durch Sprache, dieses größte Mittel, sich selbst und andere zu verstehen. Denken ist Reden mit sich selbst (die Indianer auf Otaheite nennen das Denken: die Sprache im Bauch), folglich sich auch innerlich (durch reproductive Einbildungskraft) Hören Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VII 192.
All language is a signification of thought; the supreme way of indicating though is by language, the greatest instrument for understanding ourselves and others. Thinking is speaking to ourselves (The Indians of Tahiti call it "speech in the belly"), therefore hearing oneself inwardly also (through reproductive imagination).
See also Sallis (2002: 14) who associates Kant with what he calls the dream of non-translation—language as universally transparent and ahistorically seamless transmission of pure thought. This is very far from the way Nietzsche warns his readers in the *Genealogy of Morality* that he must be read: "zu dem man beinahe Kuh und jedenfalls *nicht* 'moderner Mensch' sein muss: *das Wiedekäuen*" "one must almost be a cow and in any event *not* a 'modern person': *chewing the cud*" Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VI-2.267.

capacities be perfected. But nature's voice speaks with a strong Macedonian accent, tempered by (at least one) stay in Geneva. Second, Kant points out that this textual reception is political—a particular narrative constructions of history exerts power over its readers and over political leaders. Not only does it discipline readers' minds to the task of unfolding the human *telos*, but it introduces an incentive for rulers to comply with the dictates of reason, "another *small* motive for attempting a philosophical history of this kind."[658] The advocacy of what is truly the disappearance of morality at the hands of "reason" is at the basis of Kant's political incitement—which is not to say political theory.

Morality is the subjugation of the will to this concept of reason. Kant begins by addressing the will in the realm of practical reason: "the will's manifestations in the world of phenomena, i.e. human actions, are determined in accordance with natural laws, as is every other human event."[659] This casting of the human will as the result of rational laws in nature pervades Kant's thinking in this essay. He is relentless in linking, after the fashion of Aristotle, the capacities of human beings with their nature; embedded in the physical constitution of the human race is a *telos*, with the perfect development of these innate capacities as the goal of human existence. This development is not individual. It points to a conception of free will to be contrasted with the one accepted by Luther. For Luther, humans have an unimportant kind of free will—the ability to choose among preferences—but this is unconnected to the

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[658] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 53.

[659] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 41.

project of moral justification. For Kant, though individuals have a tendency to deviate from the species *telos* to the extent that the human final cause is difficult to divine, all actions of the will sum in the end to the racial, not individual and not national, project of reaching rational perfection.[660]

The issue of moral justification is similarly a species project. Kant conflates the two realms that Luther holds separate. This move by Kant removes the basis for truly democratic action. The idea of human beings as justifiable in history points to a moral perfectability. This idea makes use of the Averroist argument for reclaiming an analog to the original Adamic state of perfection through the use of philosophic reason. The argument is Averroist in the additional sense that it is elitist—only skilled philosophers are capable of experiencing the truth in its true form and those who are not adepts receive the exoteric version of this morality from religion.[661] They are the esoteric priests who have a leading role in the universal church of humanity.[662] That Kant must be implicated in this way of thinking is made even clearer in his discussion of the effect of the Fall in *Religion Just Within the Boundaries of Reason*:

> thus the very first beginning of all evil is therefore incomprehensible for us (for where does the evil in that spirit come from?), but the human being was just fallen into temptation through seduction, thus not fundamentally corrupted (even according to the first capacity for good),

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[660] On the importance of teleology in Kant's thought see Richard L. Velkley, *Freedom and the End of Reason : On the Moral Foundation of Kant's Critical Philosophy* (Chicago, 1989). and Patrick Riley, *Kant's Political Philosophy*, Philosophy and Society (Totowa, N.J., 1983).

[661] Kant was a proponent of organized religion, and his contention, in the *Groundwork* that the categorical imperative is somehow a version of the Golden Rule can be seen in connection with this problem.

[662] Cf. the outrage with which Kant takes up Herder's accusation of Averroism against any philosophy that argues for humanity's collective salvation: Kant does not there deny the accusation, he invites Herder to demonstrate what philosophy would be were it not Averroistic (Kant 1970: 220).

> rather as capable of more improvement in opposition to the seducing spirit, i.e. one whom the temptation of the flesh cannot be accounted as a mitigation of guilt. And so for the human being, who despite a corrupted heart yet always possesses a good will, there still remains hope of a return to the good from which he has strayed.[663]

The possibility therefore exists of a good will, of a completely good will determined only by reason (the purely good stuff). This shows why there remains a path to human perfection, because the will is not hopelessly contaminated. Conversely, evil is not the legacy of a fall or inborn defect of human nature, it is willed.[664] He writes, "The restoration [of good] is therefore only the recovery of the *purity* of the law…according to which the law itself is to be incorporated into the power of choice."[665] This incorporation can be steadily translated into a change in the moral character of the person, "not with an improvement of mores, but with the transformation of his attitude of mind and the establishment of a character."[666]

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[663] also der erste Anfang alles Bösen überhaupt als für uns unbegreiflich (denn woher bei jenem Geiste das Böse?), der Mensch aber nur als durch Verführung ins Böse gefallen, also nicht von Grund aus (selbst der ersten Anlage zum Guten nach) verderbt, sondern als noch einer Besserung fähig im Gegensatze mit einem verführenden Geiste, d.i. einem solchen Wesen, dem die Versuchung des Fleisches nicht zur Milderung seiner Schuld angerechnet werden kann, vorgestellt und so dem ersteren, der bei einem verderbten Herzen doch immer noch einen guten Willen hat, Hoffnung einer Wiederkehr zu dem Guten, von dem er abgewichen ist, übrig gelassen wird Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 44.

[664] On this point see Bernard M. G. Reardon, *Kant as Philosophical Theologian* (New York, 1987). p. 93.

[665] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 46.

[666] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 48. On moral character in Kant see Patrick R. Frierson, *Freedom and Anthropology in Kant's Moral Philosophy* (Cambridge ; New York, 2003). pp. 110-113.

Indeed, Kant explicitly rejects any non-Pelagian morality in *Religion Just Within the Boundaries of Reason Alone*:[667]

> Faith in a merit which is not his own, but through which he is reconciled with God, would therefore have to precede any striving for good works, and this contradicts the previous proposition…this must be the effect of our work and not, once again, a foreign influence to which we remain passive.[668]

He adds to this later in the work, "*Apart from a good life-conduct, anything which the human being supposes that he can do to become well-pleasing to God is mere religious delusion and counterfeit service of God*."[669] Religion is not language in church but "love of the law."[670] The will is good if it is present in legislative form:[671] "*Religion* is (subjectively considered) the recognition of all our duties as divine commands."[672]

Using Rousseau's reconception of the Fall, but with a limitless faith in reified reason not present in the citizen of Geneva's thought, Kant points to an oddly secular

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[667] "Kant's doctrine of justification stresses our constant responsibility for conscientious activity and thus does not include Luther's point about accepting to be passive and accepting to lose control …This however, makes Kant's doctrine only more like that of Calvin" Michel Despland and Immanuel Kant, *Kant on History and Religion, with a Translation of Kant's "on the Failure of All Attempted Philosophical Theodicies"* (Montreal,, 1973). p. 250.

[668] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 117-118.

[669] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 170-171.

[670] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 145.

[671] Allen W. Wood, *Kant's Moral Religion* (Ithaca,, 1970). p. 46. See also G. Felicitas Munzel, *Kant's Conception of Moral Character : The "Critical" Link of Morality, Anthropology, and Reflective Judgment* (Chicago, 1999). pp. 23-70.

[672] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 53.

eschatology. It is oddly secular, because it preserves behind a curtain the creation of the telos, an unexamined and unexaminable X. This means that the religious conception is simply taken over, without being taking account of. The Calvinist veil separating human from God is retained, even as Yaweh's name is obscured in a move that reintroduces its super-secret quality. Human beings are not privy to the creation of the voice of nature (reason), nor are we in *any* position to explore its creation—traditional revelation or apocalypse does not play a part in the future history that Kant sketches. It does not seem then to follow that revelation would follow perfection. Indeed, this self-incurred blindness seems integral to the pursuance of the project Kant maps and urges. The historical turn that Hegel makes in his *Phenomenology of Spirit* is the move to interpret this X and introduce a history of human consciousness. This is the truly critical turn, the human turn, which Kant's philosophy attempts to block. The unapproachable X combined with a phenomenal realm in which nature and reason ought to coincide diverts critique away from the human construction of both "nature" and reason. In contrast, I will term Kant's course as either a *mere* secularization or a secularization in bad faith. Kant has attempted to translate (in the literal sense of *übersetzen*, not in the inspirited and voiced sense Luther uses, *dolmetschen*).[673] The voice of nature is to be unproblematically received in Aristotelian logic. This prevents a truly critical examination of the human telos, because it treats that entelechy as given by nature and *written* in logical form.

[673] See Luther's "Sendbrief von Dolmetschen"—for Luther a proper translation must not only be technically skilled but also done "in the spirit" of its author. It must be made present. Martin Luther, *Luthers Werke in Auswahl*, 5. Aufl. ed., 8 vols. (Berlin,, 1959). 4: 179-193.

Accordingly, the philosophically informed history of human beings would hope to chart "a regular progression among freely willed actions" leading to "a steadily advancing but slow development of man's original capacities."[674] It is worth noting both that freely willed actions are here in the service of species justification, so we are talking about a theological conception of free will, not the ordinary one. More important, to be freely willed actions, they must accord with nature's voice, i.e. reason. The regular progression points to the plan given in nature, the fact that history is teleological with respect to the aggregation of human wills. Kant is very specific about the sense in which he is not speaking of the willing of individuals, but rather the invisible hand of nature:

> Individual men and even entire nations little imagine that, while they are pursuing their own ends, each in his own way and often in opposition to others, they are unwittingly guided in their advance along a course intended by nature. They are unconsciously promoting an end which, even if they knew what it was, would scarcely arouse their interest.[675]

The emphasis here is not on individuals because Kant is aimed at a project of justification of the human race—it is a justification in analogy with the justification of the human race via Christi, but a rejection instead on the basis of nature as reason. It is a more ambitious project than the Christian one because it aims at the automatic salvation of *all*, not merely the faithful. Faith is clearly not at issue for individuals who "unconsciously" promote this telos of rational perfection. It is worth noting that this theodicy is even more expansive than Leibniz'—taken at face value, Kant seems

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[674] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 41.

[675] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 41.

to be suggesting that there simply is no evil in the world. It is as if we live in the best of *all* worlds, not merely all *possible* worlds. Just as an injection brings temporary pain, or eggs must be broken to make an omelette, all actions inexorably point to the drive to rational perfection.

Consciousness is in a position to be explained away—it seems only the engine of producing the conflict among individuals necessary to enable the end goal, and not of value in itself. Short-run preferences always redound to the greater good and, in the end, there is no distinction to be made between any individual, or even national interest and the collective interest of mankind. The added caution of "even entire nations" points to the conception of the universal, or perhaps better stated—Catholic—presence of reason as all-governing. There is no salvation outside the Church, either for individuals nor for national projects.[676]

This plan which the history of humanity unfolds is not in accordance with principles of utility. Rather, it is a moral project utterly unconnected to prudential individual plans. Here one must point to a distinction between Kant and Luther in that for Luther the focus of governance is utility. The plan of nature is appreciable for Kant only in a moral form—although Kant will characteristically collapse the categories by insisting that utility is incidentally (but necessarily) consistent with this moral plan. The *telos* to which Kant points is neither, as he says, based on instinct nor

[676] Though Kant at times rejects world government for a federal arrangement of republics, this arrangement is aimed at producing inter-state rivalry that would logically no longer be necessary in a perfected state Hans Reiss in Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). pp. 270-271.

on the basis of "any integral, prearranged plan like rational cosmopolitans."[677] This leads to the distinction of human beings from other terrestrial animals but more importantly marks him off from degenerate versions of Leibniz' conception of the City of God—we do not all hum together as monads, nor is our distance from the Godhead and rational perfection a matter of perspective (of being located somewhere down in the city rather than above it).

Here is Kant's critical turn insisting on the connection of nature to reason, of the given-ness of reason. This restricts human freedom such that humanity does not follow "any rational *purpose of its own.*"[678] The philosophical or critical historian is "to attempt to discover a *purpose in nature.*"[679] Again, this casts logic as the voice of nature, explicitly connecting the heavenly city and the earthly one, but while removing any human agency. We do not own our own reason:

> Let us now see if we can succeed in finding a guiding principle for such a history, and then leave it to nature to produce someone capable of writing it along the lines suggested. Thus nature produced a Kepler who found an unexpected means of reducing the eccentric orbits of the planets to definite laws, and Newton who explained these laws in terms of a universal natural cause.[680]

It is at this point that we find ourselves at the mercy of astrology as astronomy: the stars operate on principles perfectly consistent with those governing human beings, the problem for knowledge is merely the elucidation of the connection. This redictation

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[677] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 41.

[678] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 42.

[679] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 42.

[680] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 42.

of the German baroque and Medieval connection of the stars to human actions[681] removes the possibility of freedom even as it scientizes it to be consistent with Newtonian physics. This is close to the orbit of Hobbes, with human beings as merely a specific type of bodies in motion, but with an added moral element informed by universal reason. This accepts the political strictures of the phrase, "Think whatever you want, but obey!" from the *Aufklärung* essay and adds the philosophical warrant for obedience to reason in one's thinking. But if faith in reason, and in governance by reason is lost or unsustainable, only obedience to political authority remains.

Chance or Teleology?

Kant's first proposition in support of this universal history is: "*All the natural capacities of a creature are destined sooner or later to be developed completely and in conformity with their end*."[682] With reference to the organs of animals, Kant explicitly connects his moral teleology to natural teleology. The alternative, he writes, is that if one is to "abandon this basic principle, we are faced not with a law-governed nature, but with an aimless, random process, and the dismal reign of chance replaces the guiding principle of reason."[683] This teleological view of nature was shared by many natural scientists of the age, including such figures as Goethe. Kant returned to this topic from the opposite direction in his *Third Critique*:

> It is laudable to go through the great creation of organized nature given in comparative anatomy in order to see whether or not something similar to a

[681] Cf. Hans Jacob Christoffel von Grimmelshausen, *Simplicissimus Teutsch*, 2. Aufl. ed. (Halle, Saale,, 1949). Astrology is intimately connected to the action of the book.

[682] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 42.

[683] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 42.

> system and even the principle according to which things grow is in evidence.[684]

Here Kant states the problem as an empirical one: whether comparative anatomy may produce the "*Erzeugungsprincip*," the principle according to which something is grown. Here the name of this principle itself appeals to its function in the theory—a gardener, the principle itself, raises each organ and each organism to its final end. This is to be contrasted with the catastrophic consequences stemming from the embrace of the "dismal reign of chance". From the perspective of the early 21st century, one might be simply dismissive of such a teleological view as the governing principle of the natural sciences: "now we know better." Or, one might point to successive "paradigm shifts" in the history of biology such as *Naturphilosophie* and natural selection.[685] However, this does not solve the problem of the connection between the natural world and the moral world for Kant. One would have to ask after the consequences of making such a shift away from the teleological viewpoint. This process would begin by asking why "chance" is sketched as the only alternative (where I think to be fair to Kant, natural selection must be considered chance). The solution to this puzzle requires the exploration of the rest of the piece.

In his second proposition, Kant argues that the unfolding of reason is a project of the entire human species, not of any individual. In one sense this does not point to a sociality of reason because human beings do not "own" reason anymore than bears

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[684] Es ist rühmlich, vermittelst einer comparativen Anatomie die große Schöpfung organizierter Naturen durchzugehen, um zu sehen: ob sich daran nicht etwas einem System Ähnliches und zwar dem Erzeugungsprinzip nach, vorfinde. Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). V 419.

[685] Thomas S. Kuhn, *The Structure of Scientific Revolutions* ([Chicago], 1962).

own their claws. Human beings are not morally responsible for reason (in the sense of having produced it, earned it, or merited it). Rather the species is to pursue this project over "a long, perhaps incalculable series of generations, each passing on its enlightenment to the next."[686] The goal is that "the germs implanted by nature in our species can be developed to the degree which corresponds to nature's original intention."[687] And this goal, the development of reason, is to be reached (tautologically) by a process of the development of reason:

> Reason, in a creature, is a faculty which enables that creature to extend far beyond the limits of natural instinct the rules and intentions it follows in using its various powers, and the range of its projects is unbounded.[688]

However promethean this may seem—and if we take seriously the assertion that "the range of its projects is unbounded," it is quite a god-like power in terms of performing tasks that fully-developed human beings are to attain—it is constrained by the utter *lack* of control human beings have over reason itself. The development of reason is indeed a social process, but again this is not in the form of "social construction" but rather the development or growing of seeds, the "germs implanted by nature" according to the *Erzeugungsprincip*: "But reason does not itself work instinctively, for it requires trial, practice and instruction to enable it to progress gradually from one

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[686] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 43.

[687] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 43.

[688] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 42.

stage of insight to the next."[689] And this insight is not to be attained by any one individual because human lives are too short.[690]

The consequence of *not* adopting the teleological standpoint then is that "natural capacities would necessarily appear by and large to be purposeless and wasted" because the "wisdom" of nature which "we must take as axiomatic in judging all other situations, would incur the suspicion of indulging in childish play in the case of man alone."[691] This likening of (final) purposelessness to childishness is evocative along three lines. First, it invokes the idea of childhood—interesting in the first instance because the concept itself of childhood as a time of careless play and self-obsession is only at that time in the process of development.[692] Kant's rejection of childhood points to his conception of maturity: children are not responsible for their crimes, either legally or morally. This lack of maturity would be given license by a rejection of the teleological standpoint—nature would seem to endorse playfulness for its own sake.[693] This kind of immature playfulness could paradoxically take the form of endless drudgery—the difference between the states of childhood and maturity being the moral end one is said to have as one's goal.

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[689] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 42.

[690] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 43.

[691] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 43.

[692] Cf. Nietzsche: "Reife des Mannes: das heisst den Ernst wiedergefunden haben, den man als Kind hatte, beim Spiel" "Maturity of a man: that means to have recovered the seriousness that one had as a child at play" BGE § 94 (KGW VI-2.90).

[693] Cf. Hegel: "*Hier* ist die Rose, *hier* tanze" "Here is the rose, dance here" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7: 25.

Here Kant is leaning on a second development of the metaphor of childhood-as-immaturity. This modern concept of childhood carries with it the idea of play, not work. Far from the medieval conception of children as adults who do not function well, the modern conception that Kant rejects is one of human beings setting their own agenda, as children do in play. The power than human beings will command when fully developed may be "unbounded," but the choice of those projects is constrained by an exogenous force. This tight-lipped compulsion to joyless work casts Kant's lot with what the late Robertson Davies termed "Friends of the Minimum": "all they ask of God is a kind of spiritual Minimum Wage and in return they are ready to give up the sweets of life—which God also made, let me remind you."[694] The presence of enjoyment, entertainment, or any other reward taints the sole allowable motive of rational duty. This is to be contrasted with Luther's religion which celebrates and sings its voluntary commitment to the Golden Rule: good works follow joyfully from a correct orientation of the soul. Kant's Pelagian alternative is stated in the last sentence of his *Religion Just Within the Boundaries of Reason*: "the right way to advance is not from grace to virtue but rather from virtue to grace."[695]

Third and last, the connection of natural teleology to moral teleology creates a tension. If the natural and the moral were not causally connected, then the purposefulness of nature--or lack of it--would not seem the *only* alternative to teleology. Despair does not ensue if there is no natural moral law to be fulfilled. In

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[694] Robertson Davies, *The Lyre of Orpheus* (New York, N.Y., 1989). p. 67.

other words, the psychological problem Luther encounters in the tower is avoided if the project is reconceived as being *both* social and individual. It is a social project in the sense that each individual is—in a state of progress—enabled to flourish in a variety of human ways and it is individual in the sense that salvation is the task of each soul, not of the human race taken together. In Kant's view the individual might *choose* to despair, but since there is a Panglossian cast to this teleological solution to the problem of theodicy, even evil is reordered to seem necessary to the good. This again is a radicalization of Leibniz, who argued only that we live in the best of all *possible* worlds, with perfect—but impossible—worlds left off the table. As Leibniz constrained God's power within the bounds of reason, Kant turns on this, recognizes its anthropomorphism, and eliminates the connection between God and reason.

This move by Kant can be seen both in analogy and in contrast to the state as the form of ethical life in Hegel's political philosophy. There, nature is not called on to provide the mysterious voice to which one must harken. Instead, the state is worked up as the expression of both individual and communal interests. This does not elide the problem of evil as Kant does—not all evil sums in the end to good—the possibility of moral evil is left intact, albeit at a conceptual level below that of the mental *Versöhnung* or reconciliation effected by the idea of the state.

The Pelagian Alternative

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[695] "daß es nicht der rechte Weg sei, von der Begnadigung zur Tugend, sondern vielmehr von der Tugend zur Begnadigung fortzuschreiten" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 202.

What takes the place of this reconciliation is in Kant the idea of moral desert. This is presented in the essay as the contention that nature "wants" us to work to be worthy of "life and well being," which shows that nature aims at our "self-esteem" rather than our "well-being."[696] Nevertheless, this shows the degree to which the Christian reading of Genesis is turned on its head. The curse of Adam, to toil endlessly for sustenance, is replaced by an end to toil. Because there is progress this introduces a puzzle: it does not seem fair that those who come later deserve the progress (and relative comfort) they inherit from previous generations[697]—in Lessing's treatment this might appear as a compensation for a higher degree of personal revelation in earlier generations. This serves to point out the super-individual level at which Kant's theory of progress operates. It is super-individual not at the level of the individual but rather as a species:

> But no matter how puzzling this may be, it will appear as necessary if we simply assume that one animal species was intended to have reason, and that, as a class of rational beings who are mortal as individuals but immortal as a species, it was still meant to develop its capacities completely.[698]

This is a revealing argument because it shows that for Kant:

1. Man is animal, separated from other animals merely by a specific endowment and *telos*

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[696] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 43. The supportability of this kind of deistic conception is problematic—if "nature" functions as as God in giving moral sanction to being, then one experiences the same difficulties with "nature" as with belief in God in this regard. Hegel's solution was to regard "nature" as a human construction, while not denying that nature composed a closed system of its own Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 382.

[697] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 44.

2. Man was "intended" to have reason, which preserves the author of this intention but masks his identity. Reason is again presented as a natural quality—one has it or not, its definition and development is forgone.
3. Human beings are immortal (as a species), which is to say they possess eternal life.

The Pelagian salvation through political action continues in the fourth proposition, in which Kant argues that antagonism in society brings about the eventual perfection of the species. This introduces a historical dialectic of action rather than logos. In a nod to Pufendorf, Kant casts the human condition as "unsocial sociability,"[699] but rather than expand the categorial schema to explain this via a distinction between morality and ethics, the tension is resolved by reference to teleology: human beings live in society because they are there able to develop their capacities (again invoking the absent Author of those capacities) and they live as individuals because then they are in a position to defect from the social good enough to naturalistically animate their desires enough to overcome sloth. This is a rewriting of Rousseau, who sees the entry into civil society as something to be regretted—as the fall, as it were—but it also eliminates not only reason from human motivation but also the direct application of reason. Here instinct mobilizes human work, perhaps to avoid introducing a heteronomy into the ideal account.

Individuals seek status, which is the response of the animal to his social drive. This rejection of Rousseau becomes explicit when Kant writes that without antisocial

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[698] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 44.

tendencies, human beings would live an "Arcadian, pastoral existence of perfect concord, self sufficiency and mutual love"[700] (as "savage man" or Adam before the Fall) but there would be no development of the specifically human talents given in the *telos.* Human beings are "meant" to overcome their condition through works, and here Kant explicitly addresses the idea of the Fall: the existence of these natural capacities waiting to be developed are not *evidence* of the Fall as in Rousseau, but rather, "They would seem to indicate the design of a wise creator—not as it might seem, the hand of a malicious spirit who had meddled in the creator's glorious work or spoiled it out of envy."[701] In other words, there is no evil, there was no Fall, no serpent, and the problem of theodicy ceases to exist along with the identity of the "wise creator". The tree of knowledge of good and evil is redrawn such that "the culture and art which adorn mankind are the fruits of his unsociability."[702]

Freed from evil, the "*greatest problem for the human species, the solution which nature compels him to seek, is that of attaining a civil society which can administer justice universally*."[703] This defers politics as a messiness to be tidied up later after the ideal has been announced (cf. Leibniz *Monadology* § 90), and casts the "freedom under external laws" as welcome and their "irresistible force" points to their *rational*

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[699] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 45. But in Kant this is a fact given by nature, while in Pufendorf an ideal construction based on the distinction between law and morality.

[700] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 45.

[701] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 45.

[702] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 46.

[703] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 45.

irresistability not the coercion Pufendorf had the indelicacy to introduce into political theory. For Kant, coercion must be justified with respect to right.[704]

Because "man is *an animal who needs a master*" but that master must of necessity also be a man, "a perfect solution is impossible."[705] Of course, a Christian might not believe this to be so, since history would appear to give the exemplar of at least one such Wonder-man. Though he may not be "approximated" in the sense of the example of law, with the spirit conspicuously absent from Kant's philosophy he might nevertheless be of instructive value. And here the issue of maturity once again comes to the fore: what is needed here is a patriarch or at least a principle of patriarchy. This is a call for a man who is simultaneously in touch with the principle of authorship. While Hegel could argue in his *Lectures on the Philosophy of History* that the principle of patriarchy gives out when the family meets civil society—thus preserving *both* the family *and* civil society, Kant must insist on the destruction of both in a means to be specified at a later date. This not only calls into question his use of maturity (*Mündigkeit*) as a metaphor but also represents the liberal problem of childhood—how are we to understand a being who looks like a liberal subject but nevertheless does not possess the voice necessary to fulfill the demands of that political subjectivity?

To effect this perfection, Kant invokes a correct conception of a possible perfect constitution, the hard-won experience to recognize it, and the will to accept it (again,

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[704] Whereas in Pufendorf they are independent and overlapping. Reiss in Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 257.

[705] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 46.

proceeding from the idea that to know the good is to be compelled to perform the good). This move to a "great federation" is a rejection of the national principle announced by Pufendorf: the move to peace is in Kant *purely* prudential and unconnected with the truth of any particular moral vision.[706] It might here be instructive to contrast Hohenzollern reluctance to head a German state in the 19th century,[707] and also the National Socialist desire to impose what Kant refers to as "a united power and the law-governed decisions of a united will."[708] This would spell the cessation of all politics as the state of perpetual peace "can maintain itself *automatically*."[709] The democratic possibility is removed in favor of an ideal of perfect, rational administration. Deliberation becomes unnecessary when every mind converges on the rational ideal, and the independent value of politics as social self-government is erradicated.

The conflation of the moral and ethical realms is equally apparent in the question Kant poses in response to history as chance, chilialism, and the possibility of no progress in human affairs: "whether it is rational to assume that the order of nature is purposive in its parts but *purposeless* as a whole."[710] The question is one which threatens the individual who is "cultivated" but only "half-way" to the point "where

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[706] Recall that Pufendorf's aim in the *Devine fecial law* is not establishing peace. He rejects the principle of *curius region eius religion* because Christianity is a religion concerned with of truth.

[707] William Carr, *A History of Germany, 1815-1990*, 4th ed. (London ; New York

New York, NY, 1991). pp. 61, 116.

[708] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 47.

[709] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 48.

[710] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 48.

we could consider ourselves *morally* mature."[711] This moral maturity enjoins the state—and its educational facilities—to educate the individuals to this moral maturity. This moral maturity is necessary for political maturity: "But all good enterprises which are not grafted[712] on to a morally good attitude of mind are nothing but illusion and outwardly glittering misery."[713] The moral and the political must be unproblematically consistent at the limit. Chaotic political conditions must be rationalized, pacified, and made consistent with not only a scholastic, Aristotelian *telos* but also Aristotle's logic. This scholasticism is combined with the darkly drawn veil of Calvinism, as the history of the human race is a "hidden plan" to make the moral and political coincide.[714]

The point at which the moral and political coincide is perfection, the "*perfect political constitution as the only possible state within which all natural capacities of mankind can be developed completely.*"[715] This conception points toward two

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[711] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 49.

[712] Kant persistently employs the metaphor of cultivation in his casting of human trees (which are oriented to the light) but nevertheless at this time "warped wood." This metaphor reinscribes the tree of knowledge of good and evil central to the Christian Fall but in the service of a Prussian Kinder-gardener. This metaphor is given extended treatment in *Religion Just Within the Boundaries of Reason* (VI 44-46), and his *Dreams of a Spirit Seer* concludes with the admonition, "*Laßt uns unser Glück besorgen, in den Garten gehen und arbeiten!*" "Let us create our happiness, [let us] go and work in the garden!" (II 373). On the use of horticultural metaphors in Kant, see Munzel (1999).

[713] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 49.

[714] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 50. The connection of Kant to the Book of Job is complex, and Kant invokes that book often (see Strolz 1981). Reading from his philosophy back into that book is that first, consistent with *Job*, human beings can have no knowledge of God, and second, that Job's interlocutors were correct to assert the reign of justice in the world—but incorrect to ascribe it to God. For Kant, morality precedes faith (Michaelson 1979: 84)

[715] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 50.

conclusions. First, to those who argue that Kant was interested in political philosophy only secondarily,[716] it proves in unambiguous terms the importance he attributed to politics. More important is the way in which this conception withdraws the moral force of most individuals. In this Kant is undemocratic—only *after* the politically initiated process of enlightenment is complete and all voices speak in uniform reason, only then do all persons become *mündig*. Because *Mündigkeit* is the prerequisite for political speech both in its initiation by the speaker and its recognition by others, it is Kant who relegates human beings to the status of immaturity.

Dignity and the End of Man

Now Kant has the reputation, stemming from his own self-congratulatory reconstruction of Rousseau, of having been "set right" by Jean-Jacques on the dignity of human beings.[717] One must note that what Kant is honoring with this statement is the *capacity*, not the actualization. The biological metaphor of a "germ of enlightenment," is a capacity existing as a natural endowment of every human being,

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[716] See Allen D. Rosen, *Kant's Theory of Justice* (Ithaca, 1993). pp. 209-210.

[717] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XX 44.; Susan Shell, "Kant on Human Dignity," in *In Defense of Human Dignity : Essays for Our Times*, ed. Robert P. Kraynak and Glenn E. Tinder (Notre Dame, Ind., 2003).; Richard L. Velkley, *Freedom and the End of Reason : On the Moral Foundation of Kant's Critical Philosophy* (Chicago, 1989). p. 6. One wonders what sort of person would have to be "zurecht gebracht" on the issue of human dignity, especially since the Lutheran tradition he was raised in made this important and clear (see John Witte, "Between Sanctity and Depravity: Human Dignity in Protestant Perspective," in *In Defense of Human Dignity : Essays for Our Times*, ed. Robert P. Kraynak and Glenn E. Tinder (Notre Dame, Ind., 2003), p. 127.) to say nothing of the centrality of human dignity to Christianity writ large Robert P. Kraynak, ""Made in the Image of God": The Christian View of Human Dignity and Political Order," in *In Defense of Human Dignity : Essays for Our Times*, ed. Robert P. Kraynak and Glenn E. Tinder (Notre Dame, Ind., 2003).. Philipp Melanchthon wrote, "For all things that are said of the dignity of man are to be said only of Christ, in whom we have recovered that dignity lost by Adam" (quoted in Karsten Harries, *Infinity and Perspective* (Cambridge, Mass., 2001). p. 241.). For the centrality of human dignity to Greek antiquity, see C. M. Bowra, *The Greek Experience*, [1st] ed., The World Histories of Civilization. (Cleveland, 1958). pp. 22-23.

but it can only be realized when "the highest purpose of nature, a universal *cosmopolitan existence*, will at last be realized as the matrix within which all the original capacities of the human race may develop."[718]

This "matrix" within which human beings are suspended is achieved in part by the natural and inevitable course of events (the way in which Kant recasts the term "providence"), but it is also hastened by the philosopher:

> *A philosophical attempt to work out a universal history of the world in accordance with the plan of nature aimed at a perfect civil union of mankind, must be regarded as a possible and even as capable of furthering the purpose of nature itself.*[719]

Kant hedges a bit here when he says that the philosopher's history is to be "regarded" as an active participant in hurrying along a recalcitrant nature. Indeed, he suggests that the idea of a rational history of the world seems a bit far-fetched, as resembling more the plan of a "*novel.*"[720] This flirts with the suggestion of a fictive element in this history, to which he returns in the final paragraph of the essay when he writes that only those deeds of individuals, nations, and governments will be remembered if the are consistent with the philosophical story:

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[718] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). pp. 52, 51.

[719] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 51.

[720] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 52. The German cultural achievement of the so-called novel of education, the *Bildungsroman*, stands in contrast to the species historical narrative Kant is gesturing towards. The *Bildungsroman* has as its concern the moral maturation—the coming to *Mündigkeit*—of an individual. It could be argued that any modern novel focuses on this topic of individual transformation. But the *Bildungsroman* rejects Pelagianism—the hero typically experiences "wandering years" and discovers that an internal conversion was necessary from the beginning and no amount of "works" could effect this psychic reorientation. This theme goes back into German literature at least as far as the Middle-High German

> No doubt they will value the history of the oldest times, of which the original documents would long since have vanished, only from the point of view of what interests *them*, i.e. the positive and negative achievements of nations and governments in relation to the cosmopolitan goal.[721]

Rulers should be reminded that they only receive print-inches if what they do is consistent with this story. Both the raw data and the testament of ancient books will be lost (or perhaps disappeared by the guardians of truth?). Instead, Kant sketches the type of rational history of which Hegel is usually accused, i.e. the self-unfolding and self-powered development of reason: over the course of human history beginning with the "Greeks" through "Rome" to "our own times" shows "an otherwise planless *aggregate* of human actions as conforming, at least when considered as a whole, to a *system*."[722]

The Pelagianism of this perspective is revealed in clear terms at the close of the essay, which deserves to be quoted at length to demonstrate the distance from any viewpoint consistent with the Luther tradition:

> But if we assume a plan of nature, we have grounds for greater hopes. For such a plan opens up the comforting prospect of a future in which we are shown from afar how the human race eventually works its way upward to a situation in which all the germs implanted by nature can be developed fully, and in which man's destiny can be fulfilled here on earth. Such a *justification* of nature—or rather of *providence*—is no mean motive for adopting a particular point of view in considering the world. For what is the use of lauding and holding up for contemplation the glory and wisdom of creation in the non-rational sphere of nature, if the history of mankind, the very part of this great display of supreme

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epic *Der arme Heinrich*, in which this Christian lesson is learned in an explicit rejection of the Germanic warrior code.

[721] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 53.

[722] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 52.

> wisdom which contains the purpose of all the rest, is to remain a constant reproach to everything else? Such a spectacle would force us to turn away in revulsion, and, by making us despair of ever finding any completed rational aim behind it, would reduce us to hoping for it only in some other world.[723]

First to be noted is the irreligious but not secular element. Kant is rejecting the Christian story, but he is replacing it with one in which human beings transcend all that is not consistent with reason. When all human beings speak and think only reason, they will have transcended the limits of their bodies. Holding out the possibility of becoming God is not the same as initiating a human-centered philosophy. A secular philosophy would not aim at the production of an imitation of the religious concept of eternity. The *rejection* of religion makes Kant incapable of criticizing it. His rejection preserves an idea of the independent power of religion as a dark force clouding men's minds. Instead of re-reading Christianity as a *human endeavor*, intimately connected to the process of "enlightenment," Kant instead creates an antagonism between reason and revelation, between that which produced in history the idea of the human *telos* around which he builds his philosophical history. Kant can account neither for the existence of reason (except as an illegitimate *deus ex machina*), nor can he explain the existence of religion except as a "barbarism" from which mankind must slowly extricate itself.

Second, in making specific use of the religious concept of justification, Kant removes himself from position consistent with Luther, and perhaps with any Protestant thought. For Kant, justification of nature or providence is a task relegated to human

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[723] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 53.

beings—meaning that human beings are to take the place of the concept of God. The spheres of nature and rational morality must be made coincident. Human nature must not be bifurcated and the problem of being human must be *overcome* or else be a "constant reproach" making us "turn away in revulsion"—this motivation, a deep-seated *disgust* with humanity shows just how bone-weary and tired this academic monk has become in his tower, how tired of man he has become. Here he experiences the idea of God as a reproach, as a challenge, instead of as an orienting calling as in the Luther tradition. Instead of a human responsibility symbolized by Christ as simultaneously man and God, by the formulations of God as *abscondita* in Luther or dead in Hegel, Kant preserves this idea of God as an absolute other, a symbol of what humanity is not—and perhaps in his estimation should not be.

Reason, Spirit, and Nature's Voice

I have argued that Kant's ideal of political maturity requires the absence of politics, where politics is a deliberative social project requiring the diversity implied by concrete individuality. A population rendered univocal by perfectly shared and followed reason does not require politics. (This is the endgoal, before this point philosophical representatives are necessary.) The relationship of the voice of nature to reason seems to be a direct one in the "Idea for a Universal History with Cosmopolitan Intent" essay. This is not surprising because he is looking forward to the day when they will be consistent. But Kant makes an important and revealing distinction between the two in his essay on the "Speculative Beginning of Human

History"[724] (*Mutmaβlicher Anfang der Menschengeschichte*). He is talking about the point in history when nature and reason diverged. Here Kant makes explicit the connection between his philosophical retelling of *Genesis* on one hand and his engagement with Rousseau on the other. The way in which Kant mobilizes reason in his re-dictation of Genesis is instructive because it is a rejection rather than a critique. The fact that he turns to the Bible, and the way in which he does so is also important. It leads to the question of why Kant would choose to treat this holy text in precisely this way.

In the title *Muthmaβlicher Anfang der Menschengeschichte*, translators usually render "*muthmaβlicher"* as "speculative" or "conjectural."[725] The choice is important because the compound adjective *muthmaβlich* literally implies action according to courage (or more broadly conceived, "mood"). Such is implied in shades of the more technical philosophical term "speculative," and indeed the choice of *muthmaβlich* points to speculative reason through the formula in the *Aufklärung* essay: "Habe Muth dich deines *eigenen*Verstandes zu bedienen! ist also der Wahlspruch der Aufklärung" "Have the courage [*Muth*] to avail yourself of your *own* understanding! is therefore the motto of the Enlightenment." This requires one to ask, whose courage is being assessed in the essay on the beginnings of human history? It may be that the reader is

[724] On Kant's philosophy of history see Yirmiahu Yovel, *Kant and the Philosophy of History* (Princeton, N.J., 1979).

[725] *Mut*, cognate of English "mood", in Old High German meant soul or spirit, and it still carries the latter connotation Friedrich Kluge and Elmar Seebold, *Etymologisches Wörterbuch Der Deutschen Sprache*, 23. Aufl. / ed. (Berlin, 1999). p. 577. This is a fortuitous similarity to Hebrew (Gen. 2:7). The place of *Mut* in words like *muthmaβlich, Muthmaβungen*, and *vermuten*, implies a mental disposition in favor of making a jump to a judgement.

being asked to have the courage to read the essay. Or, alternatively, Kant could be pointing to his own bravery in making his thoughts on the First Book of Moses public. But there is also the possibility that the "beginning" marked in Genesis is being retold "*muthmaβlich.*" This would mean a retelling according to the ideal of the Enlightenment, in which the story itself is actuated by this *Muth*. And this "mood" is a naturalistic substitute for what Luther uses his social conception of "spirit" to refer to.[726]

Indeed this is consistent with the first paragraph, where Kant explains what to insert "*Muthmaβungen*" would entail. One supplies this element ("conjecture") to show causality, to, as Kant writes, "fill in the holes in the reports." But, he writes, to allow a history to come into being entirely on the basis of "*Muthmaβungen*" would mean something little better than a proposal for a novel. This, he argues would turn something intended to be a "*muthmaβlicher Geschichte*" "speculative history" into a mere work of fiction [bloβe *Erdichtung*].[727] It is permissible to consider through "*Muthmaβung*" the beginnings of something, because these beginnings come from nature, provided one thinks that motivations were neither better nor worse at the beginning of human history than they are now. While this would seem to contradict

[726] As Hegel remarked of Kant, "so ist der Geist Zerrüttung, Verücktheit in sich selbst" "thus the spirit is chaos, insanity itself" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20: 359.

[727] This denigration of "fiction" as mere fiction and therefore not rising to the level of truth carries on Socrates' battle with drama, even as it contradicts the pretensions of German Enlightenment fiction to be factually false but nevertheless morally true (cf. C.M. Wieland's introduction to the *Story of Agathon*). More than this, it denies the possibility of the kind of creative, spiritual reinterpretation implicit in *Heilsgeschichte* as Luther practiced it in his theology.

the picture of improvement in human beings, it is consistent with the idea that the germ of Enlightenment always existed in human nature:

> A history of the first development of freedom from its original condition in the nature of human beings is therefore something completely different from the history of freedom along its further course, which can only be founded on reports.[728]

Freedom is implicit in humanity, and the first motive to embark on the journey to Enlightenment must therefore be present in any account of the beginnings of human history.

Kant then proceeds to inform his reader that this kind of account does not compel assent in the way that an empirical history would. What he undertakes is in the nature of a thought experiment or even an entertainment for relaxation and health, a pleasure trip [*Lustreise*]. This might be read as Kant treading lightly over religious ground—he is rereading a holy revelation in what at least at first blush seems to be a blasphemous way and that he wants his readers to bear with him. Or, it could be that Kant wants us to understand just how silly the Bible appears from the standpoint of natural philosophy. He makes the claim that the reader can follow along in Genesis, point for point "to see if the path that philosophy follows by means of concepts coincides" with the one given by "history." It is important to note just which interpretation of the Bible Kant is reading back, for Luther had not read Genesis as "history" but rather as prophecy, linked to the New Testament by the Christological

[728] Eine Geschichte der ersten Entwickelung der Freiheit aus ihrer ursprünglichen Anlage in der Natur des Menschen ist daher ganz etwas anderes, als die Geschichte der Freiheit in ihrem Fortgange, die nur auf Nachrichten gegründet werden kann. Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VIII 109.

history of salvation (*Heilsgeschichte*).[729] This dialectic between the gospel and history makes religion present to each believer, and in the oral community of believers in church.

To read the Bible as *mere* history, elides the fact that it aims to be the history of a specific people without giving the warrant for that move as Luther's *Heilsgeschichte* does. More, the meaning of the "report" given in Genesis is quite different depending on the spirit in which it is read; substituting *Muth* for spirit is precisely what Kant aims at. Though spirit had this connotation for Socrates—the warriors are dominated by spirit in the *Republic*—to render *Muth* as "spirit" does great violence to the elaboration of spirit as *Geist* in the Luther tradition.[730]

The retelling begins with existence but it is not the existence of the being whose name is "I am that I am" but of two adult human beings with all the capacities that one finds in contemporary persons. We are to begin with *their* existence so as not to misuse *Muthmaβungen* by the act of "*schwärmen*", which is a pejorative term for a kind of mental reverie that is wild, often religious, but always overly emotionally

[729] In *Religion Just Within the Boundaries of Reason*, Kant points to the lack of a necessary connection between an historical account and moral lessons one might see in it. These moral lesson are already in reason and merely occasioned by reading an historical account. Importantly, Kant argues that the specific moral lesson concerning the meaning of the Fall is an *adiaphora*, something not intimately connected with a central teaching of the Church (VI 43-44), where the exegetical principles that take the shape of Luther's *Heilsgeschichte* are for him clearly central to any understanding of the Bible and its lessons to individual believers. That the Bible would have a particular message to individuals (apply to their individual life circumstances) violates Kant's desire for universality in all moral thought Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 115.

[730] Though the interpretive schema of the trinity almost certainly stems from the Greek division. See Jaroslav Jan Pelikan, *Christianity and Classical Culture : The Metamorphosis of Natural Theology in the Christian Encounter with Hellenism* (New Haven, 1993). esp. p. 21.

enthusiastic even to the point of fanaticism.[731] These adults are described as having attained their "*ausgebildeten Größe*" "full size", they are importantly *not* described as *mündig*. They are however able to speak, even converse, and therefore, writes Kant, to think. Initially these human beings had been led only by "Instinct, diese *Stimme Gottes*" "instinct this 'voice of God'."[732] The deviation from "the call of nature" occurs as soon as the pair's reason attempts to extend their repertoire of available food past that which instinct was clear about. It did this by resorting to "a sense other than that to which his instinct was tied—for example the sense of sight—represented as similar in character."[733] The contrast of the sense of hearing ("instinct, this 'voice of God'") with that of sight, the sense associated with mere appearances, is one Kant will persistently resort to, just as the Christian Bible does. In Christianity, sight remains a problematic sense until the Apocalypse, revelation, the lifting of the veil. In Kant's philosophy, sight remains problematic until Enlightenment (German: *Aufklärung*, a "clearing up").

Kant's version of the Fall entails imagination (*Einbildungskraft*) exciting reason to invent desires at variance with natural impulse. Imagination misguides freedom: the implication for the interpretive category of "spirit" is clear. This takes the shape of

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[731] Indeed, in the *Nachlass* Kant defines freedom with reference to the imagination in harmony with the understanding Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 824. The use of the Leibnizian term harmony shows conflation of the two categories, while imagination naturalistically renders spirit as related to the sex drive.

[732] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VIII 111.

[733] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VIII 111.

unhealthy eroticism, "laciviousness," instigated by the mere sight of a strange fruit: "it may have been only a fruit which, because it looked similar to other agreeable fruits which he had previously tasted, encouraged him to make the experiment", though it is possible that another animal, presumably one that now crawls on its belly, gave:

> There may also have been the example of an animal to which such food was naturally congenial, although it had an opposite and harmful effect on human beings, whose natural instinct was consequently opposed to it.[734]

This was impulse to "give reason the initial inducement to con [*chikanieren*] the voice of nature, and despite the latter's objections, to make the first experiment in free choice"; the "voice of God" forbade the eating of the fruit from the tree of knowledge of good and evil, but Adam and Eve disobeyed this voice. This experiment "probably did not turn out as expected" and "no matter how trivial the harm it did may have been, it was nevertheless enough to open men's eyes."[735] The positive association of the modern condition with vision stands in contrast to the Christian reading, under which the eyes are incapable of seeing God directly and operate behind a veil to be lifted only a the end of human time.

That the harm done was "trivial" though it incorporates disobedience to God's explicit oral command, at least to Adam, shows Kant's distance from any Christian reading, but more important from any reading that wants to extract the metaphor

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[734] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 223.

[735] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VIII 112.

correctly from the Genesis story. On one hand Kant highlights this story of origins and gives it an important place in his political thought, in line with the Christian reading. This question of origin of the human essence is indispensable for understanding his position of the further and ultimate development of humanity. Its roots in his reading of Rousseau, and especially the *Second Discourse*, are apparent in the tone of Kant's essay. On the other hand, he obscures the question of original sin and returns to an original interpretation in which the serpent is merely a snake.[736] What has taken courage here? To what do human beings attribute the opening of their eyes (but not the clearing up of their sight)?

It would seem from Kant's telling that the "experiment [Versuch]" undertaken by the pair is not truly an experiment. Their eyes are open only afterwards, as a result of the "harm" done by it. It is an experiment in free choice, seen only after the fact, because reason was enticed to jump the bounds of instinct on the basis of a mistake handed to it by the imagination:

> But the outcome of that that first experiment whereby man became conscious of his reason as a faculty which can extend beyond the limit to which all animals are confined was of great importance, and it influenced his way of life decisively.[737]

It is the outcome of the experience, the jarring realization that a mistake has been made, that a deviation from instinct has occurred that awakens reason. This means that the fall itself is not a choice, it is rather the innocent interplay between reason,

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[736] Richard Elliott Friedman, *Commentary on the Torah : With a New English Translation*, 1st ed. ([San Francisco], 2003). p. 23.

[737] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 223.

imagination, and instinct. Such a reading is incompatible with an interpretation in the Luther tradition as it denigrates the capacity (and the duty) of ordinary human beings to choose. This choosing is not effected with recourse to an example in reason, but rather by reference to spirit.

Kant argues for the necessity and inevitability of eating the forbidden fruit due to inborn attributes of human beings. But in the Christian telling there must be *choice*. For example, in *Paradise Lost*, Milton characterizes the reaction of Eve to Adam's *decision* to follow her in disobedience in this way:

> …she embrac'd him, and for joy
> Tenderly wept, much won that he his Love
> Had so ennobl'd, as of choice to incur
> Divine displeasure for her sake, or Death[738]

This demonstrates fully developed minds, not merely biologically adult, but *mature* in the sense of *Mündigkeit*. Here Milton's Adam is not behaving childishly, he chooses to disobey God's commandment in fidelity to Eve.

The association of consciousness of reason with the opening of eyes extends this difficult relationship between the metaphors of hearing and seeing. Their eyes are open, but they do not yet see clearly. In a sense the task of Enlightenment is to make sight, which is for Kant not tied to instinct, consonant with his hearing and his voice, which are tied to instinct. The two realms must be made the same, they must be collapsed into one another, and the possibility for democracy vanishes with their congruence.

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[738] John Milton, *Paradise Lost, and Paradise Regained*, ed. Christopher B. Ricks, The Signet Classic Poetry Series. (New York,, 1968). IX 990-993.

The "experiment" or rather the fall-out from it introduce the *problem* of freedom. This is conceived of by Kant as radical freedom and the problem is posed as one of radical subjectivity.

> He stood, as it were, on the edge of an abyss. For whereas instinct had hitherto directed him towards individual objects of his desire, an infinite range of objects now opened up, and he did not yet know how to choose between them. Yet now that he had tasted this state of freedom, it was impossible for him to return to a state of servitude under the rule of instinct.[739]

Freedom is here conceived as too much freedom, as existence as flux, as utter lawlessness. As Susan Shell observes,

> Following Rousseau, Kant's primary definition of man is a negative one: man is 'free' or 'lawless', in the sense of being (or regarding himself as) outside the laws of motion that govern the world of matter. The question thus becomes how this freedom is to be rendered consistent with human 'determinacy'—not, to be sure, in the sense in which physical objects are determined, but in the sense of having one's fixed place within a larger whole in which one's existence is not cancelled but upheld.[740]

It is this freedom which gives the possibility of perfectability for both Kant and Rousseau, yet threatens Kant as a yawning abyss. The terror induced by this negative freedom is not encountered in the theorists influenced by Luther, because their positive concept of freedom implies that human beings are at home in the world. Interesting in this regard is the notion of "determinacy"; while Kant yearns for the rational moral matrix, where human beings are, at last, suspended in rational order according to their Enlightened separate and united wills, Hegel consistently used this

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[739] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 224.

[740] Susan Meld Shell, "Kant's Political Cosmology: Freedom and Desire in the 'Remarks' Concerning *Observations on the Feeling of the Beautiful and the Sublime*," in *Essays on Kant's Political Philosophy*, ed. Howard Williams (Chicago, 1992), p. 83.

same word without leaning on the visual metaphor but rather an aural one. The word being translated as "determinacy" is *Bestimmung*, which plays on the idea of one acting in concert with how one is "voiced." Kant seems always tone-deaf to this implication, where Hegel nearly always has it in mind.[741]

Instinct, the "voice of God'," is now seen to imply slavery. The rule of instinct as state of servitude no longer appears palatable once deviance has been discovered. With this death of God, Kant's human beings hurry to develop rational rules for conduct to replace those of instinct. While the desire for simple food is to blame for Kant's version of the Fall, the awakening of the sexual instinct comes next. Reason discovers that with the aid of the imagination desire may be made permanent—that human beings are made insatiable. However, responding to this, the original humans exert rational control over these impulses: "*Refusal* was the device which invested purely sensuous stimuli with and ideal quality" and therefore the "fig leaf was accordingly the product of a much stronger assertion of reason" than had been the case.[742] This can be translated as "the first incentive for man's development as a moral being", namely, a "*sense of decency*, his inclination to inspire respect in others

[741] Even with reference to Kant. See Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). § 29 Anmerkung.

[742] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 224.

by good manners (i.e. by concealing all that might invite contempt."[743] (One wonders what Kant had to conceal.)[744]

Finding Voice: The Struggle for *Mündigkeit*

The famous definition of enlightenment that opens Kant's essay, "An Answer to the Question: What is Enlightenment?"[745] is contained in the following sentence: "Aufklärung ist der Ausgang des Menschen aus seiner selbst verschuldeten Unmündigkeit" "Enlightenment is the exit of a human being from an immaturity for which he himself is to blame."[746] Kant continues,

> *Immaturity* is the inability to avail oneself of one's understanding without the guidance of another. *He himself is to blame* for this immaturity, when the source of it does not lie in a deficiency in understanding, but rather of decisiveness and courage to avail oneself of it without the guidance of another. *Sapere aude* [Dare to be wise]! Have the courage to avail yourself of your own understanding! is therefore the motto [*Wahlspruch*] of the Enlightenment.[747]

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[743] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 225.

[744] For a discussion of Kant's views on sexuality as they relate to his politics, see Susan Meld Shell, *The Embodiment of Reason : Kant on Spirit, Generation, and Community* (Chicago, 1996). esp. pp. 87-97.

[745] Published in the *Berlinische Monatsschrift*, the essay itself was to contribute to the process of enlightenment John Christian Laursen, ""the Subversive Kant: The Vocabulary of 'Public' and 'Publicity'," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996). On the topic of Enlightenment in Germany, see Norbert Hinske and Michael Albrecht, *Was Ist Aufklärung? : Beitr. Aus D. Berlinischen Monatsschrift*, 2., um e. Nachw. verm. Aufl. Unverèand. reprograph. Nachdr. aus d. Berlinischen Monatsschrift 1.-7. Bd., Berlin 1783-1786, bei Haude u. Spener. ed. (Darmstadt, 1977).; James Schmidt, *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, Philosophical Traditions ; 7 (Berkeley, 1996).; and H.B. Nisbet, "'Was Ist Aufklärung': The Concept of Enlightenment in Eighteenth-Century Germany," *Journal of European Studies* 12 (1982).

[746] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VIII 35.

[747] *Unmündigkeit* ist das Unvermögen, sich seines Verstandes ohne Leitung eines anderen zu bedienen. *Selbstverschuldet* ist diese Unmündigkeit, wenn die Ursache derselben nicht am Mangel des Verstandes, sondern der Entschließung und des Muthes liegt, sich seiner ohne Leitung eines andern zu bedienen. *Sapere aude!* Habe Muth dich deines eigenen Verstandes zu bedienen! ist also der

In these sentences, civil immaturity is denoted by the word *Unmündigkeit*. This is contrasted with guardianship, the related word *Vormund*. Green recently remarked that, "Their [*Vormund* and *Unmündigkeit*'s] common root—*Mund* (mouth)—indicates that the underlying meaning of *unmündig* is being able to *speak* on one's own behalf."[748] Indeed, Kant's choice of the word *Unmündigkeit* is at least apparently part of a constellation of interpenetrating visual (i.e. *Aufklärung*—Enlightenment) and aural metaphors.[749]

But that *Mündigkeit* became associated with speech is probably[750] due to a mistaken, but ubiquitously mistaken, etymology. The adjective *mündig* is derived from the no longer extant feminine noun *Mund* (protection, hand) not the contemporary masculine noun *Mund* (mouth).[751] The confusion of the former with the latter is attested as far back as Luther's Bible translation (a not unimportant fact): "denn die weisheit öffnette der stummen mund, und machet der unmündigen zungen

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Wahlspruch der Aufklärung Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VIII 35.

[748] Garrett Green, "Modern Culture Comes of Age: Hamann Versus Kant on the Root Metaphor of Enlightenment," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996), p. 292.

[749] And he could have availed himself of the alternative, *Reife*.

[750] Despite the great authority accorded the German philological establishment, etymology is nevertheless often infused with informed judgement and guesswork. Some evidence contests the scholarly consensus: the gender of *Mund* = protection is *usually* feminine but sometimes also masculine, and the modern *Vormund* is a masculine noun (which speaks to a a conversion of the noun from feminine to masculine in analogy to *Mund* = mouth). *Vormund* is often glossed as "Fürsprecher," someone who speaks for another (Köbler 1995: 453), so the practice influences the perceived etymology.

[751] See Friedrich Kluge and Elmar Seebold, *Etymologisches Wörterbuch Der Deutschen Sprache*, 23. Aufl. / ed. (Berlin, 1999). p. 574.; Gerhard Köbler, Deutsches Etymologisches Wörterbuch (1995 [cited 7/10/2004 2004]); available from http://www.koeblergerhard.de/derwbhin.html.

beredt" "For wisdom opened the mouth of the dumb, and made the tongues of them that cannot speak eloquent."(Wisdom of Soloman 10:21) and "aus dem munde der unmündigen und seuglingen hastu lob zugericht" "Out of the mouth of babes and sucklings thou hast perfected praise?" (Matt. 21:16), in the 18th century with Lessing "seine beiden vorgänger nur stumm aufführen, mündig machen können" "both of his predecessors only appear silently, can be made to be able to speak" and in the early 19th century with August Graf von Platen: "mündig sei, wer spricht vor allen; wird ers nie, so sprach er nie" "he is mature, who speaks in front of all, if he never becomes so, then he never spoke."[752] Hegel also seems to be playing on this connection with the negative form of the word: "an dem Gängelbande der Worte, das ihn in ewiger Unmündigkeit erhalten hätte" "with the jumble of words, which had sustained him in eternal immaturity."[753] All of these usages reflect a false etymology but the widely-held impression of a connection, forged in connection with Luther's message, that has been expressed for half a millenium.

The term does not stem from ancient Germanic custom—neither brandishing one's arms nor voicing one's opinion in the *ding*[754]—but rather emerges in Middle Low German and does not become common to High German dialects as well until the

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[752] Jacob Grimm et al., *Deutsches Wörterbuch* (Leipzig,, 1854). p. 2688.

[753] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 1: 42.

[754] Dennis Howard Green, *Language and History in the Early Germanic World* (Cambridge, U.K. ; New York, N.Y., 1998). pp. 36-39.; Alfons Dopsch, *The Economic and Social Foundations of European Civilization* (New York, 1969). pp. 174-195, 221-223.; Cornelius Tacitus and J. B. Rives, *Germania*, Clarendon Ancient History Series. (New York, 1999). pp. 81-81.; Steven E. Ozment, Elliott Beard, and Adam G. Beaver, *A Mighty Fortress : A New History of the German People*, 1st ed. (New York, 2004). p. 18.

16th century, concurrent with the Reformation. Not originally confined to legal and political usage,[755] the term referred also originally to emergent adult mental capacity. It seems that in the *Aufklärung* essay, Kant is both expanding the meaning of *Mündigkeit* past the merely legal definition—which fixes an age at which someone is legally culpable (explicitly so in his "Speculative History" essay)—and also using the widely accepted etymology linking *Mündigkeit* to voice.

Kant follows this folk etymology linking voice to *Mündigkeit*, *Unmündigkeit*, *mündig*, *unmündig*, and *Vormund*. This is most explicit in two observations about the legal maturity of women. The first of these occurs in the unpublished *Nachlass*. After noting that "Philosophers should be guardians [Vormünder] of working people with regard to true happiness," he writes that "Women are not mature. The man the natural curator. Nevertheless women are commonly able to get their way with their mouths."[756] In his *Anthropology from a Practical Perspective*, he expands on this, repeating the misogynist sentiment[757] but clarifying the legal and political immaturity of women:

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[755] Jacob Grimm et al., *Deutsches Wörterbuch* (Leipzig,, 1854). p. 2688. But see Garrett Green, "Modern Culture Comes of Age: Hamann Versus Kant on the Root Metaphor of Enlightenment," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996), p. 292.

[756] "Philosophen sollen Vormünder der thätigen Menschen seyn in Ansehung der wahren Glükseligkeit"; "Weiber sind nicht mündig. Der Mann der natürliche Curator. Doch können die Weiber gemeiniglich besser mit dem Munde zu Recht kommen" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 229-230.

[757] Elias Canetti focuses on Kant's misogyny in his novel *Die Blendung*, as the character based on Kant, a great sinologist, is evicted from his home and workspace by his uneducated but verbally assertive wife. Elias Canetti, *Die Blendung : Roman* (Munich, 1992).

> Children are due to nature immature [*unmündig*] and the parents their natural guardians [*Vormünder*]. The woman is declared to be civilly immature [*bürgerlich-unmündig*]: the husband is her natural curator. But if her possessions are held separately from him, this is something else—because although the woman due to the nature of her sex has enough facility with her mouth [*Mundwerks genug*], to defend herself and her husband when it comes to speaking about this, even in legal proceedings (about what concerns the mine and yours), according the letter of the law they are nevertheless determined to be completely immature [*unmündig*], nevertheless can women, as little as it befits their sex to go to war, just as little personally defend their rights and conduct political business for themselves, but rather only pursue these mediated through a representative, and her legal immaturity [*Unmündigkeit*] with respect to public processes only makes her that much more powerful with respect to the prosperity of the home: because her the right of the weaker comes into play, which the male sex through his nature then feels called to respect and to defend.[758]

This shows that for Kant there are surmountable as well as insurmountable natural barriers to maturity. The latter include age, gender, and inborn mental deficiency (elsewhere in the *Nachlass* he jots down: "People dumb and therefore made immature. Should not reason."[759]).

There is a further distinction to be made between immaturity due to natural or political factors:

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[758] Kinder sind natürlicherweise unmündig und ihre Eltern ihre natürlichen Vormünder. Das Weib in jedem Alter wird für bürgerlich-unmündig erklärt; der Ehemann ist ihr natürlicher Curator. Wenn sie aber mit ihm in getheilten Gütern lebt, ist es ein Anderer. — Denn obgleich das Weib nach der Natur ihres Geschlechts Mundwerks genug hat, sich und ihren Mann, wenn es aufs Sprechen ankommt, auch vor Gericht (was das Mein und Dein betrifft) zu vertreten, mithin dem Buchstaben nach gar für übermündig erklärt werden könnte, so können die Frauen doch, so wenig es ihrem Geschlecht zusteht in den Krieg zu ziehen, eben so wenig ihre Rechte persönlich vertheidigen und staatsbürgerliche Geschäfte für sich selbst, sondern nur vermittelst eines Stellvertreters treiben, und diese gesetzliche Unmündigkeit in Ansehung öffentlicher Verhandlungen macht sie in Ansehung der häuslichen Wohlfahrt nur desto vermögender: weil hier das Recht des Schwächeren eintritt, welches zu achten und zu vertheidigen, sich das männliche Geschlecht durch seine Natur schon berufen fühlt Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VII 209.

> The (natural or legal) inability of an otherwise healthy person for his own use of his understanding in civil matters is called immaturity. If this is based in the lack of age, it is called being underage (minority); but if it rests on legal institutions with regard to civil matters, then it can be termed legal or civil immaturity.[760]

This use by rulers of this kind of legal disenfranchisement is something that Kant steadfastly defends. Kant's defenders might want to overlook this fact, but it points to a formal symmetry between Kant and Luther on the issue of the duty of subjects to obey their rulers:

> Leaders of states call themselves fathers of their countries because they know better than their subjects how to make them happy; the people is condemned to a continual immaturity for its own good…[761]

The difference between Kant and the tradition of Luther is that even by the 17th century, Pufendorf was writing about peoples for whom democratic principles were part of the culture, and English settlers on the North American continent were already applying the lesson of "every man a priest" to collective governance.[762] Kant gives way to obedience.

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[759] "Menschen dumm und hernach unmündig machen. Nicht raisonniren sollen" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 231.

[760] Die (natürliche oder gesetzliche) Unfähigkeit eines übrigens gesunden Menschen zum eigenen Gebrauch seines Verstandes in bürgerlichen Geschäften heißt Unmündigkeit; ist diese in der Unreife des Alters gegründet, so heißt sie Minderjährigkeit (Minorennität); beruht sie aber auf gesetzlichen Einrichtungen in Rücksicht auf bürgerliche Geschäfte, so kann sie die gesetzliche oder bürgerliche Unmündigkeit genannt werden Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VII 209.

[761] Staatsoberhäupter nennen sich Landesväter, weil sie es besser also ihre Unterhanen verstehen, wie diese glücklich zu machen sind; das Volk ist seines eigenes besten wegen zu einer beständigen Unmündigkeit verurtheilt…Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VII 209.

[762] See Donald S. Lutz, *The Origins of American Constitutionalism* (Baton Rouge, 1988)., also G. P. Gooch and Harold Joseph Laski, *English Democratic Ideas in the Seventeenth Century*, 2d ed. (1954).

Kant does argue that most men at least are at least theoretically capable of maturity. Into three types in the *Nachlass*: "In drey Verhälnissen Kinder. 1. Kinder eines Hausvaters, 2, eines Landesvaters, 3, eines Beichtvaters. Kommt nicht heraus" "In three relationships children: 1. Children of a father in the household; 2. Of a political father; 3. Of a father confessor [*Beichtvater*]."[763] If Kant were not such a supporter of patriarchal authority, this might be seen as an attack on the concept of patriarchy—it is the treatment of adult human beings as children that creates the condition of *Unmündigkeit*. But this observation is not coupled in Kant with a critique of that patriarchal form of authority. The construction of *Unmündigkeit* is therefore either from nature or from the will of the ruler. The will to surmount legal immaturity would have to be first permitted by the ruler, and this is consistent with how Kant lays out the position in the *Aufklärung* essay as well as the various places in the *Nachlass* where he touches on the subject. The formulation would be something like, Frederick has issued permission, now don't be afraid to use your own understanding in the areas which are now permissible. And indeed, Lessing's criticism of the intellectual freedom in Prussia takes off from precisely this point. In a letter to Jacobi he casts "Berlin freedom" as "the freedom to bring so many absurd and malicious remarks against religion to the market."[764]

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and Ernst Bloch, *Naturrecht Und Menschliche Würde*, 1. Aufl. ed., Werkausgabe ; Bd. 6. (Frankfurt am Main, 1985).

[763] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 899.

[764] "die Freheit, gegen die Religion so viel Sottisen zu Markte zu bringen" Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). 11.1: 622.

Consistent with this, he argues for freedom to overcome this condition in its three forms: "The condition for a general improvement is freedom of education, civil freedom and religious freedom, but we are not yet susceptible to it."[765] In line with the Wittenberg Reformation's thinking on conscience (but not politics), this freedom consists of not being forced because "nothing forced is valid."[766] The implication: one is to read reason into the commands of the sovereign. This is to be radically distinguished from *deifying* the ruler—a mistake of anthropomorphism, according to Kant's *Religion Just Within the Boundaries of Reason*.[767] It is rather reasoning from one's respect for law to the moral law implicit in religion that gives the "command: Obey authority!" [768] from reason to both the moral and political spheres.

And this freedom should be public so that the improvement may apply to all (where one presumes all refers only to men) and take the form of "Education (cultivation), law-giving ("civil-izing") and religion (morality)."[769] He calls for all three of these techniques to rest on nature, "folglich negative" "therefore negative,"[770] meaning that they are conceived as a withdrawal of authority, of creation of a space in which the

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[765] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898.

[766] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898.

[767] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 168-169.

[768] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VI 8.

[769] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898.

[770] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898.

individual may develop. Education must not be based on imitation, should not be coerced, and should not be corrupted through examples and leading techniques.[771] Law-giving should follow the principle of not providing for subjects in a paternalistic way—Kant parenthetically expands "like the Jesuits in Paraguay," but rather "only providing their freedom under simple laws created from natural reason."[772] This is similar to Pufendorf's natural law theory, but ultimately different in its reliance on a reified concept of reason. For all of the insistence of some Kant commentators on the social nature of his conception of reason,[773] it is not socially constructed for Kant. In other words, reason may be socially performed, but it is not socially created. Last, negative religion means "returning" to the idea of a change in one's life through a

[771] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898. Although it is easy (and correct) to see the influence of the *Emile* on this educational conception, it is probable that both this plan and Kant's reception of Rousseau on this point owe much to his own educational experiences as a pupil in Königsberg. They employed all of the techniques he decries (but they nevertheless helped to produce "Kant") (see Manfred Kuehn, *Kant : A Biography* (New York, 2001). pp. 45-55.). Though Kant appears to make the distinction between example and exemplar (for example in the 3rd Crit, he nevertheless elsewhere explicitly conflates example and exemplar in the discussion of genius in the *Nachlass* where the genius who evidences originality not imitation produces "was nachahmungswürdig ist, d.i. exemplarisch ist (Wortableitung)" "what is worthy of imitation, this is an exemplar (word derivation)" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 824. See Susan Meld Shell, "Kant's Political Cosmology: Freedom and Desire in the 'Remarks' Concerning *Observations on the Feeling of the Beautiful and the Sublime*," in *Essays on Kant's Political Philosophy*, ed. Howard Williams (Chicago, 1992), p. 103., who nevertheless argues that Kant opposes an ethic of imitation.

[772] "besorgt nur ihre Freyheit unter einfachen und aus der natürlichen Vernunft geschöpften Gesetzen" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898.

[773] Onora O'Neill, "Reason and Politics in the Kantian Enterprise," in *Essays on Kant's Political Philosophy*, ed. Howard Williams (Chicago, 1992).

transformative experience, doing away with priests and dogma—so far consistent with Luther—but contradistinction "leaves behind only the commandment of reason."[774]

In the *Aufklärung* essay, Kant asserts that political maturity occurs when someone has the courage to use his own understanding [*Verstand*]. Interesting, he makes the following note in the *Nachlass*: "Slaves need only understanding; their lord, reason."[775] What does this mean that Kant uses "understanding" instead of "reason" in his discussion of political maturity (and in the same terms in the similar discussion in the *Anthropology*)? Reason—not the understanding—rules, Kant continues, "Reason insofar as it rules or administers. Ripe reason. Age. Hereditary king. Hereditary professor. Head. Goods. Propitious talent."[776] Reason is coupled with a natural endowment of reason leading to an inborn ability to rule or think. Reason as the calling of the few is to be distinguished from the understanding. The power of judgement[777] is also not the province of the many, he notes parenthetically under the

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[774] "läβt nur die Vorschrift der Vernünft übrig" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 898. Addressing religious immaturity in the *Anthropology*, Kant is consistent in this lesson of "every man a priest of reason" when he writes , "Der Klerus hält den Laiker strenge und beständig in seiner Unmündigkeit. Das Volk hat keine Stimme und kein Urtheil in Ansehung des Weges, den es zum Himmelreich zu nehmen hat" "The clerisy holds the laity strictly and continuously in immaturity [Unmündigkeit]. The people have no voice and no judgement with respect to the way they are to take to heaven" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VII 209. Importantly, in the next lines Kant argues that the ability to read the Bible for oneself is essential for religious maturity Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VII 209-210.

[775] "Sclaven brauchen nur Verstand; ihr Herr Vernunft" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 823.

[776] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 823.

[777] In Lutheran hermeneutics, the "*judicial* function of magisterial, critical human reason" is explicitly rejected in favor of revelation Kurt E. Marquart, "The Incompatibility between Historical-Critical Theology and the Lutheran Confessions," in *Studies in Lutheran Hermeneutics*, ed. John Henry Paul Reumann (Philadelphia, 1979), P. 315. It is interesting to note the etymological connection between the

heading of speculative reason as an organizing principle, "(Principle of the academy, to make the people immature with regard to judgement)"[778] Because immaturity is something that Kant denigrates, this must be meant as a criticism of academe. However, the surrounding discussion of the natural endowment of genius tends to blunt any such criticism: even if professors unjustly withhold the principles of judgement for themselves, only the genius would be able to employ it. Their withholding of the power of judgement is unjust because they do not possess genius, more than the people deserve this ability. These privileged individuals stand apart—and above—the process of enlightenment necessary for the broad public and in the vision of progress of the human race.

This is also the case in religious thought. Kant noted in the *Nachlass*:

> The lack of natural (common) understanding is stupidity,
> Of practiced understanding: simplicity,
> The inapplicability of reason to the common circumstances in life:
> Immaturity (in religious things most people are immature and are always under the leadership of another's reason)[779]

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concept of judgement and *Versöhnung* so important in Luther's thought Dennis Howard Green, *Language and History in the Early Germanic World* (Cambridge, U.K. ; New York, N.Y., 1998). P. 38.

[778] "(Grundsatz der academie, das Volk in Ansehung des Urtheilens unmündig zu machen)" Also in regard to prejudices ("pre-judgements"—*Vorurteile*): "Das Vorurtheil, menschen in der Unmündigkeit zu lassen unter der Vormundschaft der Alten. Der Weg der Belesenheit statt des des Nachdenkens" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XVI 426.

[779] Der Mangel des natürlichen (g gemeinen.) Verstandes ist Dummheit,
des geübten Verstandes: Einfalt,
die Unzulanglichkeit der Vernunft zu den gemeinen Angelegenheiten des Lebens: Unmündigkeit (in religionsdingen sind die meisten unmündig und sind immer unter der Leitung von fremder Vernunft) Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 223.

Here philosophical reason is something that one does not need to make use of in everyday life, and the lack of understanding is either the result of small little mental facility or ignorance, but immaturity is nevertheless linked to reason, not understanding. The esoteric nature of philosophical reason gives rise to a tendency for most people to be led by the reason of others in religious matters. This repeats the implication that reason has a political authority—it is the means by which leadership is implemented, the principle of rule. Kant notes that reason is used out of duty [*Pflicht*] but implies the understanding is brought into play on the basis of inclination [*Neigung*].[780] Given the mixed account of understanding, reason, judgement, and even sometimes simply "denken" "thinking,"[781] one is led to ask if there is more than one path to maturity, or are there different standards for leaders and followers in the issue of maturity? It would seem that the conflation—or perhaps indetermination—of *Verstand*, *Vernunft*, and *Urtheilskraft* in the matter of *Unmündigkeit* is indicative of the collapse of moral and political categories.

This consistent use of aural metaphors in the *Aufklärung* essay, mostly having to do with voice, on one hand and light and vision on the other is remarkable in several aspects.[782] First, light is privileged. The aural metaphor stands in the service of the visual metaphor—*Mündigkeit* is necessary to *Aufklärung*. From the point of view of

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[780] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 821.

[781] Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XV 822.

[782] Stanley Rosen also notices this confluence and argues that Kant has no solution to it (Rosen 1989: 37-64). See Strong and Henaff (2001: 2) for the importance of speech to the *polis*, but the predominance of visual metaphors in modernity (esp. pp. 5-6).

Luther's thought this is an important reversal: away from the word, toward the visual.[783] The preference of the Reformer for word over vision is has been persistent as a neo-platonic theme in Protestant thought.[784] Second, the aural metaphors are hopelessly conflated with vision in a second way: enlightenment [vision] comes as the result of arguing [speech], and "as a *man of learning* addressing [speech] the entire *reading public* [vision]."[785] This way of putting the problem represents and stems from Kant's conflation of the moral (for Luther, word—voice) and ethical (for Luther, Law—script) realms. Kant does see this enlightenment as serving a spiritual purpose.

Echoing Luther, Kant argues that subjects must be free to promote their own salvation, and he puts *"matters of religion* as the focal point of enlightenment."[786] Why does he do this? First, because "our rulers have no interest in assuming the role of guardians over their subjects so far as the arts and sciences are concerned."[787] Second, "because religious immaturity is the most pernicious and dishonorable variety of all."[788] With these remarks he turns to his hagiography of Frederick the Great, who

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[783] Hegel is especially informative in his denigration of visual art, but the central point of Lessing's Laokoon was to argue that visual and verbal media are received by a spectator in different ways.

[784] Cf. Wolin on vision in politics (2004: 18). It is not uncommon for evangelical Protestants to point to American culture as image-driven and therefore pagan. Contrast to Derrida, who objects to the "phonocentrism" in German philosophy. Jacques Derrida, *Of Grammatology*, Corrected ed. (Baltimore, 1998).

[785] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 55. Also see John Christian Laursen, ""the Subversive Kant: The Vocabulary of 'Public' and 'Publicity'," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996). on this conception of public enlightenment.

[786] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). pp. 58, 59.

[787] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 59.

[788] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 59.

assumes a place as the political symbol and example of an Enlightening ruler. Did Frederick have no interest in assuming the role of guardian over his subjects so far as the arts and sciences were concerned? The opposite is clearly the case—not only in general, but in specific about Frederick. The historian Gerhard Ritter argued of Frederick,

> In spite of Herder, Winckelmann, Lessing, and the young Goethe, he still regarded German literature as pedantic or barbaric, and considered its language as being verbose, awkward, and dissonant as it had been in the days of Gottsched. He had no feeling at all for the language of the Lutheran Church. The efforts of German scholars to prepare editions of the middle-high German epics he found ridiculous. By his command the proceedings of the Royal Academy in Berlin were conducted in Latin or French—German was to him the language of the uneducated. He appointed mainly Frenchmen and French Swiss to his Academy, and continued to do so even when the candidates recommended to him in France were second- or third-rate scholars and men of letter while exceptionally able Germans waited in vain for admission…his policies show not the slightest awareness of national responsibility.[789]

Though the national issue is highlighted for the wrong reasons here, it does point to the distinction of Kant and Frederick from the national principles even of Pufendorf—national for reasons of defending a particular version of the truth. But here we see Frederick with a deep interest in the arts and sciences on a universalistic basis and furthermore with bringing French culture to Prussia. Kant's sympathies, as mentioned earlier, were wholly on the side of this venture.

On the issue of religion, Frederick's stance is also remarkable in the context of an essay announcing the "century of *Frederick.*"[790] Ritter argues that Frederick "was

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[789] Gerhard Ritter, *Frederick the Great; a Historical Profile* (Berkeley,, 1968). pp. 46-47.

[790] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 58.

almost anxiously concerned to obliterate all signs of the Protestant traditions of his dynasty, and to demonstrate his 'neutrality between Rome and Geneva' to the world."[791] The distinction between Rome and Geneva (and not Wittenberg) reflects the commitment of the Prussian monarchy to Calvinism. Ritter: "He could scoff at his position as *summus episcopus* of the Lutheran church: 'I am so to speak the Pope of the Lutherans'."[792] Frederick did not maintain a hostility to religion in his policies, but that is not the underlying tone of Kant's *Aufklärung* essay. Again, religion is radically privatized on one hand, and the position that Frederick's subjects are not in a position to use "their own understanding confidently and well in religious matters":[793] every man is not yet a priest. The common man is not ready, echoing Lessing, to be certain "about jumping over even the narrowest of trenches."[794]

The critique of Kant's position in his contemporary Könisberg by Hamann is justifiably famous, as is Herder's public continuation of his version of the position. In essence it is a critique from the Lutheran left (Hamann and Herder) against the Calvinist right (Kant and "Frederick"). Hamann, who with Herder was among the thinkers of his age most engaged with the writings of Martin Luther,[795] advanced several critiques against Kant's position and in specific about the terms of the

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[791] Gerhard Ritter, *Frederick the Great; a Historical Profile* (Berkeley,, 1968). p. 167.

[792] Gerhard Ritter, *Frederick the Great; a Historical Profile* (Berkeley,, 1968). p. 167.

[793] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 58.

[794] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 55.

[795] Garrett Green, "Modern Culture Comes of Age: Hamann Versus Kant on the Root Metaphor of Enlightenment," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996), p. 301.; Heinz Bluhm, "Herders Stellung Zu Luther," *PMLA* 64 (March, 1949).

Aufklärung essay. He wrote a letter to Kant specifically about the essay.[796] One of Hamann's objections that it is that the charge that maturity is due to the unenlightened person's own lack of courage or due to laziness is a disingenuous form of blaming the victim. Arguing that the lack of enlightenment is self-incurred implies a moral perfectability, a scope to the will that Hamann can't believe is there. Kant is asking for something that is not possible—the understanding is not capable of producing the enlightenment that he argues for. For Hamann, arguing from the standpoint of a Lutheran fundamentalist sensibility, Kant shows the influence of Rousseau and compounded with a faith in reason making Kant's an Averroean position.

In a letter to Kraus, Hamann likens Kant's position to that of Nathan in 2 Samuel 12, with Kant as Nathan telling a parable to David on the principles of rule. He thereby casts Kant (correctly) as a faithful servant of the Prussian state, but also criticizes Kant's distinction between public and private discourse. To put the charge in Luther's terms, Kant's position puts the individual back in the tower, suffering because he is incapable of fulfilling a law he believes essential to his salvation. But Luther and Hamann believe that the human task is more constrained than that. If you think you are responsible for changing the world to find your own salvation, you are back in the tower. The Luther solution is that the *self* must be changed. This is possible because the individual is in control of the orientation of his *soul*. Hamann's position, typically dismissed as a religious objection to political (and democratic)

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[796] See Garrett Green, "Modern Culture Comes of Age: Hamann Versus Kant on the Root Metaphor of Enlightenment," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996), p. 295-296.

action by the Magus of the North, but in fact it is not anti-democratic, but anti-Pelagian.

Additionally, Hamann points in his short *Metakritik* to the danger of substituting Kants public use of reason—public speech—for getting one's soul right.[797] From the *Metakritik* we can draw three broad points. First, Hamann critiques the impartiality of reason. By withdrawing this foundation in reified reason, the individual is thrown back on himself. This makes the moral issue becomes present, and the individual must become present to resolve the moral issue. One could argue that this objection to Kantian reason is in bad faith. It should be seen in analogy to an irritated teenage objection to the existence of God: If reason isn't holy, does that mean that reason should be dismissed, or could be dispensed with? It says, if reason isn't transcendent, I don't want any part of it. But the criticism can be completely declawed if we consider reason as a response to the needs of sociality—reason as a cultural response, a set of rules among many possible sets of rules, a common training, for approaching social problems. From there we get to the differences between historical legal traditions and Scholastic deification of "reason." In a sense, Kant wants to have it both ways as he wants to make reason unitary in its natural and social aspects. For the purposes of his argument, he may not need to take a position (or keep us from taking a position) on the issue of the reason-God connection.

[797] Hamann's short essay is formally a response to the *First Critique*.

Second, Hamann's metacritique attempts to contextualize (and thus dethrone) reason and put it in the historical and interpretive schema that Luther left it in.[798] In contrast, Kant wants reason to be morally foundational. Hamann's position again makes reason itself available to treatment in Luther's *Heilsgeschichte*. It is liable to hermeneutic, philological investigation. Last—and probably most notoriously (though the origin in Luther's thought is not often pointed out accuses), Hamann argues that after his critique of reason, language itself must be purified. Kant has forgotten the importance of the tool he is working with—he sees is as philosophically and morally neutral but it is not. According to Hamann, words themselves have an aesthetic and logical power.[799] Indeed, the fact that Kant relies on the rhetorical power of "reason" to make his case was noticed by Hamann at the time and by commentators in more recent years.[800] Kant's denying the importance of language, Hamann seems to imply, is a type of antinomianism that would strangely have much in common with elements of the radical Reformation. Where Luther argued that that fact that human beings inhabit institutions, some writers associated with the Radical reformation argued for the rule of pure spirit (and here Kant substitutes "reason" for spirit).[801]

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[798] See also Berlin Isaiah Berlin and Henry Hardy, *Three Critics of the Enlightenment : Vico, Hamann, Herder*, Princeton Paperbacks. (Princeton, N.J., 2000). p. 326. on Hamann's argument that language is the foundation of society.

[799] Johann Georg Hamann and Josef Nadler, *Sämtliche Werke* (Wien,, 1949). p. 288.

[800] Garrett Green, "Modern Culture Comes of Age: Hamann Versus Kant on the Root Metaphor of Enlightenment," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996).; Stanley Rosen, *Hermeneutics as Politics*, Odeon. (New York, 1987). p. 4.

[801] For example, Thomas Münzer wrote in his *Prague Protest* "Upon my soul, only scholars and priest accept the truth from books with hearty flattery and pomp. But when God wants to write in their heart, there is no people under the sun who are a greater enemy of the living word of God than they. The also

Hamann's critique has much in common in this regard with Jacobi's argument against Kant that the question is not what is reason but rather what is language. Kant's lack of a philosophy of language has already been remarked on, but even his friend Mendelssohn argued in his own *Aufkärung* essay that the process of enlightenment is intimately connected to the cultivation of language: "A language requires enlightenment."[802] Paradoxically, it also makes Kant *liable* in the end to the criticisms of the radical Reformation, as he has turned reason into an idol.[803] And this is precisely what I have been arguing. By making the thing in itself beyond cognition—off the table, as it were—Kant has stranded the concept of divinity and made it untenable.

Getting Mouthy: Language and Democracy

Famously, Kant makes a distinction between "public" and "private" speech in the *Aufklärung* essay. It is famous due to the curious way in which this distinction is made. Public speech occurs "in the capacity of a scholar who addresses himself to a

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suffer no tribulation of faith in the spirit of the fear of God, so they are on their way into the fiery lake, where the false prophets will be tormented with the Antichrist for ever and ever, amen." in Michael G. Baylor, *The Radical Reformation*, Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York, 1991). p. 5. In the *Lectures on the Philosophical Doctrine of Religion*, Kant argues that God as ruler of the world wants human beings to reflect on reason for his commandments and that inner revelation occurs though reason Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). XXVIII 1114, 1117. On this point see also Garrett Green, "Modern Culture Comes of Age: Hamann Versus Kant on the Root Metaphor of Enlightenment," in *What Is Enlightenment? : Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley, 1996), p. 299.

[802] "Eine Sprache erlangt Aufklärung" Moses Mendelssohn and Moritz Brasch, *Schriften Zur Philosophie, Aesthetik Und Apologetik. Mit Einleitungen* (Hildesheim,, 1968). p. 247.

[803] "Es geht aber einem auch beinah mit diesem *Idol*, wie jenem Alten, mit dem *Ideal* der Vernunft" Johann Georg Hamann and Josef Nadler, *Sämtliche Werke* (Wien,, 1949). p. 284.

public in his own understanding through writings."[804] While this does not confine public speech to academic discourse, Kant does use it as the exemplar. Reasoned dispassionate speech is to be allowed by the ruler. This excludes speech as private which is made by citizens in their capacity as teachers, pastors, etc. This idea has several interesting components. First, reason is the only language to be spoken by the citizen criticizing the government. This excludes appeals to faith, interest, or emotion. Second, an expert must represent those who are not yet capable of such speech. Appeals from those who have not yet learned to speak in the proscribed manner must therefore be mediated by an expert. Of course there is the hope that the university will be a robust enough engine of cultural reproduction to replicate itself and its mode of discourse in the populace (thereby constituting a "public").

This conception of a public area of freedom of speech turns Luther's conception of freedom of conscience inside out. First, it is tolerated by the political authority—freedom must be *permitted* by the political authorities. Enlightenment is a policy initiated by and allowed from the top down. The rank ordering of authority flows from top to bottom. Though some commentators argue that Kant is anti-paternalistic,[805] it would seem that this would go a long way toward answering that argument. Second, the moral sphere has been alienated from the individual and put in the service of the state, both in its orientation and in its location. Morality is no longer

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[804] "in der Qualität eines Gelehrten, der sich an ein Publicum im eigentlichen Verstande durch Schriften wendet" Immanuel Kant, *Gesammelte Schriften*, ed. Königlich Preussische Akademie der Wissenschaften zu Berlin., et al. (Berlin,, 1902). VIII 37.

[805] Ciaran Cronin, "Kant's Politics of Enlightenment," *Journal of the History of Philosophy* 41 (2003): p. 78.

the province of the individual. Indeed this morality can only be exercised by thinking oneself through the state. The "private" morality of the individual has but one possible instantiation: retreat.[806] Morality is externalized as a muted, disciplined call for totalizing rationalization.

My reading of Kant relies on a bombastic rhetorical element intended to highlight the differences between Kant and Luther. Kant reception is undergoing many changes. This can be seen in moves to explain Kant through his contact with Rousseau, to break down the critical/pre-critical distinction, and to assimilate Kant to Hegel. One implication of my reading is to pose the question: What was the value of the "old" Kant? To what sort of personality does *that* Kant appeal, and what sort of (non)political orientation is implied by it? Seen against Luther, Kant's "political thought" implies a type of orientation to the world that Luther rejected because it seemed insupportable. He thought it was beyond the capacity of human beings to effect as much as salvation through works would require—especially given his view of human nature as corrupted. A call to the impossible clearly has profound political effects felt most immediately by the generation of romantic theorists who followed Kant.[807] Formally, Kant's position has much in common with Luther's. His division of the world into two "realms" in his *Religion Just Within the Boundaries of Reason* points to this obvious formal connection. However, the substitution of *Vernunft* for spirit, the denigration of public expressions of "spirit" as fanaticism, overturns and

[806] Kant lived as well as preached this. When the freedom to write on religious matters was withdrawn by Prussian authorities, Kant submitted.

undoes Luther's mental technology. With it Kant undoes the possibility of political maturity and wisdom that he believed to be central to his project.[808] His orientation points to alienation, and away from Luther's concept of *Versöhnung* that Hegel would again make central to German academic philosophy.

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[807] Though this reading still holds an appeal for many, see for instance William W. Sokoloff, "Kant and the Paradox of Respect," *American Journal of Political Science* 45 (Oct., 2001).

[808] Reiss in Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). pp. 256-257.

VI

G.W.F. Hegel's Triune Political Science

> Nobody knows for sure what Hegel's project was, but nobody can discuss him without having an opinion on the matter.[809]
>
> Stephen Bungay

> A great man damns people to explaining him.[810]
>
> Hegel, Fragment

Central to the secularization thesis as it applies to German thought is the idea that with the Enlightenment, everything changes. The challenge in confronting this view is then to show what is retained—and in what form it is retained—across the period of German idealism. If Lessing remains on the main line of the tradition of critical engagement with Luther's thought,[811] then Hegel rejoins it. Hegel shows the extent to which Luther's theological categories are experienced in their more or less contemporary form. This is not accidental but rather integral to Hegel's project: he consistently points out his dependence on the language and technologies of the Wittenberg reformer. In this way Hegel links the language project of Luther to contemporary political theory. This task recasts both religion and philosophy because Hegel translates the centrality of religion in Luther into a philosophical account of mental life in the world of nation-states. This involves an orientation toward,

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[809] Steven Bungay, "The Hegelian Project," in *Hegel Reconsidered : Beyond Metaphysics and the Authoritian State*, ed. H. Tristram Engelhardt and Terry P. Pinkard (Dordrecht ; Boston, 1994), p. 19.

[810] "Ein großer Mann verdammt die Menschen dazu, ihn zu explizieren"Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 11:574.

[811] Toshimasa Yasukata, *Lessing's Philosophy of Religion and the German Enlightenment* (Oxford ; New York, 2002). pp. 4-7.

understanding of, and exercise of modern freedom in which the burdens of that freedom, and the psychological costs of that freedom are to be faced and managed. It is in Hegel's treatment of the concept of the state that the political importance and centrality of that institution becomes clear. The distinctions that Hegel makes between religion and politics point to a historical and genealogical connection but also to a categorial shift which has rendered the two analytically and functionally separate. This is a system of thought linking spirit to logic to law. It is embedded in a productive modernity.

I begin this chapter by making explicit Hegel's debt to Luther. This is based on his open acknowledgement as well as analysis of his theory of human development and political programme.[812] Though the connection to religion has come to taint the bona fides of any philosophical thought, this is a continuation of an Enlightenment ideology that masks a richer theory of secularization. For Hegel, secularization is then a process of the increasing conformity of the outer political world to the spiritual world. It is not surprising to find expressions consistent with this view in his educational philosophy both from the time when Hegel was the headmaster of the Gymnasium in Nuremberg and from his days as a university professor. Hegel makes clear the influence of Luther in his treatment of classical antiquity and in the central importance of the concept of *Versöhnung* or reconciliation. Structurally Hegel made

[812] Left Hegelianism critqued the connection of religion and politics, while the Hegelian right tended to link politics to contemporary religious practice. See Warren Breckman, *Marx, the Young Hegelians, and the Origins of Radical Social Theory : Dethroning the Self*, Modern European Philosophy (Cambridge ; New York, 1999). p. 90. It is not clear to me that Feuerbach, for example, fully understood Hegel's position. This would mean that Feuerbach's critique is merely a restatement of Hegel's argument. See Van Austin Harvey, *Feuerbach and the Interpretation of Religion*, Cambridge Studies in Religion and Critical Thought ; 1 (Cambridge ; New York, 1995). pp. 25-28, 40.

the trinity the organizing principle of his system. I follow this organization in my discussion below beginning with spirit and an understanding of spirit as the "ladder to the logic." Over the logic the discussion proceeds to Hegel's critique of law. Making the trinity the central exegetical principle brings the structure of the entire system into relief but it also shows how the inner spiritual history is *verwirklicht* or made real in the *Realphilosophie*. This trajectory is important and it leads to an extended discussion of the *Philosophy of Right* in the final section of the chapter.

Hegel and Luther

Hegel's training, his confession, and most importantly the construction of his system point to the influence of Luther. Hegel was trained at the Protestant theological seminary, the Tübinger Stift, and remained committed to what he saw as the world-historical import of Luther's Reformation in his own theory of educational development (*Bildung*). On July 3, 1826, Hegel wrote to Friedrich August Gottreu Tholuck, the theology professor at Halle, in response to Tholuck's then recent historicist study of trinitarian thought in the Far East:

> Doesn't the exalted Christian recognition of God as triune deserve a completely different level of respect than to simply attribute to it only such an historical development? In the entirety of your text I have felt and been able to find no trace of a personal understanding of this teaching. I am a Lutheran and through my philosophy just as completely entrenched in Lutheranism; I don't allow myself to be enticed away from such a foundational teaching with a completely historical mode of explanation; there is a higher spirit in it than that kind of human tradition. It is loathsome to me to see something of the sort explained in such a way, such as one would explain the origin and spreading of sericulture, of cherries, of smallpox and so forth.[813]

[813] Verdient die hohe christliche Erkenntniβ von Gott als dem Dreyeinigen nicht eine gantz andere Ehrfurcht, als sie nur so einem äuβerlich historischen Gange zuzuschreiben? In Ihrer ganzen Schrift habe ich keine Spur eines eigenen Sinns für diese Lehre fühlen und finden können. Ich bin ein

Here Hegel associates his own thought with Luther's and does so in response to an attempted historicization of the trinity. This will prove a salient point: substantively, just as Luther's system revolves around his constitution of Spirit-Word-Law, Hegels' is also self-consciously trinitarian, organized around the trinity of Spirit-Logic-Nature. The psychological problem Luther faced alone in the tower at Wittenburg is seen by Hegel to be a general one in modernity and his project has much to do with reconstituting that system in contemporary and philosophical language. In a revealing passage of the preface to the *Philosophy of Right*, Hegel associates himself with exactly this:

> What *Luther* began as belief in the feeling and witness to the spirit, it is the same thing that the further matured spirit toils to grasp in the *philosophical concept* and thus to free itself in the present and thereby to find itself in it.[814]

The solution is a particular application of a philosophical method resulting in the *Versöhnung* of the individual with the world. As Luther reinterprets the Law (Old Testament) in terms of the Word (New Testament), Hegel reinterprets the Law (his "*Realphilosophie*") in terms of the logic. In this way, an historicized spirit infuses the "law" through the "word." In this chapter, I attempt to read Hegel's political thought

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Lutheraner und durch Philosophie ebenso gantz in Luthertum befestigt; ich lasse mich nicht über solche Grundlehre mit äuβerlich historischer Erklärungsweise abspeisen; Es ist ein höherer Geist darin als nur solcher menschlichen Traddition; Mir ist ein Greuel, dergleichen auf eine Weise erklärt zu sehen, wie etwa die Abstammung und Verbreitung des Seidenbaues, der Kirschen, der Pocken u.f.f. erklärt wird.Wilhelm Lütgert, *Die Religion Des Deutschen Idealismus Und Ihr Ende*, vol. III (Gütersloh, 1925). p. 464.

[814] Was *Luther* als Glauben im Gefühl und im Zeugnis des Geistes begonnen, es ist dasselbe, was der weiterhin gereifte Geist im *Begriffe* zu fassen und so in der Gegenwart sich zu befreien und dadurch in ihr sich zu finden bestrebt ist. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:26.

in connection with Luther's. My presentation mirrors the construction of Hegel's complete system in this regard: I begin with his theory of spirit, move into the logic, and then out into the law.

Bildung: Spiritual Preparation and Cultural Reproduction

For philosophy to take place, people must have a certain level of educational development. Hegel said in his *Lectures on the History of Philosopy* that, "It belongs to a certain stage of spiritual development that philosophizing occurs at all."[815] Philosophy is a "type of luxury" in that a people must have moved beyond the point in which their efforts are directed at satisfying necessity.[816] Central to Hegel's thought is a theory of personal and educational development, of *Bildung.*[817] He is, at the end of the day, a teacher of philosophy. Hegel characterized his own school experience in Stuttgart as comprising "Education in the sciences in private lessons as well as in the public ones of the Gymnasium in Stuttgart, where the ancient and modern languages as well as the rudiments of the sciences were taught."[818] Hegel then attended the theological Stift in Tübingen. He was not a spectacular student there. This may be partly due to the low regard in which he and his celebrated compatriots Hölderlin and

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[815] "Es gehört…eine gewisse Stufe der geistigen Bildung dazu, daß überhaupt *philosophiert* wird" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:483.

[816] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:483.

[817] See Terry P. Pinkard, *Hegel : A Biography* (Cambridge, U.K. ; New York, 2000). pp. 49-51.on the centrality of the concept of *Bildung* in Hegel's intellectual development.

[818] "Bildung in den Wissenschaften sowohl durch Privatunterricht als durch den öffentlichen des Gymnasiums zum Stuttgart, wo die alten und neuen Sprachen sowie die Anfangsgründe der Wissenschaften gelehrt wurden" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 2:582.

Schelling held their professors.[819] After Tübingen, he reports that, "I seized the position of the office of preacher because of the wishes of my parents and due to interest remained true to the study of theology because of its connection with classical literature and philosophy."[820] Soon after his father's death, he felt free to allow his interest to direct him wholly to philosophy.

His ideas on *Bildung*, or cultivation of the individual, are clear even in the writings from his school days. Lessing was an exemplar for him in this regard—someone who made the education of the German people his life's work.[821] After he left Jena, his Friedrich Immanuel Niethammer (who became the central commissioner of education and consistory for Bavaria) secured him a position as rector of the Gymnasium in Nuremberg. His reports to the authorities, his graduation addresses, and his development of curriculum and materials all highlight this idea of *Bildung*: he says in a speech honoring his predecessor in the position that "the difference between fully developed (*gebildete*) human beings and undeveloped is as large as the

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[819] German universities at that time were seen as a backward institution Randall Collins, *The Sociology of Philosophies : A Global Theory of Intellectual Change* (Cambridge, Mass., 1998). pp. 640-641., and this was especially true of Tübingen.

[820] "Ich hatte den Stand des Predigtamts nach dem Wunsche meiner Eltern ergriffen und war dem Studium der Theologie aus Neigung treu geblieben um seiner Verbindung mit der klassischen Literatur und Philosophie [willen]" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 2:582.

[821] *Nathan der Weise* was a particular influence Terry P. Pinkard, *Hegel : A Biography* (Cambridge, U.K. ; New York, 2000). pp. 14-15. See Walter Arnold Kaufmann, *Hegel: Reinterpretation, Texts, and Commentary* (Garden City, 1965). for an analysis on Hegel's reception of Lessing's play. Hegel also developed an ideal of *Bildung* is the comparison of Lessing to the "Greek" aesthetic sense in his unpublished "Über Lessings Briefwechsel mit seiner Frau" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). pp. 611-614.

difference between human beings and stones."[822] The task of improving the schools—for which he had specifically been chosen by Niethammer because of their common views on *Bildung*[823]—was connected to the larger task of educating the German people.[824] The more philosophical position was that the school mediated between the institution of the family and that of the "real world."[825]

Bildung and the Spirit of Classical Languages

A speech Hegel gave at the end of his first year as rector of the Nuremburg Gymnasium (1809) on the curriculum he instituted situates this early version of his project in political and philosophical context. He begins by observing that two branches of state administration are most important to support in a publicized way. One is the fair administration of justice, the other is the support of good educational institutions—and these are important because they touch on the two things most dear to the bourgeois: his property and his children.[826] The educational vision is based on preparation for university study, "which *is constructed on the foundation of the Greeks and Romans.*"[827] But Hegel is clear that this is not an endorsement of a classical ideal

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[822] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:307.

[823] Terry P. Pinkard, *Hegel : A Biography* (Cambridge, U.K. ; New York, 2000). pp. 275-276.

[824] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:316, 4:345.

[825] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:348-349.

[826] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:312.

[827] "welche *auf den Grund der Griechen und Römer erbaut ist*" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:314.

as such, but rather a means to a particularly modern perspective. Indeed, the old curriculum was based on classical education, but in the new one, "*the ancient is placed in a new relationship to the whole and thereby the essential aspects of it are just as preserved as they are changed and made new.*"[828] Training in classical languages is undergone in specific preparation for action in the present tense.

The new way begins with instruction primarily in the German language because popular opinion—bourgeois opinion—increasingly held that not only should children be educated to a practical end but also that a people could not be fully developed (*gebildet*) without being able to express itself in its own language.[829] Sounding a Protestant note, Hegel argued that training in Latin had ceased to be a means, but rather became the "*Hauptwissenschaft*," the organizing discipline or science.[830] The study of Latin had achieved a spiritual status unrelated to its educational purpose, which contradicts the rules that "the *government from on high* [*allerhöchste Regierung*]," had instituted.[831] This formulation underscores the theological

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[828] "*das Alte in ein neues Verhältnis zu dem Ganzen setzt und dadurch das Wesentliche desselben ebensosehr erhält, als sie es verändert und erneuert*" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:314.

[829] This opinion can be seen in connection with elite agitation in the 18th century. Moses Mendelssohn's essay on enlightenment stressed the dependence of the project on language Moses Mendelssohn and Moritz Brasch, *Schriften Zur Philosophie, Aesthetik Und Apologetik. Mit Einleitungen* (Hildesheim,, 1968). p. 247.

[830] This is the continuation of a Reformation theme in Hegel's work. An aphorism in Hegel's "Wastebook" from 1803-6 reads, "In *seiner* Sprache reden, ist eines der höchsten Bildungsmomente. Ein Volk gehört sich. Die Fremdartigkeit, bis auf die lateinischen Lettern, hinaus!" "To speak in *its* language is one of the highest moments in Bildung. A people belongs to itself. Away with foreignness, even the Latin letters!" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 2:557.

[831] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:515.

connection to the reason of state, and Hegel goes on to detail how the study of classical languages and texts will serve both masters. At the same time it points to a deeply Lutheran orientation.

He acknowledges that instruction must now be carried out in German so that the "culture, arts, and sciences of a people come to stand on their own legs," and for that reason classical education will be the basis--and only the basis—of *Bildung*. Classical studies comprise "the spiritual bath, the profane baptism" that prepare a pupil for science.[832] Studying the classics performs this purpose as a sort of nourishment for the soul.[833] The classics must be savored in the original language, for "language is the musical element, the internal element, which disappears in translation."[834] This may seem to be an endorsement of attempting to attain Greek or Roman culture on-its-own-terms, but it is not: "Rather development must have a preliminary ingredient and object upon which to work, which it changes and fashions anew."[835] Knowing another

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[832] "das geistige Bad, die profane Taufe" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:317. Cf. Wittgenstein where naming is "quasi eine Taufe" Ludwig Wittgenstein and G. E. M. Anscombe, *Philosophical Investigations : The German Text, with a Revised English Translation*, 3rd ed. (Oxford ; Malden, Mass., 2001). p. 19.

[833] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:319.

[834] Rousseau made the connection between musicality in language in his *Essay on the Development of Languges* John H. Moran et al., *On the Origin of Language: Jean-Jacques Rousseau, Essay on the Origin of Languages; Johann Gottfried Herder, Essay on the Origin of Language* (New York,, 1967).; see also John T. Scott, "Rousseau and the Melodious Language of Freedom," *Journal of Politics* 59 (1997, 1997).. And this is probably also what Nietzsche was speaking to in his *Birth of Tragedy Out of the Spirit of Music* Tracy B. Strong, "The Tragic Ethos and the Spirit of Music," (San Diego, 2004).; Friedrich Wilhelm Nietzsche, *The Birth of Tragedy, and the Case of Wagner*, [1st Vintage ed. (New York,, 1967).

[835] "Sondern die Bildung muβ einen früheren Stoff und Gegenstand haben, über den sie arbeitet, den sie verändert und neu formiert" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:320.

culture as intimately as possible is an aid in one's own *Bildung*, because it allows the development of a critical perspective, born of a feeling of "Entfremdung," of alienation, being foreign or estranged from one's self.[836] And this alienation contains "all points of origin and signs to a return to self, to the befriending of it and of rediscovery of self, but to it according to the truly universal essence of spirit."[837] Hegel's historiography points toward the conclusion that engagement with the past can only take place in relation to the present. It is possible to de-center one's perspective momentarily with a deep knowledge of another culture, but this is always in the service of development in the present. Luther had objected to Bible translations performed by technically competent Jews because they were not rendered in the correct *spirit*.[838] Hegel makes explicit here what that means in secular terms: though the ancient ways are in some sense an ideal (in this case though a demonstrated aesthetic superiority), they are to be related to present circumstances and translated

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[836] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:321.

[837] "alle Anfangspunkte und Fäden der Rückkehr zu sich selbst, der Befreundung mit ihr und des Wiederfindens seiner selbst, aber seiner nach dem wahrhaften allgemeinen Wesen des Geistes" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:319-320. The link between Greece and Germany during this period was stressed continually in literature and criticism. Wieland's *Geschichte des Agathon*, Hölderlin's *Hyperion* and Lessing's *Laocoon* and Winkelmann's work serve as examples and H. A. Korff, *Geist Der Goethezeit; Versuch Einer Ideellen Entwicklung Der Klassisch-Romantischen Literaturgeschichte* (Leipzig,, 1925). as an overview of the literary conditions as well as Bruno Snell, *The Discovery of the Mind* (Oxford,, 1953)., Henry Caraway Hatfield, *Aesthetic Paganism in German Literature* (Cambridge,, 1964)., Dennis J. Schmidt, *On Germans & Other Greeks : Tragedy and Ethical Life*, Studies in Continental Thought (Bloomington, 2001)., and Philip J. Kain, *Schiller, Hegel, and Marx : State, Society, and the Aesthetic Ideal of Ancient Greece*, Mcgill-Queen's Studies in the History of Ideas, 4 (Kingston [Ont.], 1982).. For attempts to link Greek antiquity and (20th c.) German politics see Werner Wilhelm Jaeger, *The Greeks and the Education of Man* (Annandale-on-Hudson, 1953). and Wolfgang Schadewaldt, *Antike Und Gegenwart* ((Mèunchen), 1966).

[838] Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 35:193.

into our terms only after we gain a firm understanding of what they were actually about.

But study of classical languages is a preparation for philosophy because it is linked to the study of logic, through grammar. Grammar comprised categories within which the understanding learns to relate to its contents; "in it [Grammar] the understanding itself begins to be *learned*."[839] Learning the grammar of a classical language is helpful, intones Hegel, because in order to construct a correct sentence in a classical language requires thought: one must apply a rule. All of this means that the study of classical grammar serves as a goal and not merely a means: "Rigorous study of grammar therefore turns out to be one of the most universal and noble means of development."[840] Hegel closes by once again situating this process. He notes that the pupils are on a path to university studies, where the eye of the "*Regierung,*" the government is open over them. Leaving school for the university means leaving one's father's house, but one must "*niemals*," never, forget to look back with thanks, love, and duty to one's parents.[841] Hegel is advocating a philological training worthy of a philo-logos, one that will enables a person to know and love the words of his mother

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[839] "in ihr fängt also der Verstand selbst an, *gelernt* zu sein" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:322.

[840] "Das strenge grammatische Studium ergibt sich also als eines der allgemeinsten und edelsten Bildungsmittel" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:323.

[841] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 4:325.The biographical elements and this advice are reproduced faithfully in Hegel's account of the transition from the family to civil life in both the *Philosophy of Right* and the *Lectures on the Philosophy of History*.

tongue. This is a self consciousness about what a language's structure tells you, and also a way to approach that language's content.

Politics and *Bildung*: The Reformation and "German" Freedom

As rector of the University of Berlin Hegel gave a speech on the occasion of the 300th Anniversary of the Augsburg Confession. It is ironic that the speech was delivered in Latin because its importance lies in its explicitly Protestant content. The Reformation had a profound impact on the development of the idea of freedom, Hegel argues, because Luther had maintained that the connection between God and human being consisted of the presence of God in each person. Nature does not rule human beings nor does a divinity who is subordinate to nature. Rather, humanity exists under a God "who is truth, eternal reason and the consciousness of this reason, i.e. spirit."[842] God gave reason to man, and this spirit connects human beings to God. "*Vernunft*," reason, is speculative reason and therefore infused with *Geist*, spirit. Luther had argued most famously with Erasmus that acts of "reason" cannot win justification, and furthermore that "reason" was heterogeneous, tainted by sin. It is important to notice here that, for Hegel, the use of reason does not justify but merely opens up a traffic with God.[843] Speculative reason as "*Geist*" is different from the philosophical reason that Luther was condemning, which would be rendered *Verstand* or understanding. For example, Hegel considered Kant's philosophy to be a "completely realized

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[842] In Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). p. 236. The speech is reproduced in German translation in K. H. L. Walter van der Bleek et al., *Die Protestantische Staatsidee : Der Nordgeist Germaniens Im Lichte Der Deutsch-Niederländischen Und Skandinavisch-Baltischen Wissenschaft* (Leipzig, 1919). pp. 29-42.

[843] In *De servo arbitrio* Martin Luther, *Luthers Werke in Auswahl*, 5. Aufl. ed., 8 vols. (Berlin,, 1959). 3:94ff.

philosophy of the understanding" embedded implied in a pale imitation of trinitarian thought, a "spiritless triple schema."[844]

Roman Catholicism had separated Christianity into Lords and Servants, but the Reformation had changed this. The freeing of conscience from the domain of a priestly class also made it possible for the "correct" attitude toward earthly rulers to develop: "The necessary consequence of a religious Reformation is the transformation also of civil laws and orders", which, by solving the problem that the Church-state problem before the Reformation had been one of conflicting legal system, had the consequence of placing for the first time the populace in a situation in which they "willingly let themselves be lead" by the public authorities, and thus also, a feeling of duty towards the state was born.[845] Moving to the current situation, Hegel says that thanks to God's will, the Germans are in the happy position that the foundations both of their laws and the commands of bourgeois ethical life are consistent. This is due to the unity, based in Christian freedom, between the worldly order and belief—a specific belief, the "evangelical" or Luther's Protestant one.[846] A further consequence is that the freedom the Germans experience is to be developed in peace—with the clear contrast to the French experience after the Revolution.

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[844] "vollendete Verstandes philosophie" and "geistloser Schema der Triplizität" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:385.

[845] Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). pp. 236-237.

[846] Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). p. 237.

Versöhnung as a Central Concern

In his study of Hegel's social philosophy as a "project of reconciliation," Michael Hardimon makes the bold claim that, "The central aim of Hegel's social philosophy was to reconcile his contemporaries to the modern social world…to overcome their alienation from the central social institutions" they inhabited.[847] Hegel had written:

> The *contemporary standpoint* of philosophy is that the idea recognizes its necessity, the sides of its diremption, nature and spirit, each as a presentation of totality of the idea and not only identical in itself but rather bringing forth from itself this *one* identity and this becomes thereby recognized as necessary. The *final* goal and *interest* of philosophy is the thought to reconcile the notion with reality. Philosophy is the true theodicy, as against art and religion and their feelings – this reconciliation of spirit, and significantly the spirit which composed itself in its freedom and its riches of its reality. It is easy to find relief (*Befriedigung*) in lesser standpoints, and ways viewing and feeling. The deeper the spirit goes into itself, the stronger the contradiction: the depth is to be measured according to the greatness of the contradiction, of the need; the deeper the need to seek outside of itself to find itself, the broader its external riches.[848]

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[847] Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). p. 1.; see also Robert B. Pippin, *Hegel's Idealism : The Satisfactions of Self-Consciousness* (Cambridge ; New York, 1989). p. 168.

[848] Der *nunmehrige Standpunkt* der Philosophie ist, daß die Idee in ihrer Notwendigkeit erkannt, die Seiten ihrer Diremtion, Natur und Geist, jedes als Darstellung der Totalität der Idee und nicht nur als an sich identisch, sondern aus sich selbst diese *eine* Identität hervorbringend und diese dadurch als notwendig erkannt werde. Das *letzte* Ziel und *Interesse* der Philosophie ist, den Gedanken, den Begriff mit der Wirklichkeit zu versöhnen. Die Philosophie ist die wahrhafte Theodizee, gegen Kunst und Religion und deren Empfindungen, - diese Versöhnung des Geistes, und zwar des Geistes, der sich in seiner Freiheit und in dem Reichtum seiner Wirklichkeit erfaßt hat. Es ist leicht, die Befriedigung sonst auf untergeordneten Standpunkten, Anschauungs-, Gefühlsweisen zu finden. Je tiefer der Geist in sich gegangen, desto stärker der Gegensatz: die Tiefe ist nach der Größe des Gegensatzes, des Bedürfnisses zu messen; je tiefer er in sich, desto tiefer ist sein Bedürfnis, nach außen zu suchen, sich zu finden, desto breiter sein Reichtum nach außen Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:454-455.

For Hegel, philosophy is productive of *Versöhnung*—reconciliation.[849] The alienation produced in modernity is particularly acute, because modernity is the age of spirit's highest development—"*Geist*" is not a holdover from some earlier, superstitious time, but rather the re-conception of this idea is "the work of modern times."[850] The freedom, the condition of the spirit of modernity, creates the unique depth of the problem. Philosophy creates a unity between nature and spirit, by infusing or transfiguring nature according to logic. And reconciliation is central to philosophy, as its ultimate goal and concern.

The concern for philosophy's role in reconciliation does not originate with Hegel, nor does it terminate with him. Hardimon argues that Hegel ostensibly did not articulate what he meant by *Versöhnung* in an "independent extended discussion,"[851] "largely because he rejects the concept-theory distinction."[852] As true as this may be, it is also not very satisfactory. Hegel's unique fascination with the concept does not derive from its place as one of the long-term concerns of philosophy, but rather as part of a tradition. While there may be reasons why philosophers would want to unpack Hegel's system around *Versöhnung*,[853] doing so gives little sense of why Hegel would

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[849] Compare to the "Hegelianism" of Rorty, below.

[850] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:458.

[851] Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). p. 84.

[852] Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). p. 98.

[853] Hardimon lists "personal" (we live in the same world of alienation); "scholarly" (placing Hegel in a context in which we can see his concerns as ours); and "philosophical" (understanding how the system works) reasons for reading Hegel this way Michael O. Hardimon, *Hegel's Social Philosophy : The*

generate that concern in that way in the first place. In his discussion of the translation problems surrounding the word *Versöhnung* (see the discussion in the Luther chapter above), he makes the offhand remark that, "Grimm's *Deutsches Wörterbuch* tells us that Luther used *versöhnen* 'unusually often' in his translation of the Bible."[854] Indeed, the Luther connection is the key to understanding the centrality of *Versöhnung* in the system. In the final paragraph of the *Philosophy of Right*, Hegel writes that his political science is concieved, "so that true reconciliation became objective, which unfolds the *state* to an image and to reality of reason."[855]

Luther, Hegel, and the Trinity as Exegetical Principle

Hegel explicitly linked himself to Luther's approach to modernity in its focus on *Versöhnung*, its approach to language, and in its theory of individual development. These aspects of the Luther tradition as expressed in Hegel's thought are subsumed in a trinitarian schema. In his letter to Tholuck (above), Hegel is reacting with "loathing" to the historicization of the Trinity. He reacts strongly because of its intimate architectonic and substantive expression in his own thought. On the basis of the "speculative trinitarian dogma" in Hegel's system, subsequent 19th century Lutheran theologians invoked his authority.[856] While some commentators have been

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Project of Reconciliation, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). pp. 1-7.

[854] Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). p. 86.

[855] "so daß die wahrhafte Versöhnung objektiv geworden, welche den *Staat* zum Bilde und zur Wirklichkeit der Vernunft entfaltet" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:512.

[856] Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). p. 35.

dismissive of any explicit connection between Luther's thought and Hegel's,[857] it is nevertheless the case that others have argued persuasively for the link.[858] His philosophy of religion and his dependence on religious thought remains perhaps the most contentious area of research on Hegel.[859] The trinity does not emerge from the literal text of the Bible, but may be said to come from exegetical necessity first made doctrine at Nicea in 325 AD. Luther's contribution to this is said to be a recognition of the trinity as three distinct persons.[860] Rejected as a Hellenization by many in the radical Reformation as well as by many associated with early Romanticism (cf. Schleiermacher), Hegel's philosophy takes a trinitarian form that he argues emerges out of thought itself.[861]

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[857] Walter Jaeschke, *Die Vernunft in Der Religion : Studien Zur Grundlegung Der Religionsphilosophie Hegels*, Spekulation Und Erfahrung. Abteilung Ii, Untersuchungen ; Bd. 4 (Stuttgart-Bad Cannstatt, 1986). p. 336.

[858] Most notably Ulrich Asendorf, *Luther Und Hegel : Untersuchungen Zur Grundlegung Einer Neuen Systematischen Theologie* (Wiesbaden, 1982).

[859] Terry P. Pinkard, *German Philosophy 1760-1860 : The Legacy of Idealism* (New York, 2002). p. 300.

[860] Roger E. Olson and Christopher A. Hall, *The Trinity*, Guides to Theology (Grand Rapids, Mich., 2002). pp. 2, 69. As in Luther, though spirit is analytically separate, its concrete expression in "word" and "law" can leave the impression of "Zweieinigkeit", a duality Walter Jaeschke, *Die Vernunft in Der Religion : Studien Zur Grundlegung Der Religionsphilosophie Hegels*, Spekulation Und Erfahrung. Abteilung Ii, Untersuchungen ; Bd. 4 (Stuttgart-Bad Cannstatt, 1986).319 But this is similar to Luther's account because the occasion of spirit expressing itself always involves word or law. On the development of the Trinity as exegetical principle see Jaroslav Jan Pelikan, *Christianity and Classical Culture : The Metamorphosis of Natural Theology in the Christian Encounter with Hellenism* (New Haven, 1993).; F. E. Peters, *The Monotheists : Jews, Christians, and Muslims in Conflict and Competition*, 2 vols. (Princeton, N.J., 2003). esp. pp. 217-219.

[861] See Stanley Rosen, *The Ancients and the Moderns : Rethinking Modernity* (New Haven, 1989). p. 36. for the suggestion that the problems of dualism may only be resolved by an appeal to "the *third* principle or bond which provides us with what I prefer to call this factic harmony (rather than unity). Dualism must be replaced by trinitarianism if it is to be replaced at all."

As an interpretive strategy, thinking Hegel's philosophy as an instance of thought based in a trinitarian logic would require us to see, first, a *Reich des Geistes*, a realm of spirit which comes of and animates history and is also the present expression of human freedom. Second, logic, or "word," as the *Reich des Sohns* is the realm of truth which has a transfiguring effect on the *Reich des Vaters*, the realm of nature and humanity. The system would look something like this: the notion of spirit is developed in the *Phenomenology of Spirit* to the point where we are prepared to enter the *Logic*. Once armed with this truth-imparting tool, we can proceed to the *Realphilosophie* in which nature and human institutions are translated out of their external, dead forms, into living expressions of human freedom. Spirit is a ladder into the logic, logic provides the interpretive schema for the law.

Spirit

Lessing had critiqued the concepts of revelation and history such that history is a process of revelation and spirit is considered as free. Hegel takes this innovation, makes history the expression of spirit, but also introduces a critical self-consciousness. For Hegel, the German word *Geschichte* (History), which derives from *geschehen*, means both to happen and also to narrate, "it denotes the actual events…as well as the narration of the events."[862] Furthermore, he writes that "history is born at the same time as the first actions and events that are properly historical."[863] By this Hegel means that the mere occurrence of events is not properly speaking historical, but for

[862] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). p. 64.

him rather only those which rouse the "muse of memory."[864] And it is in the modern state where history as we conceive it is born, in the service of that state:

> It is the state, however, which first presents a subject matter that is entirely appropriate to the prose of history; indeed, the state creates it as it creates itself. Instead of the subjective orders that suffice for the needs of a ruling power at a given moment, a community that is in the process of shaping itself into a state requires rules, laws, universal and universally binding directives. And as it produces them it also produces an intelligent and definite record of (and interest in) actions and events whose results are lasting. Mnemosyne [the muse of memory] is therefore driven to give enduring remembrance to them, in the interest of the permanent purposes that are characteristic of the state as it forms. Deeper emotions generally—such as love and religious vision, together with their inner imagery—have an [eternal] presence and reward in themselves. The state, however, in the external existence of its rational laws and customs, is only incompletely present. For an integrated understanding of itself it needs a consciousness of the past.[865]

In the service of the state, history is a narration of how that state came to be necessary. This is a self-consciousness on Hegel's part that progressive histories are constructed *backward*. And this is not without cause first of all because we are presented with the fact of the (i.e., any given) state. But in addition the state compels an explanation for itself which is consistent with its own means of governance, the rule of law.

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[863] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). p. 64.

[864] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). p. 64. Augustine attempted to explain the trinity by analogy with the human mind, which has three salient features in this regard: memory, the understanding, and the will Roger E. Olson and Christopher A. Hall, *The Trinity*, Guides to Theology (Grand Rapids, Mich., 2002).48 The classical Greek word for truth, αληθεια (aletheia) derives from alethein, to remember, although Heidegger would rework this into a more active "persuasive redefinition." See Herman Philipse, *Heidegger's Philosophy of Being : A Critical Interpretation* (Princeton, N.J., 1998). pp. 312-313.

[865] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). pp. 64-65.

Though the *Phenomenology of Spirit* can be considered a history of consciousness, it is a history whose endpoint is presupposed in each and every line. Hegel's philosophical system begins with the *Phenomenology of Spirit*. Just as the state must have an historical account of its development, logic must have an account of itself. Just what is meant by "logic" has to be considered. Hegel uses the term in a unique way. His logic is not the rulebook for constructing sound arguments, rather,

> It is a "logic" however in the weaker sense in which we speak of a "logic" of ordinary language, or the "logic" of investigation and so on: that is, it is a theory of the basic substantive principles and categories we use in thinking about the world.[866]

Now this is not far from the birthplace of "logic": Aristotle abstracted and formalized good argumentative practices, he did not discover principles that are in some way prior to discourse (*logos*).[867] The distinction between logic and logos is a fine but important one: while for Hegel logic "is meant to recover *something* of the original 'objective' sense that the *logos* had for the Greeks" but with the addition of a notion of "spirit."[868] We can see the formal basis of spirit at play as an exegetical technique in which the object to be explained is the Bible, the history of theology is the story of the contestation of the correct "logic" to bring to bear. Luther suggested an immanent

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[866] Terry P. Pinkard, "The Successor to Metaphysics: Absolute Idea and Absolute Spirit," *The Monist* 74 (July, 1991, 1991): p. 297.

[867] On *logos* and politics, see Josiah Ober, *Mass and Elite in Democratic Athens : Rhetoric, Ideology, and the Power of the People* (Princeton, N.J., 1989). pp. 35-55.

[868] Paul Redding, *Hegel's Hermeneutics* (Ithaca, 1996). p. 167. "This notion…is solely an object, a product and content of *thinking*, and is the absolute, self-subservient object, the logos, the reason of that which is, the truth of what we call things; it is least of all the logos which should be left outside the science of logic" Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969).39 logic is associated with human freedom, i.e. modern subjectivityGeorg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). p. 37.

technique: the terms for interpreting the Bible are already present in the text, but the text must be presented in the native tongue of the reader for this interpretation to take place. This holds out the theoretical possibility that if there are meaningful differences in the "life worlds" represented by distinct languages, that the Bible would have a unique meaning in every language, and even for every reader.[869] In Hegel, both the immanence and the historical element of this exegetical strategy have been developed: the tools for interpreting the world are present in it (the categories of thought), and the historical and contextual character of language is acknowledged. It is a *historical* knowledge, for as he remarks, if Kant argued that logic had not progresses since Aristotle, it was surely time for a "total reconstruction; for spirit, after its labors over two thousand years, must have attained to a higher consciousness about its thinking and about its own pure, essential nature."[870] Following from the latter point, Hegel embraced the radical expansion of what must be considered the "text"; it could not longer be delimited by the Bible, rather it is to be comprehensive.[871]

The story of how spirit developed in history functions as the "ladder" into the logic. The *Phenomenology* is the course of *Bildung* necessary to embrace the

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[869] This I take to be the force of Heidegger's critique of translation of Greek terms into Latin; if we take these terms out of context, they no longer rest on the social processes that give them their unique meaning. Translation as if the differences in languages does not matter presents us in this case with a logic that is at least partially foreign, such that the "groundlessness of Western thought begins with translation" in John Sallis, *On Translation*, Studies in Continental Thought. (Bloomington, 2002). p. 17.

[870] Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). p. 51.

[871] Dithey's criticism was that Hegel turned to the *logic* as the basis of his system rather than scientific *law*. See Paul Redding, *Hegel's Hermeneutics* (Ithaca, 1996). p. 166.

system,[872] "Conversely, the individual has the right to demand that science would extend him the ladder at least to the point, would show him the same thing in himself."[873] Logic, the German Word, is the means by which the world is to be truly interpreted. This intersects with Luther's interpretation of the Word of the New Testament as privileged from the standpoint of truth. Hegel explicitly argues in the first section of the *Encyclopedia Logic* that,

> The objects of philosophy, it is true, are upon the whole the same as those of religion. In both the object is truth, in that supreme sense in which God and God only is the truth. Both in like manner go on to treat of the finite worlds of nature and the human mind, with their relation to each other and to their truth in God.[874]

This is an interesting formulation because it identifies the idea of God with truth in a dispassionate and post-religious analytical frame. It also treats religion and philosophy as perspectives designed to approach the human epistemological problem, conceived in the manner of Job.[875]

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[872] Terry P. Pinkard, *German Philosophy 1760-1860 : The Legacy of Idealism* (New York, 2002). p. 222.

[873] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 3:28.

[874] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 3.

[875] In the *Phenomenology*, Hegel writes that, "the servant has felt fear of death, the absolute lord" (§ 194). He quotes, "fear of the lord is the beginning of wisdom" (§ 195). The first of these quotations makes a better case for the reference to Hobbes, with his emphasis on fear of violent death as the motivating force in the state of nature. But the second quotation, glossed by Kainz as Proverbs 9:10, is a quotation there of Job 28:28. Both the Leviathan and Behemoth are features of that book.
The juxtaposition of Chapter IV on self-consciousness with Chapter III (Force and the Understanding: Appearance and the Supersensible World) calls to mind twin (and perhaps contradictory) scientific movements of modernity. The universe is seen as the interplay of forces by an understanding (*Verstand*) that is ultimately self-contradictory. This could be the dawn of modern science. On the other hand is the concurrent movement of spirit in the history of philosophy: liberalism and the management of human affairs through reason. Included in this is Hobbes "founding" of political science, of which Hegel was aware Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, 3 vols. (Lincoln, 1995). III:315.. It is clear from Hegel's discussion *Lectures on the History*

of Philosophy that he finds Hobbes incomplete and not "speculative or really philosophic" Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, 3 vols. (Lincoln, 1995). III:316.. However, Hegel's characterization of Hobbes' view of human nature is that,

> In the first place the nature of man signifies his spiritual and natural being; but his natural condition indicates quite another condition, wherein man conducts himself according to his natural impulses. In this way he conducts himself in conformity with his desires and inclinations, while the rational, on the contrary, is the obtaining supremacy over the immediately natural Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, 3 vols. (Lincoln, 1995). III:318.

Hegel characterizes the point taken from Hobbes that "the universal will is made to reside in one monarch" as "essentially correct," although it consists of a "condition of absolute rule, of perfect despotism" Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, 3 vols. (Lincoln, 1995). III:318.. And Hegel found in Hobbes "at least…that the nature and organism of the state is established on the principle of human nature and desire, etc" Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, 3 vols. (Lincoln, 1995). III:318. This is not at all conclusive evidence for lordship and bondage as a reply to Hobbes. Nevertheless, this sort of analysis does fit the passages back into the *Phenomenology* as a station in the development of spirit.

A more compelling case for inter-textual reference can be made from lordship and servitude to the Book of *Job*. Such an interpretation is explicitly an account of the development of spirit. Because the Enlightenment plays such a prominent role in the division of the text under "Reason," such an interpretation is perhaps better placed in the text than is the one that accords Hobbes so much importance.

Hegel demonstrates a serious knowledge of the Bible. The Bible that Hegel knew most intimately is the Luther Bible. In German, not only are medieval lords referred to as *der Herr* but so too is the Lord God. At the very least this would seem justification to reject Kainz' "masterdom" translation of *Herrschaft*. Further, there is a tradition of referring to human beings as the servants (*Knechte)* of God. More specifically the Lord refers to Job as "*mein Knecht*" (*Job* 42:8).

According to this interpretation, Force and the Understanding encompasses pre-monist explanations for the forces at work in the world such as employed in Greek cosmology. Spirit was not yet something human beings imputed to themselves; the Gods were as another species and the soul intimately connected to the body. In the Self-Consciousness chapter generally, but Lordship and Servitude in particular, this movement of spirit discovering itself is revealed. The supersensible world of forces is replaced by the world as governed by the Lord of the Hebrews. Several commentators have indicated the religious motifs of Lordship and Bondage, although none have indicated the connection with Job. Solomon calls the episode a "parable," mentioning the "slave mentality of the early Christians Robert C. Solomon, *In the Spirit of Hegel : A Study of G.W.F. Hegel's Phenomenology of Spirit* (New York, 1983). p. 452. Pippin argues that the servant's relationship to his work could be typified as "a religious attitude" that "could be said to resolve the philosophical and practical problems created by any 'realization of the truth of self-consciousness'" Robert B. Pippin, *Hegel's Idealism : The Satisfactions of Self-Consciousness* (Cambridge ; New York, 1989). p. 166. Pippin indicates this attitude in Pascal and early Christianity. Shklar gives perhaps the best support for this interpretation, arguing that the Unhappy Consciousness "is miserable and self-divided not because it is sinful, but because of the kind of God it has created for itself" Judith N. Shklar, *Freedom and Independence : A Study of the Political Ideas of Hegel's Phenomenology of Mind*, 1st ed. (Cambridge [Eng.] ; New York, 1976). p. 66.

Hegel held the Book of Job to be particularly important in the development of his philosophy of religion. At the time there was even an active controversy surrounding the book, attributing it to a mythology much older than the rest of the bible Georg Wilhelm Friedrich Hegel, *Lectures on the Philosophy of Religion : One-Volume Edition : The Lectures of 1827*, ed. Peter Crafts Hodgson (Berkeley, 1988). p. 266. The discussion in *Job* serves to explore the topic of whether or not God explicitly recognizes the activities of man. This is the debate Job has with his four companions, Eliphaz, Bildad, Zophar and Elihu. These four interlocutors attempt to persuade Job to demonstrate his fear of the Lord in the form of contrition. But Job will not accept the disasters visited on him as evidence of the Lord's recognition, as he holds out through four lengthy appeals for an explicit

The epistemological problem in Job is that we do not know God's mind, his reasons. To put it another way, we do not speak his language. What becomes important for Hegel is that visual representations of God, so important to the medieval Church, become categorically secondary to verbal representations of Him. God *speaks* to Job out of a natural sign, a whirlwind ("aus einem Wetter" Job 38:1). In his *Lectures on Aesthetics*, Hegel argued that Christian truth must be represented in word, not visual art.[876] This is a focusing of attention on John 1:1, and Hegel writes in his discussion of poetry that sound, "is a sign of the idea which has become concrete in itself, and not merely indefinite feeling and of its nuances and grades. This is how sound develops into the *Word*, as voice articulate in itself, whose import it is to

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recognition by the Lord: "Oh that one would hear me! Behold, my desire is, that the Almighty would answer me…" (31: 35; also 30:20; 36:7).
Other motifs shared by Lordship and Servitude and Job also point to this interpretation. First, battle plays a role in both texts. In Lordship and Servitude there is the battle for life and death (§ 187). In *Job*, the righteous "goeth on to meet the armed men. He mocketh at fear, and is not affrighted; neither turneth he back from the sword" (39: 21-2). Second, light introduces the Lordship and Bondage episode as the last sentence of the introductory portion of Chapter IV before it:

> It is in self-consciousness, in the notion of spirit, that consciousness first finds its turning point, where it leaves behind in the colorful show of the sensuous here-and-now and the nightlike void of the supersensible beyond, and steps out into the spiritual daylight of the present (§ 177).

Not only is light the Hebrew God's calling card in general (*Genesis* 1:3), but light imagery also abounds in the *Book of Job*. In his misery, Job characterizes his fate as "A land of darkness, as darkness itself; and of the shadow of death, without any order, and where the light is darkness" (10: 22). The chapter is steeped in such reference to light and dark, which appears in 3:5-9; 11:17; 12:22-25; 15:22,23,30; 17:12-13; 18:5-6,18; 20:26; 22:11; 23:17; 24:15-17; 26:10; 29:3; 31:26; 33:30; 38:24; 41:18 (see also *Phenomenology* § 685, "God as Light"). (And Luther glosses 22:11: "Finsternis heisst trübsal vnd vnglück. Widerumb Liecht / heisset glück vnd heil" "Darkness means sorrow and adversity. On the contrary light / means fortune and salvation" Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin.
Understanding is a translation of *Verstand* in both the *Phenomenology* and the Luther Bible. The second part of the verse, "the fear of the lord, that is wisdom", quoted in the closing sections of Lordship and Servitude (§ 195), is "to depart from evil is understanding" (*Job* 28:28). Understanding appears as another motif in *Job*, appearing in numerous verses. This is just another example of the ample evidence to indicate a an intertextual intention on Hegel's part in the service of an account of the development of spirit.

[876] Georg Wilhelm Friedrich Hegel, *Introductory Lectures on Aesthetics*, ed. M. J. Inwood, Bernard Bosanquet trans., Penguin Classics (London ; New York, 1993). p. 12.

indicate ideas and notions."[877] The visual representation of God in Christianity is Christ himself—and he is a man transfigured into the Word. If we are looking for the face of God, Luther would have us follow the earlier transfiguration: "VND Gott sprach / Lasst vns Menschen machen / ein Bild / das vns gleich sey" "And God spoke/ Let us make man / an image / that is the same as us."[878]

Hegel's solution to the possibility of knowing God is seemingly contradictory. On one hand, he announced the death of God—as an event central to Christianity.[879] On the other, he saw this as opening up the possibilities that philosophy "can and must resurrect the highest totality in its complete seriousness and out of its deepest ground, at the same time all encompassing and in the most joyful freedom of its form."[880] An exchange with Hegel that Heinrich Heine reported sheds light on both this issue of the death of God and Hegel's relationship to Job and the issue of harmony between realms:

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[877] Georg Wilhelm Friedrich Hegel, *Introductory Lectures on Aesthetics*, ed. M. J. Inwood, Bernard Bosanquet trans., Penguin Classics (London ; New York, 1993). p. 295.

[878] Gen. 1:26; Die Luther-Bibel: Originalausgabe 1545 Und Revidierte Fassung 1912, Directmedia Publishing GmbH, Berlin. The disappearance of God over the course of the Bible is the subject of Richard Elliott Friedman, *The Disappearance of God : A Divine Mystery*, 1st ed. (Boston, 1995). p. 69.: "In Genesis and Exodus you see Him; by Ezra and Esther you don't…God hides his face. The phrase occurs over thirty times in the Hebrew Bible." He attributes this veiling to monotheism, the development of history, and psychological factors (p. 95). This is to be contrasted with the spreading of the Christian Word, which offers a partial and perhaps temporary solution which nevertheless calls attention back to the importance of the trinity.

[879] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 2:432, 3:547.

[880] "die höchste Totalität in ihrem ganzen Ernst und aus ihrem tiefsten Grunde, zugleich allumfassend und in die heiterste Freiheit ihrer Gestalt auferstehen kann und muß" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 2:432-433.

> Only later did I understand why he claimed in his Philosophy of History that the Christian religion marked progress, because it taught of a God who died, whereas heathen Gods had not known death at all. What progress it would be then, if God had never existed! We stood one evening at the window, and I gushed rapturously about the stars, the residence of the blessed souls. The master muttered to himself: "the Stars are just a radiant leprosy on the sky." – "For God's sake," I cried "is there then no happy place up there, where virtues are rewarded after death?" He looked at me scornfully: "Oh so in addition you want a gratuity for having done your duty in life, for having nursed your sickly mother, for having kept your brother from starving, and having not poisoned your enemies."[881]

The death of God-as-Christ contains an important message in itself and also opens up the possibilities for philosophy; the idea of earthly justice corresponding in some sense to eternal justice is belittled in the harshest possible tones. The loss of metaphysics in Germany has resulted in its replacement by pure feeling and historical erudition, but also opens up the possibility for science.[882]

The Phenomenology as the Ladder to Philosophy

There are two relevant narrative levels in the *Phenomenology of Spirit*. The first is a seemingly stream-of-consciousness account of the developing philosophical mind. The second is the observing "we" of the philosophical observer, standing over and

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[881] So verstand ich auch erst spät, warumer in der Philosophie der Geschichte behauptet hatte: das Christentum sei schon deshalb ein fortscritt, weil es einen Gott lehre, der gestorben, während die heidnischen Götter von keinem Tode etwas wußten. Welch ein Fortschritt sei es also, wenn der Gott gar nicht existiet hat! Wir standen einst des Abends am Fenster, und ich schwärmte über die Sterne, dem Aufenthalt der Seligen. Der Meister aber brümmelte vor sich hin: "Die Sterne sind nur ein leuchtender Aussatz am Himmel."—"Um Gottes willen," rief ich, "es gibt also droben kein glückliches Lokal, um die Tugend nach dem Tode zu belohnen?" Er sah mich spöttisch an: "Sie wollen also noch ein Trinkgeld dafür haben, daß Sie im Leben Ihre Schuldigkeit getan, daß Sie Ihre kranke Mutter gepflegt, daß Sie Ihren Bruder nicht verhungern ließen und Ihren Feinden kein Gift gaben." In Günther Nicolin, *Hegel in Berichten Seiner Zeitgenossen* (Hamburg,, 1970). p. 235.

[882] Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). pp. 25-27.

above the process, so that "all that is left for us to do is simply to look on."[883] The narrative is in the former sense historical and in the latter philosophical. There is disagreement about how developed the philosophical standpoint is; the controversy surrounds the argument that the *Logic* can be used a lens to view the *Phenomenology*.[884] While my sympathies are definitely with those who include the work in Hegel's system (based on his own testimony in the *Science of Logic*, especially the Preface to the First Edition), it is not at all necessary to go outside the *Phenomenology* for an explanation of the "scientific" character of the work:

> It might seem necessary at the outset to say more about the method of this movement, i.e. of science. But its notion is already to be found in what has been said, and its proper exposition belongs to logic, or rather it is logic.[885]

And philosophy worthy of the name takes place at the level of the notion: "true thoughts and scientific insight are only to be won through the labor of the notion."[886] This means that

> Philosophy is second-level reflection on first-level discourse which has reality as its object. There is reality, thought and discourse about reality, and the reflection of philosophical discourse on that. So [Hegelian]

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[883] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 54, § 85.

[884] Rosen argues for including the *Phenomenology* with Hegel's mature work in this way Stanley Rosen, *G.W.F. Hegel: An Introduction to the Science of Wisdom* (New Haven, 1974).. Solomon wants to see it as separate Robert C. Solomon, *In the Spirit of Hegel : A Study of G.W.F. Hegel's Phenomenology of Spirit* (New York, 1983)..

[885] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 28, § 48.

[886] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 43 § 70.

> philosophy is not thinking about reality but thinking about what it is to think about reality.[887]

The philosophy that Hegel is attempting to deduce, "self-conscious reason,"[888] is philosopher's philosophy or metaphilosophy.

Hegel is arguing for a presuppositionless system of philosophy--the content should emerge out of the landscape of reason itself: "Consciousness provides its own criterion from within itself, so that the investigation becomes a comparison of consciousness with itself…"[889] To start anywhere is to jump in the middle of things, Hegel remarked in the *Phenomenology*—and to start at all betrays an assumption. Hegelian philosophy is observation of the process of mediation. The comparison of objects (in consciousness) with knowledge of those objects is the distinction upon which his "examination rests."[890] In this way, this philosophy would seem to be form without content. But the form is the content. The process of thought is always the content of philosophy. The level of abstraction at which the discussion is to be conducted in the *Phenomenology* stands above that which merely is.[891] The understanding (*Verstand*), which identifies, particularizes, and simultaneously reifies,

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[887] Steven Bungay, "The Hegelian Project," in *Hegel Reconsidered : Beyond Metaphysics and the Authoritian State*, ed. H. Tristram Engelhardt and Terry P. Pinkard (Dordrecht ; Boston, 1994), p. 23.

[888] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 43, § 70.

[889] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 53, § 84.

[890] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 54, §85.

[891] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). pp. 48-49, § 76.

is pre-philosophical thought. Hegel strips out the everyday content that is the meaning and fixity that the understanding attributes to thought.

It is in one sense true to argue that each individual has access to philosophical thought, having experienced both the inherent movements of consciousness and, in his education, the history of the world and of philosophy, as through stations of the cross.[892] But philosophy as the science of the experience of consciousness and as a phenomenology of spirit is possible only in an "achieved community of minds."[893] This is to be understood in the context of Hegel's educational project, above, but also in the mood of Kant's *Aufklärung* essay in which we live not in an enlightened age but rather one of an ongoing process of enlightenment. Hegel argues that this type of philosophy is made unique because the scientist is intimately connected with his subject matter,[894] and there is no way to "get behind" consciousness to observe it as the natural scientist claims to.[895] The individual must forget himself (and others) qua individual[896] to complete the "education of consciousness"[897] that ends in the philosophical standpoint.

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[892] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 49, § 77.

[893] This is remarkably like Luther's conception of the Church. Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 43, § 69.

[894] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 47, § 74.

[895] The immanent hermeneutical principle is plain. Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 54, § 85.

[896] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 45, § 72.

[897] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 50, § 78.

Logic as the Word Achieved: Philosophy from Justification

In the opening sections of the *Encyclopedia Logic*, Hegel states clearly what it is to think philosophically: "Philosophy…is a particular mode of thinking—a mode in which thinking becomes knowledge, and knowledge through notions."[898] Philosophical thought is different from the general form of self-consciousness, which appears not "in the form of a thought, but as a feeling, a perception, or a mental image,"[899] Arguing against those who would separate thought and feeling, Hegel writes that,

> These ideas would put feeling and thought so far apart as to make them opposites, and would represent them as so antagonistic, that feeling, particularly religious feeling, is supposed to be contaminated, perverted, and even annihilated by thought. They also emphatically hold that religion and piety grow out of, and rest upon something else, and not on thought. But those who make this separation forget meanwhile that only man has the capacity for religion, and that animals no more have religion than they have law and morality.[900]

The distinction between thought-in-general and thought-as-philosophy leads to the mistaken impression that philosophical thought is necessary to attain "a consciousness and certitude of the eternal and true [*Ewigen und Wahren*]."[901] But that is ridiculous to him because it would imply "that eating was impossible before we had acquired a knowledge of the chemical, botanical, and zoological characters of our food; and that

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[898] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 4.

[899] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 4.

[900] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 4.

[901] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 5.

we must delay digestion till we had finished the study of anatomy and physiology."[902] Instead, philosophy replaces the "several modes of feeling, perception, desire and will" which are "in general called ideas" with "thoughts, categories, or, in more precise language, adequate *notions.*"[903] Philosophy takes thoughts, which "are clothed upon and made one with the sensuous or spiritual material of the hour" and renders them in the form of the *pure word*, so that the object of philosophy is "thoughts pure and simple."[904] This can be taken as an extension of the "Reformation" attitude which had been expressed by Hamman and Herder in their critique of Kant's relationship to his own language.[905]

In his *Wissenschaftslogik* there is a relevant discussion of the connection of language to philosophy. Hegel argues that all forms of thought occur in language and that this thought is the means by which human beings are permeated by logic, and through them nature is transformed into something human.[906] And German is specifically adapted to philosophy (as Heidegger also notoriously remarked): it has an

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[902] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 5. Hegel faults Kant's epistemology in precisely this way, see above.

[903] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 5.

[904] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). p. 6.

[905] Bornkamm remarks that before Hammann and Herder brought attention to Luther, there was but little attention paid to him as an intellectual figure Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970).31, and "Erst die groβen Denker des deutschen Idealismus haben das ihnen aus der Aufklärung über Lessing und Herder weitergegebene Lutherverständnis vertieft und geweitert, ohne es freilich wesenhaft zu verändern" Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). p. 31.

[906] Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). pp. 31-32.

abundance of ready philosophical expressions, most of its constructions are through verbs and nouns, and the words are infused with multiple and even contradictory meanings.[907] A knowledge of language is essential to the development of philosophical logic, because *only* after having a (comparative) knowledge of a language can someone "make contact with the spirit and culture of a people through the grammar of its language…Through the grammar he can recognize the expression of mind as such, that is, logic."[908] The "declared object and aim of logic" is truth,[909] which it brings to the concrete objects of philosophy: revealing for the analogy between logic and Word is that Hegel argues that the so-called "concretes" he is thinking of are God, nature, and spirit, whereas logic, the humanizing and free element, is abstract.[910] To understand this point, it is necessary to work through the details of the dialectical method.

Escaping the Understanding

The understanding (*Verstand*) is a mode of thought which comprises the first step in a three-moment dialectic. It does not constitute philosophical thinking. But the understanding is not merely incomplete. Hegel argues that its embrace leads to dire, and sometimes bloody, consequences. In modernity, the understanding has been

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[907] Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). p. 32.

[908] Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). p. 57.

[909] Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). p. 38.

[910] Georg Wilhelm Friedrich Hegel, *Hegel's Science of Logic*, A.V. Miller trans., Muirhead Library of Philosophy (London, New York,, 1969). p. 34.

used to philosophically justify particularity, or subjectivity. This is in contrast to Greek philosophy, and particularly in Hegel's reading of Plato, where the understanding prioritized the community over the individual. In a sense, the relationship of the individual and community is *the* problem of political philosophy, and Hegel claims to hold the solution. His approach recognizes the social-ethical (*sittliche)* character of right, and he claims logical and practical necessities that it be understood in these terms. He holds philosophical mistakes to blame for conflict, arguing that they follow from the understanding. In this way, Hegel's project is beyond—or at least has a ready answer to—historicist criticism about the historical context of *PR* and deontological claims he might be making. This reading takes seriously the famous quote from *PR*'s Preface, "It is chiefly from this point of view that I wish this treatise to be understood and judged. For what it deals with is science, and in science, the content is essentially inseparable from the form."[911] This is to say that grasping the understanding (*Verstand*) as a philosophical term has definite consequences for political theory. Constituted after the form of logic, or science, the all-too-often uncomprehended limitations of the understanding become clear: these are philosophical positions leading to corrosion of authority, corrosion of the socio-ethical grounding of civil society and what Nietzsche later called the loss of horizon.[912]

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[911] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 10.

[912] Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). V-2.158.

Hegel intends to subject his system to the strictest rigors of scientific proof.[913] In his view, this self-conscious mediation composes scientific reality which then becomes "really real" in that it is reconstructed as rational. This approach allows the reader to consider the *political science* of *PR*: not as the construction of an improved, modern *polis*, but as something translated into the language of scientific reason. Overcoming the confines and conflict of the understanding is Hegel's most salient comment on practical politics. It simultaneously explains conflict over ideas and provides an escape: what it leaves behind is as important as what is carried forward. In Chapter VI of the *Encyclopedia Logic*, Hegel begins, "In point of form Logical doctrine has three sides: (α) the Abstract side, or that of understanding; (β) the Dialectical, or that of negative reason; (γ) the Speculative, or that of positive reason."[914]

The understanding serves as the first stage of philosophical thought. In fact, it is in this phase of the dialectic in which the terms of the debate are set. These are transcended later through speculative reason. The understanding "sticks to fixity of characters and their distinctness from one another: every such limited abstract it treats as having a subsistence of its own."[915] In this negative sense, the understanding reifies

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[913] Avineri correctly points out that analogy of *Wissenschaft* to the natural sciences is suspect because of the latter's reliance on *Verstand* as opposed to *Vernunft* Shlomo Avineri, *Hegel's Theory of the Modern State*, Cambridge Studies in the History and Theory of Politics. (London,, 1972). p. 122. But I am referring here to the level of certainty as trusted knowledge that the natural sciences claim to themselves and to which Hegel aspires. I take up this point in detail below.

[914] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 79.

[915] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 80.

concepts. However, there is much that is correct in understanding. First, it forms the necessary beginning and basis for philosophical thought, definition:

> That philosophy never can get on without the understanding hardly calls for special remark after what has been said. Its foremost requirement is that every thought be grasped in its full precision, and nothing allowed to remain vague and indefinite.[916]

Second, speculative thought may be "elicited" from the understanding by "omitting the dialectical and 'reasonable' element"[917] such that speculative reason is the understanding freed from the particularity of the world. This is the point at which philosophy as a science emerges. But the reasonableness embodied in understanding also has a stubborn side that results in the confusion of universal and particular. The understanding "invest[s] its subject-matter with the form of universality," but "its opposition to the particular is so rigorously maintained, that it is at the same time also reduced to the character of the particular again."[918] Negative reason turns on the understanding in the second stage of the dialectic.

Hegel writes, "In the dialectical stage these finite characterizations or formulae supersede themselves, and pass into their opposites."[919] This stage of thought creates a distinction and composes an antithesis to the object of the understanding. In other words, the understanding picks a fight with itself. “Dialectical reason is the movement

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[916] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 80 Zusatz.

[917] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 82.

[918] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 80 Zusatz.

[919] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 81.

of thought that corresponds to a limit defined by understanding by going on to what it implies: the contrary concept that lies beyond the limit--its opposite or counterpart."[920] The contrary here can be something like the binary oppositions of equality and inequality or rights and expediency. Hegel recognizes that to end the dialectic at this point has extremely disadvantageous results. First, such a move would entail "skepticism; in which the result that ensues from its action is presented as a mere negation."[921] Second, this action of purely negative reason sets up a dynamic in which a "subjective see-saw of arguments *pro* and *con*" hold sway (this points forward to the analysis of conflict in *PR*). It is only when this second stage of negative reason points forward to positive, speculative reason that the dialectic moves thought beyond these non-philosophical debates in which neither side holds trump.

What exists in the preceding two-thirds of the dialectic is overcome in the *Aufhebung* of speculative reason, which "apprehends the unity of terms (propositions) in their opposition--the affirmative which is involved in their disintegration and in their transition."[922] Here we can invoke the categorial logic of Luther's Word-Law solution to show how such contradictions may be simultaneously maintained and

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[920] John Burbidge, "Hegel's Conception of Logic," in *The Cambridge Companion to Hegel*, ed. Frederick C. Beiser (Cambridge [England] ; New York, 1993), p. 91.

[921] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). §81.

[922] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 82. Beiser writes that system, at least in Hegel's view, "preserves the strengths, and cancels the weakness" of preceding philosophical discourse. Frederick C. Beiser, "Introduction: Hegel and the Problem of Metaphysics," in *The Cambridge Companion to Hegel*, ed. Frederick C. Beiser (Cambridge, 1993), p. 1. Bole has the speculative stage "holding fast to contradiction" Thomas J. III Bole, "Contradiction in Hegel's Science of Logic," *Review of Metaphysics* 40 (1987): p. 528.

attenuated or *versöhnt*. The preservation (but simultaneous overcoming) of contradictions in the speculative stage of the dialectic is clearly indicated in the dialectic's exercise through the doctrines of being, essence, and notion. Hegel likens this state of affairs, which "lies beyond the compass of understanding" to "what…used to be called mysticism"[923]—speculative reason is generative, it is the leap taken to expand the categorial discussion. The point to be made here is that not everything is brought along into the final stage. In the process of resolution, whether it is thought of as categorial progress--coming into accord with the world spirit--or another perspective on the motivating force of the Hegelian project, the contention existing in understanding and between understanding and negative reason is *aufgehoben* in the sense of "put by or set aside."[924] In the language of a categorial interpretation,

> The motor of the Hegelian theory is the exhibition of contradiction (or at least incoherence) and the avoidance of it by positing new conceptions…The guiding hypothesis of the theory is that at certain levels of discourse one finds oneself in contradictions that can be avoided only if the framework of categories is expanded correctly.[925]

Abstraction, in the ordinary philosophical sense, and the creative leap contained in it, carry the thinker beyond debates that Hegel argues are neither (even potentially) productive of truth nor winnable. In fact, it is not merely stagnancy that the completion of the dialectic avoids--it is a corrosive and normatively negative action of

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[923] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 82 Zusatz. The analogy to religious experience is unapologetic because speculative logic has left the category of religion.

[924] Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 96 Zusatz.

[925] Terry P. Pinkard, *Hegel's Dialectic : The Explanation of Possibility* (Philadelphia, 1988). p. 30.

the limited reason of the understanding. The understanding and dialectical reason are like two evenly matched fighting fish. The speculative leap is to refocus on the pond they inhabit. The dialectic is a conscious and perspicuous response to enduring philosophical problems which are inevitable without its complete iteration. It leaves behind what is left behind seemingly irresolvable conflicts of definition and contradiction as it expands the categorial schema: it brackets the problem, providing the explanatory framework for it, and thereby reconstitutes it in the form of science. And for Hegel, it was Luther and the Reformation that suggested the way out of this dialectical trap—as an expansion of the dialectic in attitude, in word, and in deed. Hegel explained in the *Lectures on the History of Philosophy*,

> Human beings discovered America, her treasures and peoples, -- nature itself; the sailing voyage was the higher romanticism of commerce. The present world was again present as worthy of the interest of the spirit; the thinking spirit was again capable of something. And then the Reformation of Luther had to enter, -- call to the *sensus communis* instead of patriarchs and Aristotle, not to authority but rather to one's own inner spirit, the animating, joyful against works. Thus the Church lost her might against it [the human spirit]; because her principle was in [the spirit] itself, no longer the thing that was lacking. To the secular, to the present its honor is given; which is an in itself existing reconciliation of self-consciousness with the present. From this honor the efforts of science go forth.[926]

[926] Der Mensch hat Amerika entdeckt, seine Schätze und Völker, - die Natur, sich selbst; die Schiffahrt war die höhere Romantik des Handels. Die vorhandene Welt war wieder vorhanden als des Interesses des Geistes würdig; der denkende Geist vermochte wieder etwas. Und dann mußte die Reformation Luthers eintreten, - Berufung auf den *sensus communis* statt Kirchenväter und Aristoteles, nicht auf Autorität; sondern es ist innerer eigener Geist, der beseelende, beseeligende gegen die Werke. So verlor die Kirche ihre Macht gegen ihn; denn ihr Prinzip war in ihm selbst, nicht mehr das Mangelhafte. Dem Endlichen, Gegenwärtigen ist seine Ehre gegeben; das ist an sich seiende Versöhnung des Selbstbewußtseins mit der Gegenwart. Von dieser Ehre gehen die Bestrebungen der Wissenschaft aus. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:62-63.

While Hegel then traced the beginnings of science to this form of lived subjective freedom expressed in the Reformation, the Luther project has not—as in Luther—the concern of receiving salvation from without, but rather the capability to express one's self as "objective spirit." The turn to the world is allowed by a process of individuation that frees the individual from the most extreme burdens of subjectivity.[927]

The object of this philosophy, of the *logos* or word, Hegel writes at the beginning of the *Encyclopedia Logic*, is to address a problem of alienation, a psychic difficulty:

> In that it is only in form that philosophy is distinguished from other ways of becoming conscious of this one and the same material, it must necessarily be in harmony with reality and experience. And this harmony may be viewed as a somewhat external touchstone for testing the truth of philosophy, just as it is viewed to be the highest and final aim of philosophic science to bring about, through the ascertainment of this harmony, a reconciliation [*Versöhnung*] of the self-conscious reason with the reason which *is* in the world—in other words, with reality.[928]

The ability of philosophy to solve this problem of alienation is testable, and consequently one can—"empirically"--know philosophy when this effect is reached.

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[927] Bornkamm comments, "So wenig man leugnen darf, daβ Hegel hier mit seltener Schärfe ein wirkliches theologisches Grundprinzip der Reformation gesehen und und formuliert hat, so wenig man doch die idealistische Interpretation dieses Interpretation überhören" Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). p. 34.

[928] Indem die Philosophie von anderem Bewußtwerden dieses einen und desselben Gehalts nur nach der Form unterschieden ist, so ist ihre Übereinstimmung mit der Wirklichkeit und Erfahrung notwendig. Ja, diese Übereinstimmung kann für einen wenigstens äußeren Prüfstein der Wahrheit einer Philosophie angesehen werden, so wie es für den höchsten Endzweck der Wissenschaft anzusehen ist, durch die Erkenntnis dieser Übereinstimmung die Versöhnung der selbstbewußten Vernunft mit der *seienden* Vernunft, mit der Wirklichkeit hervorzubringen. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 8:46.

Law

We can see Luther's translation—his inspirited reading—of the Old Testament in terms of the New as being the same move that Hegel makes in his *Realphilosophie*. Once the thinker has been confirmed in the correct spirit, once he has attained his maturity or *Mündigkeit* in the logic of modernity, Hegel would have us retranslate nature and human institutions according to that Word. Hegel "continually reoriented himself in the most disparate points of concern in his thought toward the Reformation and found confirmation in it."[929] There were many "reformations"[930] and the one that Hegel refers to here happened in Wittenberg.

Matter and Spirit

Hegel took the doctrine of transubstantiation to be emblematic of this sea change. In the conception of the Catholic Church, in which as agent of the Church the priest enables a physical change of wine into blood and bread into flesh, in the reformed mind this miracle is not a physical one but rather serves to show the connection between the believer and God. For the Protestant,

> the event is only true in the spirit of the subject. In that there is no transubstantiation—or to be sure a transubstantiation, but one such that the external becomes *aufgehoben*, the presence of Gott is epitomized as a spiritual one, so that the subject's belief is involved in it.[931]

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[929] "nimmt von den verschiedensten Knotenpunkten seines Denkens immer wieder auf die Reformation Bezug und holt sich von ihr Bestätigung" Heinrich Bornkamm, *Luther Im Spiegel Der Deutschen Geistesgeschichte* (Gèottingen,, 1970). p. 33.

[930] See Diarmaid MacCulloch, *The Reformation*, 1st American ed. (New York, 2004). pp. xviii-xx.

[931] der Vorgang ist allein im Geiste des Subjekts wahrhaft. Da ist keine Transsubstantiation - allerdings eine Transsubstantiation, aber eine solche, wodurch das Äußerliche aufgehoben wird, die Gegenwart Gottes schlechthin eine geistige ist, so daß der Glaube des Subjekts dazugehört. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 17:329.

The intimate involvement of the modern subject in this wholly spiritual traffic with the spiritual leads to the desire to transform the world in a certain way, or to preserve the metaphor—to translate it.

The first aspect of this translation is personal. Whereas for the medieval Church, the transubstantiation doctrine points out that spirit is external to each human being, in the Protestant faith, the new subjective element makes the doctrines of the church the believer's own--"zu eigen."[932] Protestant Christianity is "revolutionary" in that it is democratic in the widest possible sense: "This subjectivity is that of *all human beings*. Each has to complete for himself the task of reconciliation."[933] This task of reconciliation is transformative, indeed it is transfigurative:[934]

> For Lutherans[935] the truth is not a constructed substance, but rather the subject himself is to become something true, in that he gives up his particular content opposed to the substantial truth and makes this truth its own. Thus the subjective spirit is made free in the truth, negates its particularity, and comes to itself in its truth. Thus Christian freedom is made real.[936]

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[932] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 12:234.

[933] "diese Subjektivität ist die *aller Menschen.* Jeder hat an sich selbst das Werk der Versöhnung zu vollbringen" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 12:496. See also § 125 of *PR* (Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:236.

[934] Luther equates the Reformation to the "verklärende *Sonne*" "transfiguring *sun*" as against the dawn at the end of the Middle Ages Martin Luther, *Works*, ed. Jaroslav Jan Pelikan and Helmut T. Lehmann, American ed., 55 vols. (Saint Louis,, 1958). 12:491.

[935] Hegel's confession to Tholuck causes one to read this passage with the possibility that what is said pertains to the philosopher himself.

[936] Die Wahrheit ist den Lutheranern nicht ein gemachter Gegenstand, sondern das Subjekt selbst soll ein wahrhaftes werden, indem es seinen partikulären Inhalt gegen die substantielle Wahrheit aufgibt

Once this personal transfiguration is made real, this fundamental change is to be carried into all things in the world. Hegel uses the metaphor of a revolutionary banner for this project. This is a banner under which peoples organize themselves, "the banner of the *free spirit*," and the "essential content" of the Reformation is for Hegel that "human beings are destined in themselves to be free."[937] He remarks that, "Dies ist die Fahne, unter der wir dienen und die wir tragen" "This is the banner under which we serve and which we carry." He continues:

> The time from then [the Reformation] until us had and has no other work to do but to build this principle into the world, in which reconciliation itself and truth also become objective, after the form. To education in general the form belongs; education is activity of the form of the universal and that is all thinking in general. Law, property, ethical life, governance, constitution etc. must now be determined,[938] so that they are rational and according to the notion of free will. Only thus can the spirit of truth appear in the subjective will, in the special activity of the will; in that the intensity of the subjective free spirit binds itself to the form of universality, the objective spirit can appear. In this sense one must grasp that the state is founded on religion. States and laws are nothing other than the appearing of religion on the relationships of reality.[939]

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und sich diese Wahrheit zu eigen macht. So wird der subjektive Geist in der Wahrheit frei, negiert seine Partikularität und kommt zu sich selbst in seiner Wahrheit. So ist die christliche Freiheit wirklich geworden. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 12:496.

[937] "die Fahne des *freien Geistes*" and "der Mensch ist durch sich selbst bestimmt, frei zu sein" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 12:496, 497. Pinkard remarks on the double sense in which Hegel plays on the verb "bestimmen" and its substantive form "Bestimmung," meaning both to destine and to determine Terry P. Pinkard, *German Philosophy 1760-1860 : The Legacy of Idealism* (New York, 2002). p. 280. I would add also the play on the central Lutheran metaphor of the voice, "die Stimme."

[938] Here the sense of "bestimmen" as spoken word becomes extremely important: for what Hegel is evoking is the translation of the "Law" into the "Word."

[939] Die Zeit von da bis zu uns hat kein anderes Werk zu tun gehabt und zu tun, als dieses Prinzip in die Welt hineinzubilden, indem die Versöhnung an sich und die Wahrheit auch objektiv wird, der Form nach. Der Bildung überhaupt gehört die Form an; Bildung ist Betätigung der Form des Allgemeinen, und das ist das Denken überhaupt. Recht, Eigentum, Sittlichkeit, Regierung, Verfassung usw. müssen nun auf allgemeine Weise bestimmt werden, damit sie dem Begriffe des freien Willens gemäß und

The relationship of religion to the state will be explored more fully below, but this call to activity on the part of educated citizens—citizens educated by Hegel and in the German educational system in general—shows the extent to which there is a responsibility to the world. Neither Luther nor Hegel preached resignation or absolute obedience to the state. Rather they both argued (for different reasons to be sure) for a type of citizen, and a type of active engagement in the constitution of reality.

The metaphor of translation, of engaging the world in spirit, must be seen as a reference to Luther. It is, again, not so much an acknowledgement of the religious importance of the Bible translation but rather one of the exemplary significance of the cultural achievement. Making the Bible, which is open to interpretation by all, the center of the Christian religion is of the highest significance[940] because it baptizes the truth in the judgement of every human being. The authority of the Church to certify truth is thereby removed. But in order for this interpretive possibility to be opened up, the central text of the new religion had to be rendered in German. For Hegel, speech is of decisive importance—and this is partially letting the German language speak it own truths. The political maturity of which Kant wrote in his *Aufklärung* essay is *Mündigkeit*, literally the ability to speak for one's self; for Hegel "a child becomes

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vernünftig seien. So nur kann der Geist der Wahrheit im subjektiven Willen, in der besonderen Tätigkeit des Willens erscheinen; indem die Intensität des subjektiven freien Geistes sich zur Form der Allgemeinheit entschließt, kann der objektive Geist erscheinen. In diesem Sinne muß man es fassen, daß der Staat auf Religion gegründet sei. Staaten und Gesetze sind nichts anderes als das Erscheinende der Religion an den Verhältnissen der Wirklichkeit. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 12:496-497.

[940] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 12:497.

'minded' only by learning a language."[941] Similarly, the exercise of that ability—the vote in contemporary democracies—is "*stimmen*," to voice.

> It is in speech that human beings are productive: it is the first expression which human beings give themselves through speech; it is the first, simplest form of production, of existence, to which they come into consciousness; what human beings imagine they imagine also internally as spoken. This first form is a broken, strange one if human beings are to express themselves or feel in foreign language what touches their highest interest. This break with the first appearance in consciousness is in this way *aufgehoben*; to be here with themselves in their property, to speak, to think in their language belongs just so to the form of liberation. This is of unceasing importance. Luther would not have completed his Reformation, without translating the Bible into German; and not without this form, to think in one's own language, could subjective freedom have persisted.[942]

With regard to his philosophy of nature and philosophy of human nature, Hegel's is rightly conceived as a translation of the dead law into the living word. It is with this in mind that I approach the *Philosophy of Right.*

The Philosophy of **Recht**

If Hegel's political philosophy is read as a normative theory of the state it is misappropriated. His *Philosophy of Right* is rather a philosophical reconstruction of

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[941] Terry P. Pinkard, *German Philosophy 1760-1860 : The Legacy of Idealism* (New York, 2002). p. 281.

[942] In der Sprache ist der Mensch produzierend: es ist die erste Äußerlichkeit, die der Mensch sich gibt durch die Sprache; es ist die erste, einfachste Form der Produktion, des Daseins, zu der er kommt im Bewußtsein; was der Mensch sich vorstellt, stellt er sich auch innerlich vor als gesprochen. Diese erste Form ist ein Gebrochenes, Fremdartiges, wenn der Mensch in einer fremden Sprache sich ausdrücken oder empfinden soll, was sein höchstes Interesse berührt. Dieser Bruch mit dem ersten Heraustreten in das Bewußtsein ist so aufgehoben; hier bei sich selbst in seinem Eigentum zu sein, in seiner Sprache zu sprechen, zu denken, gehört ebenso zur Form der Befreiung. Dies ist von unendlicher Wichtigkeit. Luther hätte nicht seine Reformation vollendet, ohne die Bibel ins Deutsche zu übersetzen; und nicht ohne diese Form, in eigener Sprache zu denken, hätte die subjektive Freiheit bestehen können. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:52-53. MacColloch argues that the Reformation in Western Europe is owed to "this experience of listening to a new voice in the New Testament text" Diarmaid MacCulloch, *The Reformation*, 1st American ed. (New York, 2004). p. 80.

the political thought and attendant practice of his time. What he produces is not a normative alternative to liberalism, but a scientific analysis of the constitution of politics. Further, this constitution of politics is not a-historical (unlike the claims of liberalism or of Kant), but a way of understanding politics that needs historical updating. If the *Philosophy of Right* succeeds on its own terms, it is not as a claim about the superiority of a certain type of state. This is a comprehensive reconstruction including the logic of its institutions, persons, and normative political theories such that the reader must *recognize* the state. Thus, Hegel is both observing and inaugurating the coincidence of politics and science. The constitution of politics in this scientific mode is Hegel's unique contribution and not the normative elements that can be extracted from his work. There are many "normative" theories of the state, and his place is not alongside them: what is fundamentally different with Hegel is rather a scientific system of the categories of modern politics. In applying his logical system to the substantive content of contemporary political philosophy, he describes the conceptual landscape within which politics takes place, which, he argues, raises political philosophy to the level of scientific knowledge. This method of constituting political theory as science, as a scientific ontology, allows an articulation of the shape, content, and tensions within modern theoretical discourse on politics.

Still the overriding tendency has been to read Hegel as normative political theory. For example, Yack has asked what the particular reconstruction of monarchy in *PR* means for current political arrangements.[943] A central mode of interpretation

[943] Bernard Yack, "The Rationality of Hegel's Concept of Monarchy," *American Political Science Review* 74 (1980).

investigates the comparative validity of Hegel's sociology vis-à-vis normative liberalisms.[944] Communitarians have misappropriated his historicism to combat the Kantian constructivism of John Rawls' "unencumbered self."[945] Taylor has argued that Hegel correctly identifies the unsolvable disparity between absolute freedom and linguistic community.[946] In a recent contribution, Kaufman argues that "liberal identification with norms and principles of justice" are a possible form of "weak identification" compatible with Hegel's ontology.[947]

But the *Philosophy of Right* is explicitly *not* an exercise in political philosophy in the traditional sense. It is neither an attack on nor a defense of a type of regime. It is an attempt to account for all of the content of Western political theory circa 1820 in a systematic and scientific form. It is abstract in the sense that it is both a rational reconstruction of the state and a meta-philosophical commentary. This categorial exploration of *Recht* that ends in the state seems possible as a project: it would describe the philosophical "moments" which lead from the concept of right as a rational principle external and above familial, *bürgerlich*, and political (in the Greek

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[944] Peter G. Stillman, "Hegel's Critique of Liberal Theories of Rights," *American Political Science Review* 68 (1974).; Michael A. Mosher, "The Particulars of a Universal Politics: Hegel's Adaptation of Montesquieu's Typology," *American Political Science Review* 78 (1984).; Steven B. Smith, "Hegel's Critique of Liberalism," *American Political Science Review* 80 (1986).; Steven B. Smith, "What Is 'Right' in Hegel's Philosophy of Right?," *American Political Science Review* 83 (1989).

[945] Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982).; Michael Walzer, *Spheres of Justice : A Defense of Pluralism and Equality* (New York, 1983).; Alasdair C. MacIntyre, *After Virtue : A Study in Moral Theory* (Notre Dame, Ind., 1981).

[946] Charles Taylor, *Hegel and Modern Society*, Modern European Philosophy. (Cambridge [Eng.] ; New York, 1978). pp. 166-167. Also Z. A. Pelczynski, *The State and Civil Society : Studies in Hegel's Political Philosophy* (Cambridge [Cambridgeshire] ; New York, 1984).

[947] Alexander Kaufmann, "Hegel and the Ontological Critique of Liberalism," *American Political Science Review* 91 (1997): p. 807.

sense) life, culminating in the notion of the state. This is clearly taking place in *PR*. One can see the moments of abstract right, property, contract, *Unrecht*, and the stages of morality pulled out of context by the dialectical and categorial examination—like telescoping folds, as if from the flat surface of ethical life (*Sittlichkeit*) into a cone. Hegel's analysis bares the simultaneity of the coexistent, rationally reconstructed moments leading up to ethical life . The core of the work is not historical, not phenomenological, but rather gives a simultaneous account of how the categories of modern society fit together; this is logic's re-inscription of concrete conditions. The reconciliation of subjectivity and social life are both logically satisfying as system and persuasive as a corrective to much of political philosophy. That a categorial account is intended, at least as the main thrust, seems beyond doubt. The preface and introductory sections indicate this clearly.

Because Hegel was consciously striving to produce "scientific" account of political philosophy, which means that normative elements (individualism, social situatedness) are to be *described* rather than to be *ascribed to*. Hegel concluded the Preface to the *Philosophy of Right* with the following: "A further word on the subject of *issuing instructions* on how the world ought to be: philosophy, at any rate, comes to late to perform this function."[948] He explained that to be a scientific account, work on the *concept of the state* had to distance itself from normative accounts. His work, he argued,

[948] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 23.

> …insofar as it deals with political science, shall be nothing other than an attempt to comprehend and portray the state as an inherently rational entity. As a philosophical composition, it must distance itself as far as possible from the obligation to construct a *state as it ought to be*; such instruction as it may contain cannot be aimed at instructing the state on how it ought to be, but rather at showing how the state, as the ethical universe, should be recognized.[949]

Instead of the ostensible "elegiac re-membering" of antiquity and unrequited longing for its form of community in Hegel's *Phenomenology*,[950] the *Philosophy of Right* is a re-membering of modernity that assuages such pathetic longing if it does its job. Indeed, this might well take the form of overwhelming love.

In his "project of reconciliation,"[951] Hegel set out to find a philosophical way through the anomie and antipathy shown to by many leading intellectuals to the developments of modernity in general, and, in specific, the concerns expressed in 18th and early 19th century counter-enlightenment thought. While Rousseau had tremendous impact on German intellectual life, it was the excesses of the French Revolution that disturbed the balance of "head" and "heart" that had characterized the thought of such figures as G.E. Lessing, C.M Wieland, and Moses Mendelssohn. The generation of *Stürm und Drang*, influenced by Herder's historicism and Hamman's rejection of enlightenment reason in favor of revelation—*not* Kant's transcendental philosophy—was arguably the dominant intellectual movement of the end of the 18th

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[949] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 21.

[950] Judith N. Shklar, *Freedom and Independence : A Study of the Political Ideas of Hegel's Phenomenology of Mind*, 1st ed. (Cambridge [Eng.] ; New York, 1976). p. 97.

[951] Following Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994).

century.[952] Schiller, writing in this contested environment, relied on Fichte's radical idealism in demanding a moral rebirth in preparation for German statehood. Schiller argued that Kant's moral philosophy posited a moral man who was not yet in evidence and the present political situation, which "compulsion organized… according to purely natural laws," (Schiller 1967: 11) had to be resolved with an aesthetic solution:

> That I resist this seductive temptation, and put beauty before freedom can, I believe, not only be excused on the score of personal inclination, but also justified on principle...if man is ever to solve that problem of politics in practice he will have to approach it through the problem of the aesthetic, because it is only through beauty that man makes his way to freedom.[953]

Though modified by a more strident rejection of Kantian reason, this aesthetic solution and pursuit of wholeness animated German Romanticism. Indeed, "The Oldest Systematic Program of German Idealism"—a manuscript in young Hegel's hand, though its author is disputed—called for the "enlightened and unenlightened to shake hands: mythology must become philosophical to make people rational and philosophy must become mythological to make philosophers sensuous."[954] It was characteristic of Romanticism to look back both to the Middle Ages and to antiquity[955] as epochs of ideal community in contrast to the a modernity churned by

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[952] John H. Zammito, *The Genesis of Kant's Critique of Judgment* (Chicago, 1992). esp. pp. 137-139.

[953] Friedrich Schiller and Elizabeth M. Wilkinson, *On the Aesthetic Education of Man, in a Series of Letters* (Oxford,, 1967). p. 9.

[954] In Frederick C. Beiser, *The Early Political Writings of the German Romantics*, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1996). p. 5. Schelling and Hölderlin are the other candidates.

[955] Cf. Novalis, *Christianity or Europe: A Fragment*; Friedrich Schlegel, *The Concept of Republicanism*. Both in Frederick C. Beiser, *The Early Political Writings of the German Romantics*, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1996).

material and epistemological disruptions. Hegel's political project was to construct a philosophical reconciliation (*Versöhnung*) of all of these tendencies: enlightenment reason, historicism, aestheticism, and revelation.

Though Hegel's vision is historicized, he argues that reason has a privileged position in any scientific account of the world: it is reason which imparts this scientific character and sets science apart from other modes of thought. Communitarians are thus guilty of misappropriating Hegel--they would do better to cite Herder—when they argue against liberalism. There is no sanction for normative political prescriptions in the *Philosophy of Right*, it is rather a warning against category mistakes and a framework for *explaining* normative political theories. Hegel's apparent historicism is often striking, but it alone does not convey a sense of what is new and unique to his thought on politics. Hegel's is a theory capable of uniting and explaining presumed heterogeneity in a thoroughly homogeneous age; the link to the historical mission of the Germans, of the spreading of "German" freedom, is contained in this philosophical moment.

Science and History

This approach reads the history of ideas (the history of *Geist*) as a development culminating in the contemporary philosophical worldview. It is teleological not in the sense that it ascribes only the determinism of what actually has occurred, but only in the sense that it brooks no counterfactuals. Hegel acts like Friedrich Schlegel's historian, a backward-facing prophet.[956] Unlike Whig history, there is no necessity

[956] In Frederick C. Beiser, *The Early Political Writings of the German Romantics*, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1996). p. 116.

other than the contemporary circumstances one is presented with, and no goal is posited for history until after the fact. This reading takes seriously the owl's flight plan in the *Philosophy of Right*'s preface in that the content of the categories can only be known after their concrete occurrence. In this context, all argument about the difference between *Wissenschaft* and science becomes at least in one sense less problematic: Hegel subjects his system to the strictest rigors of "scientific" proof, as political philosophy is translated into a new language of certainty supported by a cultural project fortified by particular educational institutions. Philosophy is a second-order discourse that involves "not thinking about reality but thinking about what it is to think about reality."[957] The categories of thought (including reason itself) are not taken to be, as in Kant, given by virtue of human nature, but rather the result of a historical process. In Hegel's view, this self-conscious mediation composes scientific reality: it tells us which information is privileged as scientific and, more importantly, it tells us why this information is "scientific." When he states that "What is rational is *really* real; what is *really* real is rational,"[958] Hegel is arguing that the social

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[957] Steven Bungay, "The Hegelian Project," in *Hegel Reconsidered : Beyond Metaphysics and the Authoritian State*, ed. H. Tristram Engelhardt and Terry P. Pinkard (Dordrecht ; Boston, 1994), p. 23.

[958] "Was vernünftig ist, das ist wirklich;
und was wirklich ist, das ist vernünftig."
Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:20. *Wirklich* enters the German language as a religious term coined in mysticism, referring to something that has come to pass through action (through works). By the 18th century it means "real" in opposition to effective, "wirksam" Friedrich Kluge and Elmar Seebold, *Etymologisches Wörterbuch Der Deutschen Sprache*, 23. Aufl. / ed. (Berlin, 1999). pp. 893-894. Hegel returned to his usage of the word *Wirklichkeit* in the *El* and in the Zusatz to § 270 of *PR*, Hegel said,
Der Staat ist wirklich, und seine Wirklichkeit besteht darin, daß das Interesse des Ganzen sich in die besonderen Zwecke realisiert. Wirklichkeit ist immer Einheit der Allgemeinheit und Besonderheit, das Auseinandergelegtsein der Allgemeinheit in die Besonderheit, die als eine selbständige erscheint, obgleich sie nur im Ganzen getragen und gehalten wird. Insofern diese Einheit nicht vorhanden ist, ist

construction of science is not at all problematic in the way that sophists and postmodern thinkers would have it: this "second nature"[959] is experienced by us as no less bedrock than the philosophical situation in which metaphysics would somehow be grounded in an otherworldly "reality." It also follows that this view is not somehow universally privileged, "each individual is a child of his time; thus philosophy, too, is its own time comprehended in thoughts."[960]

This way of reconstructing the narrative of political science differs in marked ways both from approaches that see universal or constant processes at work and also from postmodern approaches. For Lovejoy, the task for the historian of ideas was to

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etwas nicht *wirklich*, wenn auch *Existenz* angenommen werden dürfte. Ein schlechter Staat ist ein solcher, der bloß existiert; ein kranker Körper existiert auch, aber er hat keine wahrhafte Realität. Eine Hand, die abgehauen ist, sieht auch noch aus wie eine Hand und existiert, doch ohne wirklich zu sein; die wahrhafte Wirklichkeit ist Notwendigkeit: was wirklich ist, ist in sich notwendig Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:428-429.
The state is real, and its reality consists in that the interests of the whole realize themselves in the particular ends. Reality is always unity of universality and particularity, the separate determination of universality in a particularity which appears as independent, although it is only maintained and contained in the whole. Insofar as this unity is not present, something is not *real*, even if *existence* may be conceded. A bad state is one that merely exists; a sick body also exists, but it has no true reality. A hand that is chopped off still looks like a hand and exists, but without being real; the true reality is necessity: what is real is in itself necessary.
This indicates that what Hegel is referring to in the Preface to PR is "wahrhafte Wirklichkeit""true reality" or what I am translating as "really real," i.e. real by virtue of rational necessity.

[959] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 4.

[960] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 21. Professor Anthony J. La Vopa, who recently authored *Fichte: The Self and the Calling of Philosophy, 1762-1799* (2001), chided me for a non-contextual reading of Hegel. It later occurred to me that our conversation reproduced the tension between Fichte and Hegel. Hegel would deny that the ego was free enough that any historian could have direct access to a past time or culture. In my view, Hegel radicalizes contextualism such that a history of the latter 18th century that is written in the 1990s, will be more conditioned by the 1990s than the 1790s. This is not to say that history is impossible but rather to point out that "objectivity" is a *perspective* in history.

pursue fixed "unit-ideas" through as much of human history as possible.[961] This way of reading history projects the importance of contemporary "unit-ideas" back into the past such that no seemingly important detail later goes wasted. But Hegel can *explain* this move as both inevitable and beneficial: every thinker is historically situated, such that it must appear that *his* unit-ideas transcend time and place as he retranslates current conditions in terms of them. Hegel's project has to do with this move in a self-conscious mode: he translates modernity into logic. But this is always a reciprocal process and, as he wrote to Johann Heinrich Voss, the renowned German translator of Homer, his aim is to "try to teach philosophy to speak German."[962] By arguing that the world is "socially constructed," or historical, it *does not necessarily follow* according to Hegel that we are placed in situation of unlimited, arbitrary subjectivity. All is *not* permitted. Instead, the task becomes one of retranslation of the historically given (the "Law") in terms of the logic (the "Word"). Straussians have as little to fear from this historicism[963] as postmoderns have to celebrate or bemoan.

For Hegel science is, so-to-say, "socially constructed." But the conclusion that such authors often draw is that this realization somehow frees us from history—or

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[961] Arthur O. Lovejoy, *The Great Chain of Being; a Study of the History of an Idea* (Cambridge, Mass.,, 1936). p. 15.

[962] In this letter, Hegel praises Voss by comparing his translation of Homer to Luther's translation of the Bible. Georg Wilhelm Friedrich Hegel, *Briefe Von Und an Hegel*, ed. Johannes Hoffmeister and Friedhelm Nicolin, (3., durchges. Aufl.) ed. (Hamburg,, 1969). I, #55.

[963] See Leo Strauss, *Natural Right and History*, Charles R. Walgreen Foundation Lectures. (Chicago,, 1953). p. 29. for what to my mind can only be a tendentious misreading of Hegel. Also Michael Allen Gillespie, *Hegel, Heidegger, and the Ground of History* (Chicago, 1984). pp. 18-19.

traps us in a death-grip.[964] Such a position is philosophically inappropriate (or at the least unjustified) in its use of Enlightenment notions of individual autonomy after the position has conceded the radically contingent historical character of human experience—if reason is impotent in the face of power, then knowing that one is bound does not imply escape. As Lessing wrote in *Nathan der Weise*,

> The superstition, in which we grow up
> Does not lose its power over us
> Even when we recognize it.
> Not all who ridicule their chains are free.[965]

Indeed, it is merely a representation in the mode of philosophy in a perverse way, it is philosophy as self-torture. Bruno Latour has argued about the status usually accorded to scientific knowledge:

> …I have shown that this vision of the sciences and of society is a myth, our myth, the only one to which we who think ourselves so clever subscribe in simple faith. The sciences have no more content than the social groups.[966]

However, Hegel would have the statement reformulated thus: science is the form in which *all* content is reliably imparted for the objects of study of both the natural and social sciences. Indeed, the argument is that it is impossible to reject this "simple faith": to become an atheist would require adopting a new faith in which the subject is

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[964] Pauline Marie Rosenau, *Post-Modernism and the Social Sciences : Insights, Inroads, and Intrusions* (Princeton, N.J., 1992). pp. 138-166.; Karsten Harries, *Infinity and Perspective* (Cambridge, Mass., 2001). pp. 3-5

[965] Gotthold Ephraim Lessing, *Werke Und Briefe in Zwölf Bänden*, ed. Wilfried Barner, 1. Aufl. ed. (Frankfurt am Main, 1985). IV, 4. 377-80.

[966] Bruno Latour, *The Pasteurization of France* (Cambridge, Mass., 1988). p. 146.

not socially situated, and for Hegel, embracing that abyss logically requires an insupportable silence on the part of the skeptical consciousness, which

> affirms the nullity of seeing, hearing, etc., yet it is itself seeing, hearing, etc. It affirms the nullity of ethical principles, and lets its conduct be governed by these very principles. Its deeds and its words always belie one another and equally it has itself the doubly contradictory consciousness of unchangeableness and sameness, and of utter contingency and non-identity with itself.[967]

This rejection of any "uprooted" postmodern praxis (save silence) points us back to the logic, where Hegel gives a detailed explanation of the context of such epistemological battles in political philosophy and their place in his political science. A myth can be true only in a metaphorical sense. Indeed, we are surprised when myths sometimes are borne out by the literal truth. The certainty that Hegel accords to science does not present itself as myth, but rather as the locus in which truth itself is established. To compare the truth value of "science" with that of the "social groups" is to re-inscribe a binary that Hegel sought to overcome. In other words, esoteric and exoteric presentations do not exhaust the possibilities. Still another way: the conduct of the social groups and the language they use to talk about what they do are meaningfully connected.[968]

"Scientific" Political Philosophy?

At this point it might be wise to take up the difficult problem of what Hegel means by the word "*Wissenschaft*" as compared to what we mean by "science." This

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[967] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). § 205.

[968] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:483.

threatens to involve us in a double anachronism. First: are we to compare the contemporary meaning of "science" with Hegel's early-19th century *Wissenschaft*? This would involve sorting through the fact that *Wissenschaft* embraced (and still embraces) a wider field of topics than does "science."[969] Second, it would involve our retrospectively withdrawing certainty or privileged status from past practices. This is the problem of sorting through theories and practices once thought (or argued to be) highly scientific but now denigrated as pseudo-science or nonsense—Romantic *Naturphilosophie* comes to mind as a prime example of this second problematic. Schelling argued in 1803 that the function of the university was the pursuit of truth "in the sense of all-embracing knowledge or Wissenschaft—a much broader concept than 'science' in English."[970] This appeal to the universal education of the individual is clearly beyond the scope of "science." *Wissenschaft* as "and ideal of exact knowledge firmly based upon evidence whether in physics or history, which will altogether fit into a pattern"[971] seems to come nearer the mark.

There are two additional areas of conceptual difficulty. First is the contested character of "social science."[972] Second is the increasingly problematized idea of just

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[969] David M. Knight, "German Science in the Romantic Period," in *The Emergence of Science in Western Europe*, ed. Maurice P. Crosland (New York, 1976), p. 161.

[970] W.V. Farrar, "Science and the German University System, 1790-1850," in *The Emergence of Science in Western Europe*, ed. Maurice P. Crosland (New York, 1976), p. 183.

[971] David M. Knight, "German Science in the Romantic Period," in *The Emergence of Science in Western Europe*, ed. Maurice P. Crosland (New York, 1976), pp. 172-173.

[972] See Richard J. Bernstein, *The Restructuring of Social and Political Theory*, 1st ed. (New York, 1976).

how "scientific" any science is.[973] It is with regard to these two issues that Hegel's thought is most helpful. I will approach them in two ways. First, I will assess the extent to which Hegel attempted to reconstruct the "science" of his day—notwithstanding the difficulties mentioned above. Second, I will attempt with these tools to point to the way through the thicket of contemporary sociological critiques of "scientific-ness."

In what is perhaps the best treatment of Hegel's philosophy of nature, Petry[974] compares Hegel's reconstruction with the state of the art of early 19th century German natural science. He argues that not only does Hegel provide a more or less reliable account of the sciences, but that he was seeking to provide the same sort of systemic account I have argued exists in his political philosophy: his interest was in the structure and logic of established natural science.[975] If we could believe this, it would seem to go a long way to retrieve Hegel's often denigrated reputation as a philosopher of science. The fact that Hegel incorporated Romantic *Naturphilosophie* into his systemic account[976] no longer counts against him because that inclusion is necessary to a complete picture of the arena of contestation. His insistence that the philosophy of science must converge on the theoretical and empirical findings of the natural

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[973] Here I am referring to a vast literature in both the philosophy of science and in sociological "science studies". See S. Shapin, "History of Science and Its Sociological Reconstructions," *The History of Science* 20 (1982). for a now somewhat dated overview.

[974] In Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Nature*, ed. Michael John Petry (London, New York,, 1970).

[975] David M. Knight, "German Science in the Romantic Period," in *The Emergence of Science in Western Europe*, ed. Maurice P. Crosland (New York, 1976), pp. 169-170.

[976] Barry Gower, "Gravity, Polarity and Dialectical Method," in *Hegel and Newtonianism*, ed. Michael John Petry (Dordrecht ; Boston, 1993).

sciences (*Encyclopedia* § 246) leads Buchdahl to argue that "such an attitude approximates fairly closely to a view of scientific methodology which over the last quarter of a century has become very much of a commonplace" in the work of Kuhn and Lakatos and in the idea of a "hermeneutic circle."[977]

Indeed, in Hegel lies the starting point—and answer to--one contemporary critique of science: that natural science,

> is unable of its own accord to fully grasp its own presuppositions….not only [are] the empirical sciences one of the major presuppositions of philosophy, but also that philosophy is arguably the most important presupposition of the sciences.[978]

In addition, science's dream of explaining *everything* leads us back to Hegel's social and political thought. The inability of natural science to take care of what I call this "last endogeneity" directs our attention to that theoretical apparatus: science can not explain the scientist.[979]

Science and Ideology

I want to consider one instance of this double critique of science. Ironically this critique issues from Richard Rorty, a philosopher who considers himself "Hegelian,"[980] so this should serve to secure my argument about the misappropriation of Hegel's political thought. With regard to the scientific enterprise, Rorty wants to

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[977] Gerd Buchdahl, "Hegel on the Interaction between Science and Philosophy," in *Hegel and Newtonianism*, ed. Michael John Petry (Dordrecht ; Boston, 1993), p. 62.

[978] Renate Wahsner, "The Philosophical Background to Hegel's Criticism of Newton," in *Hegel and Newtonianism*, ed. Michael John Petry (Dordrecht ; Boston, 1993), p. 89.

[979] Priest, in *Hegel and Newtonianism*, ed. Michael John Petry (Dordrecht ; Boston, 1993), pp. 115, 123.

[980] Richard Rorty, *Objectivity, Relativism, and Truth* (Cambridge ; New York, 1991).

raise "the general question of whether *any* social practice has *philosophical* as well as empirical, presuppositions."[981] He concludes that philosophy does not inform scientific practice, that the theory can be jettisoned and the practice will remain.[982] Indeed, preserving the neoplatonic distinction between thought and practices is not only a philosophical mistake but also politically dangerous.[983] This position is clever because it is unexpected: a philosopher is advancing the radical sociological critique of philosophy's claim to *the* truth. Hegel's strategy against this *Romantic* position is to out-flank it. "Our" practice involves both form and content. The bifurcation of the human subject to which Rorty and the sociological critique object is given by history in addition to the concrete social practices of white lab-coated scientists. It does not matter from this perspective that scientists are, by and large, incapable of articulating either the scientific method or philosophical reasons for the privileging of scientific knowledge: both the unity of science and science's claim to certify certain knowledge as truth issue from this double social construction. In other words, "*Sittlichkeit*, therefore, requires and reproduces the discourse of abstraction."[984] In the realm of natural science, therefore "…it is therefore the liberation of what belongs to spirit within nature, for spirit is in nature in so far as it relates itself not to another, but to

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[981] Richard Rorty, "Does Academic Freedom Have Philosophical Presuppositions," in *The Future of Academic Freedom*, ed. Louis Menand (Chicago, 1996), p. 22.

[982] Richard Rorty, "Does Academic Freedom Have Philosophical Presuppositions," in *The Future of Academic Freedom*, ed. Louis Menand (Chicago, 1996), p. 32.; Richard Rorty, "Science as Solidarity," in *The Rhetoric of the Human Sciences : Language and Argument in Scholarship and Public Affairs*, ed. John S. Nelson, Allan Megill, and Deirdre N. McCloskey (Madison, 1987), p. 44.

[983] Richard Rorty, "Does Academic Freedom Have Philosophical Presuppositions," in *The Future of Academic Freedom*, ed. Louis Menand (Chicago, 1996), p. 34-38.

itself."[985] The same is the case in the social sciences in which Hegel's idealism "demands that philosophical thought should be recognized as more than a purely analytic exercise, which remains distinct from, and irrelevant to, the constitution of community."[986]

Rorty wants to draw communitarian political consequences from his critique of the neo-platonic philosophy of science—having reinscribed practice over reflection, he wants to complete the deconstruction and dissolve reflection into an ethics of action.[987] He argues first, that "The end of human activity is not rest, but rather richer and better human activity."[988] Now this position calls to mind the ethics of self-perfection called for in German Classicism (W. von Humboldt, Schiller) and Romanticism (Schelling). Consistent with this gesture, Rorty also advocates for scientific practice "no need for a foundation more solid than reciprocal loyalty."[989] Even without disagreeing with Rorty, we can see the point at which (social) science and the state are cojoined: all science is in a sense *political* science. But the Hegelian,

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[984] Ross Abbinnett, *Truth and Social Science : From Hegel to Deconstruction* (London ; Thousand Oaks, Calif., 1998). p. 7.

[985] "So ist das Naturstudium die Befreiung seiner in ihr; denn er wird darin, insofern er nicht auf ein Anderes sich bezieht, sondern auf sich selbst."Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:23.

[986] Ross Abbinnett, *Truth and Social Science : From Hegel to Deconstruction* (London ; Thousand Oaks, Calif., 1998). p. 3.

[987] This sort of Pelagian and existential move is inconsistent with the insistence on justification by faith alone.

[988] Richard Rorty, "Science as Solidarity," in *The Rhetoric of the Human Sciences : Language and Argument in Scholarship and Public Affairs*, ed. John S. Nelson, Allan Megill, and Deirdre N. McCloskey (Madison, 1987), p. 45.

scientific, critique of Rorty's one-sided, sociological argument is contained in his *Aufhebung* of thought and action.

The fact that the debate over "scienticity" of science as a concrete project happens only in the social sciences does not show that "science"—the idea—does not exist. Rather it points only to the fact that the notion of science is contested. Science is one way of knowing among many conceivable ways, among many ways that have existed over time and across cultures. Pointing to a lack of unity in the application of scientific method vis a vis actual scientific practices[990] does not *solve* a problem, rather it forces us to face the problem of the constitution of science in its most political form.

If the social sciences can be seen as the conscience of the natural sciences, we can see the Hegelian point that the scientific project and the shifting edifice of knowledge that accompanies it is constituted around a certain political aim, in a certain social situation. This gets us beyond either alienation or resignation (even of the joyful sort). In his early essay on *Der Geist des Christentums* (*The Spirit of Christianity*), Hegel concludes by noticing that the dichotomy between the eternal and the world is essential to Christianity. There are various attempts to solve the dichotomy. One is that of the "fanatics" who want to acknowledge only the reality of the spiritual. On the opposite side are the religions that embrace the actual. First of

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[989] Richard Rorty, "Science as Solidarity," in *The Rhetoric of the Human Sciences : Language and Argument in Scholarship and Public Affairs*, ed. John S. Nelson, Allan Megill, and Deirdre N. McCloskey (Madison, 1987), p. 52.

[990] See Nancy Cartwright, *The Dappled World : A Study of the Boundaries of Science* (Cambridge ; New York, 1999).

these is the Pelagian viewpoint which Luther attributed to the Roman Catholic Church, in which justification is "bought," bringing a feeling of usefulness and triviality. The other are two Protestant devotional attitudes—either God is conceived of as hating life as a crime and something shameful or as an entity who present a reality which is simply to be accepted by the believer. It is between these extremes that the

> Christian church went forward and backward around the circle, but it is against its essential character to find peace in impersonal living beauty; and it is its fate that church and state, worship and life, piety and virtue, spiritual and worldly action can never be smelted together into one.[991]

His project is to take account of these various perspectives as possibilities on a circle that Christian sects comprise and to fashion an active project of reconciliation by means of philosophy.

Verstand and Social Categories

In the preface and introductory sections of *PR*, Hegel makes clear his distaste for the understanding, barely pausing to acknowledge its role in the creation of institutions in the course of history.[992] Hegel writes,

> the defect of the understanding is that it treats a one-sided determination as unique and elevates it to supreme status. This form of freedom occurs frequently in history…This form appears more concretely in the active fanaticism of both political and religious life.[993]

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[991] christliche Kirche vor- und rückwärts den Kreis durchlaufen, aber es ist gegen ihren wesentlichen Charakter, in einer unpersönlichen lebendigen Schönheit Ruhe zu finden; und es ist ihr Schicksal, daß Kirche und Staat, Gottesdienst und Leben, Frömmigkeit und Tugend, geistliches und weltliches Tun nie in Eins zusammenschmelzen können. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 1:418.

[992] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 13.

[993] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 5 Zusatz.

Less dramatically but perhaps more importantly, the understanding challenges the institutions, customs, and norms that give social life meaning. The historical conflict is but an impact of the philosophical mistake. This is reason in the service of abstract singularity or abstract universality. It penetrates and wears away custom, but it is unable to construct new meaning free from the danger of self-refutation. In this view, empiricism merely constructs straw men[994] vulnerable to a sophism which leads to "the destruction of inner ethics and upright conscience, of love and right among private persons, as well as the destruction of public order and the laws of the state."[995]

Two instantiations of this problem recur throughout *PR*. The first deals with abstract universals created from nature, the second those created from "reason"--"the despised method of commonplace deduction and ratiocination."[996] The argument from nature brings to the table the thought not only of Rousseau, but also of representatives of 18th century *Empfindsamkeit* and 19th century Romantic movements. The emotional *Schwärmerei* of the latter movement is the target of the following:

> This self-styled philosophy has expressly stated that truth itself cannot be known, but that truth consists in what wells up from each individual's

[994] See Shlomo Avineri, *Hegel's Theory of the Modern State*, Cambridge Studies in the History and Theory of Politics. (London,, 1972). pp. 82-83.

[995] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 18. These specific charges against the understanding are repeated in other works by Hegel. On the corrosive effect of reason on custom, see *PS* §369 and *EL* §80 *Zusatz.* On the understanding's inability to construct meaning, see Georg Wilhelm Friedrich Hegel, *Hegel's Logic : Being Part One of the Encyclopaedia of the Philosophical Sciences (1830)*, ed. William Wallace, A.V. Miller trans. (Oxford, 1975). § 81Zusatz. and Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). § 426.

[996] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 10.

> heart, emotion and enthusiasm in relation to ethical subjects, particularly in relation to the state, government and constitution.[997]

Luther had recognized the real problems posed by the law of the heart; according to that view, an emotional or mystical conception of morality leads to social disorder.

Hegel recognizes that physical drives can coincide with moral content,[998] but this is the same content that determines the unconscious behavior of animals.[999] Without *dialectical* reason, the issue of the rightful place of these drives—which are in conflict with one another[1000]—cannot be resolved. The concrete universality accorded by dialectical progress stands in stark contrast to the formal universality of the understanding. Hegel specifically attacks Rousseau in arguing that,

> [In Rousseau's view] the substantial basis and primary factor is supposed to be not the will as rational will which has being in and for itself or the spirit as true spirit, but will as spirit as the particular individual, the will of the single person in his distinct arbitrariness.[1001]

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[997] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 15.

[998] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 11.

[999] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 11 Zusatz.

[1000] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 17.

[1001] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §29 Anmerkung On Hegel's tendentious reading of Rousseau, see also Arthur Ripstein, "Universal and General Wills: Hegel and Rousseau," *Political Theory* 22 (August, 1994).

Here is the distinction between Luther and Erasmus on the freedom of the will. Hegel's compatiblism[1002] is a conception of freedom that takes into account in a novel way consistent with Luther's conception, the *limits* of human freedom and the contribution of those limits to freedom's shape and our experience of it. Rousseau had argued in his *First* and *Second Discourses* that civilization corrupts the innate goodness of natural man. Hegel turns this position on its head in arguing that the very customs and norms to which Rousseau objects are the concrete basis of ethical meaning.

Hegel argues that the view of freedom at the root of Enlightenment thought was freedom as the action of the arbitrary will.[1003] He finds in Wolff[1004] and more importantly in Kant (and Fries) that "freedom is nothing other than this formal self-activity" of the arbitrary will.[1005] When "reason" (the understanding) is resorted to by such philosophers it can provide no "yardstick"[1006] to decide among possible sanctions to the will. The appeal on one hand to reason and to nature on the other as the basis of

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[1002] See Robert B. Pippin, "Naturalness and Mindedness: Hegel's Compatibilism," *European Journal of Philosophy* 7 (August, 1991).

[1003] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 15.

[1004] Whom Hegel equates with the "pedantic systemization" of Leibniz in his *Lectures on the History of Philosophy* (Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy : The Lectures of 1825-1826*, ed. Robert F. Brown, J. M. Stewart, and H. S. Harris (Berkeley, 1990). III.348.

[1005] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §15 Anmerkung.

[1006] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 17.

ethical life must fail because the determinations made by the political philosophers who deduce them rest on particularity. The particularity is elevated into an abstract universal against which all persons (save one) must fail. It "is the fetter of some abstraction"[1007] of the understanding that induces these dangerous blunders.

Hegel believed that the understanding itself posed a danger to ethical life. The terms of this discernment stem from a critique of both Kant and his German Romantic critics. Schleiermacher had made a distinction between "morality" (*Moral* or *Moralität*) and "ethical life" (*Sittlichkeit* or *sittliches Leben*),[1008] and Hegel pursued this distinction such that *Moralität* refers to personal determinations of right and wrong. This is the concept that most liberal political theorists have made use of, as it brings with it the notion of subjectivity and particularity they understood to be human nature. The implementation of *Moralität* is an individual process and in it the individual stands above and apart from other human beings, whether it is in applying determinations of natural right or the pure dictates of reason. Hegel uses *Sittlichkeit* to refer to the shared mores, traditions and customs of a people. The creation of *Sittlichkeit* is a social process: the individual is in the context of his history. This "second nature"[1009] is the ground upon which meaning--determinations of right and

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[1007] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 22.

[1008] Frederick C. Beiser, *The Early Political Writings of the German Romantics*, Cambridge Texts in the History of Political Thought (Cambridge ; New York, 1996). p. 174. For an overview of Schleiermacher's religious thought, see B. A. Gerrish, "Friedrich Schleiermacher," in *Nineteenth Century Religious Thought in the West*, ed. Ninian Smart (Cambridge New York, 1985).

[1009] Again at Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 151.

wrong--rests. The point does not give in to the nihilistic relativism of the skeptics, or, looking forward, to Nietzsche or postmodern thought. Neither does it base its claims on foundations built from nature, as the liberal theory of Hobbes and Kant do. Human beings are for Hegel radically different from animals. He is arguing that moral content comes from historically contingent sources but that the arbitrary source does not make it less real.

Unlike many Romantic thinkers, and here I would include Fichte, Hegel did not attempt to reject the burgeoning age of the market: as social fact the logic of the market had to be included (as well as the Romantic critique of it). The phrase *bürgerliche Gesellschaft* refers in Hegel to the social relations characteristic of the European bourgeoisie and indicates the context of ethical life as well as the false certainty fomented by the understanding from morality. Rendered as "Civil society," the term implies a political component simply not present in the German. *Bürgerlich* refers to *Bürger*, or city-dwellers, as opposed to the peasants and landed feudal gentry. The word "civil" connotes a particular political stance associated with the bourgeoisie rather than its social life. The latter is the key aspect in Hegel's discussion of it and in the following rendering of the categories.[1010]

Testing the Categories: The *Philosophy of Right*

[1010] Pelczynski has argued that *bürgerliche Gesellschaft* "also means 'bourgeois society'" Z. A. Pelczynski, *The State and Civil Society : Studies in Hegel's Political Philosophy* (Cambridge [Cambridgeshire] ; New York, 1984). p. 1. Citing Riedel's work, which made the case for Hegel's new use of the term, Pelczynski continues nevertheless to use civil society, which confuses the political and social spheres. Shlomo Avineri, *Hegel's Theory of the Modern State*, Cambridge Studies in the History and Theory of Politics. (London,, 1972). pp. 106-107, also 142. as well as Hegel himself Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 183, § 258. make clear that a historically contingent social aspect of bourgeois society is intended.

Historicism is a key to any understanding of Hegel's thought because of its connection to Hegel's idea of spirit. But despite the historical nature of thought and the culture in which it is embedded, it nevertheless has structure. To paraphrase Hegel, this is a historicism that is *keine Historicismus*. This structure is given by reason in the form of an unfolding series of categories. Not advancing philosophically up the categorial chain, remaining at the level of the understanding functions to corrode the confines of each category endlessly. The convincing elaboration of the logical categories in *PR* is the point at which *our* examination must rest: whether the system is ultimately convincing depends on the how recognizable Hegel's reconstruction of political science is.[1011] The *Philosophy of Right* (excluding the introduction) is constructed by discussion of three expanding headings. These are concentric circles of dialectical contest, each requiring *Aufhebung* to the next more abstract, more comprehensive, level of analysis. These are abstract right, morality, and ethical life. The elaboration of the categories as they relate to each other is Hegel's attempt to fit political philosophy together as a scientific system.

The discussion of person, bearer of abstract right, and focus of most modern political theory, begins with the individual will.[1012] It is important to note that these are abstract individuals, for Hegel as much an abstraction as the "family" or the

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[1011] Peter J. Steinberger, "Hegel as a Social Scientist," *American Political Science Review* 71 (1977, 1977).

[1012] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). § 34.

"state."[1013] This important distinction between Hegel and methodological individualism permits the integration of the person into a system of abstractions. Of course these persons are still recognizable to us. Each (abstract) person is "completely determined" by facts of nature on the one hand and the will on the other and therefore shares this determination with all persons who know themselves in finitude as "infinite, universal and free."[1014] This philosophical position implies the Kantian commandment: "be a person and respect others as persons."[1015] Persons extend their wills and make it objective through the creation of property[1016]—extending their wills into objects and also colonizing their own bodies.[1017] In the most important occurrence in this category, the early appearance of social life, the social character of property becomes explicit through market activity: "The existence which my willing

[1013] Klaus Hartmann, "Towards a New Systematic Reading of Hegel's Philosophy of Right," in *The State and Civil Society : Studies in Hegel's Political Philosophy*, ed. Z. A. Pelczynski (Cambridge [Cambridgeshire] ; New York, 1984), p. 115.

[1014] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 35.

[1015] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 36.

[1016] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 41-46.

[1017] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 47-48, also §§ 52-58. In the *Phenomenology of Spirit*, Hegel notes the understanding's incitement to a "life-and-death struggle" at this point in abstract right Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). § 187.

thereby attains includes its ability to be recognized by others,"[1018] and especially in contract: "But as the existence of the will [in property], its existence for another can only be for the will of another person."[1019] The act of the creation of property is the arbitrary act of the will and is "purely contingent."[1020] Wrong [*Unrecht,* literally "not-right," injustice] also can occur at the level of abstract right (and necessarily occurs if the dialectical transition to morality is not made). It is a negation of right in that it is the particular, subjective "semblance" [*Schein*] of right.[1021] It is contingent in the same manner as the taking of possession. *Unrecht* however prompts the move toward morality by prompting the will to posit a universal above itself. This is the dialectical escape hatch not open to the understanding.

What we need to be paying attention to is the ontology of the categories and the way in which the understanding damages the possibility of framing an answer to political questions. The philosophical and historical issues are necessarily linked. History provides the particular substantive content as well as shape of reason which makes possible a systematic categorial account. According to Hegel the understanding commits two philosophical mistakes at the level of abstract right. The first has to do

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[1018] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 51.

[1019] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 71.

[1020] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 49.

with the distribution of property, the second with the punishment of property crimes. Both are moves to equality. "Equality is the abstract identity of the understanding," writes Hegel.[1022] The understanding may demand equality of distribution of goods in this aspect. But "Equality, in this case, can only be the equality of abstract persons as such."[1023] When confronted by wrong, the understanding may insist on abstract universal punishments, "for which the introduction of that idea of specific equality is alone to blame."[1024] The understanding is overcome within each category and the transitions provide the speculative way forward, the expansion of the categorial schema. The historical and philosophical necessity is to resolve this contradiction such that it is nested in the framework of a higher category: morality.

Abstract right finds its determination in the category of morality; morality finds its determination in the category of ethical life. There is a necessary indeterminacy about Hegel's discussion of morality considered by itself because, "The sphere of right and that of morality cannot exist independently; they must have the ethical as their

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[1021] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 82-83.

[1022] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 49 Anmerkung.

[1023] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 49 Anmerkung.

[1024] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 101 Anmerkung.

support and foundation."[1025] Morality is a move toward ethical universality and the last great struggle against it. It requires that the subjective will be recognized. If human beings are not recognized as free, their behavior cannot be called moral.[1026] But this is to have far-reaching consequences in the hands of the understanding. It is crucial to remark that for Kant, *Moral* and *Sittlichkeit* are synonyms.[1027] The attacks of the understanding take a reflexive turn in consideration of morality. In abstract right, the mistakes of the understanding were not directly corrosive to ethical life. Indirectly, these mistakes contribute to this effect by constructing straw men. Sophists recognize these straw men in their particular determinations and conclude that no (non-particular) meaning is possible. Morality directly examines the good, and because it does not yet have the social context for the determination of good, it must rely on particularity in the form of nature and reason. This opens up the possibility of infinite subjectivity.[1028] Hegel sees *Moralität* as philosophical stance in which the understanding self-consciously views the content of the will as naturally given. This

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[1025] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 141 Zusatz.

[1026] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 106.

[1027] At the very least in Hegel's understanding of Kant's philosophy. See Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 33 Anmerkung.

[1028] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 105.

introduces first contact with nature determining morality.[1029] The aspiration to overcome this determination becomes apparent and the subject finds its "identity in opposition" to what Hegel refers to as *Triebfeder*, the impulses given to us by natural drives.[1030] This move is embedded in the understanding's drive for difference,[1031] from nature or from convention. This is the first direct attack on ethical life.

Hegel explores three instances of morality. In the first, the understanding either assigns blame or finds refuge in materialist behaviorism which disallows responsibility.[1032] The will is responsible for a result through connection to external (owned) objects and intention;[1033] the will must be aware of itself in order for responsibility to be attributed. In the second the will finds its subjective satisfaction in action and welfare is the result and object of this satisfaction.[1034] The content of welfare is given by natural need, or what Hegel often refers to as *Not* [implying the

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[1029] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 108.

[1030] Our sinful nature due to the Fall, in Luther's terms. Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 109.

[1031] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 108.

[1032] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 115-118, § 124 Anmerkung.

[1033] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 116, § 117.

[1034] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 121.

urgency of the struggle to merely survive]. The understanding requires that the fulfillment of natural needs be either subjective or objective in the two sides of utilitarianism and their opposites in asceticism.[1035] Hegel sees these as represented by the subjectivity of modernity and the communitarianism of the ancients.[1036] In modernity, the consequence of the understanding is the insistence on private rights against the state,[1037] but it is precisely the state that acts as guarantor of ethical life in Hegel's rational reconstruction of political philosophy. The response to needs by welfare in these sections serves to show the "finitude and hence contingency of right and welfare,"[1038] which can only find its true determination in ethical life. In the last Hegel argues that the good is realized freedom. The good stands in opposition to the idea that the good is the satisfaction of welfare (although the good contains these satisfactions[1039]). The category of the good exists "only in and through thought"[1040]

[1035] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 124 Anmerkung, § 125.

[1036] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 124 & Anmerkung.

[1037] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 126 Anmerkung.

[1038] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 128.

[1039] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 130.

[1040] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 132.

and finds its basis in the conscience and the duty it implies. But this duty is not supported in morality by any sort of knock-down argument. It is one of the straw men to which the understanding adheres and destroys. Conscience is at the heart of the problem of the understanding for morality. It either redounds to the "empty formalism" of Kant's infinite personality, or worse,

> Conscience expresses the absolute entitlement of subjective self-consciousness to know in itself and from itself what right and duty are, and to recognize only what it thus knows as the good; it also consist in the assertion that what it thus knows and wills is truly right and duty.[1041]

This, Hegel argues, is a truly ethically corrosive position: "This subjectivity, as abstract self-determination and pure certainty of itself alone, evaporates into itself all determinate aspects of right, duty and existence."[1042]

And the reason touted by Enlightenment thinkers is no panacea. In hypocrisy, it is revealed that the understanding can find a "reason" for anything even when the "true universal" is known by the subject; morality makes possible moral evil.[1043] In *PS*, Hegel shows the results of the understanding's moral self-certainty in *the law of the heart and the frenzy of self-conceit* ending in *absolute freedom and terror*. The understanding, "knows that it has the universal of law *immediately* within itself, and because the law is *immediately* present in the being-for-*self* of consciousness, it is

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[1041] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 137 Anmerkung.

[1042] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 138.

[1043] *Böse*, as opposed to the *Übel* mainly encountered up to this point in *PR*. Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 140 Anmerkung.

called the law of the heart."[1044] A contradiction embodying the action of negative reason is soon evidenced:

> This reality is, therefore, on the one hand a law by which the particular individuality is oppressed, a violent ordering of the world which contradicts the law of the heart, and, on the other hand, a humanity suffering under that ordering, a humanity that does not follow the law of the heart, but is subject to an alien necessity. It is evident that this real world which appears over against the present form of consciousness is nothing else but the forgoing discordant relationship of individuality and its truth, the relationship of a cruel necessity by which the former is oppressed.[1045]

This contradiction leads to an enraged frenzy of self conceit if not tempered by the quietism of realization of virtue and the way of the world.[1046] The truth and concrete reality of the conscience is found only in the social categories of ethical life.[1047]

Morality is not overcome in the sense of being left behind: Hegel believes he can incorporated the relevant Kantian insights with the historical and holistic insights of the German *Stürmer* and Romantics. In the transition to ethical life, he recognizes the sphere of morality, and as have just shown, demonstrated the consequences both for philosophy and social life of transgressing the boundaries of its category. In ethical life Hegel develops a concept of freedom that seems antithetical to the liberal notion of freedom. He argues that abstract freedom exists in a context of social norms

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[1044] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). § 367.

[1045] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). § 369.

[1046] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). §§ 381-384.

[1047] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §141.

which form and constrain it, making it possible. Ethical life is the "idea of freedom as the living good," the unity of subjective desire and self-conscious rational reflection.[1048] The fact that these given ethical determinations form a system evidences their rationality.[1049] Norms imply duties which do not impinge on freedom, but rather liberate from the necessity of natural drives and "indeterminate subjectivity" of the understanding.[1050] *Sittliches Leben* becomes right when it is brought to self-consciousness and out of the realm of (merely obeyed) custom.[1051] Individual freedom finds its truth in ethical life,[1052] because ethical life constitutes the world of the ethically permissible as well as the good.[1053] This is the stage of the dialectic in which determinate meaning is given and ethical life answers the questions of abstract right and morality. Custom is made rational in Hegel's categorial examination of

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[1048] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 142, §§ 143-147, also § 151

[1049] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 145

[1050] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 149

[1051] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 151-152

[1052] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 153

[1053] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 154-156

Sittlichkeit. However, this move still has to contend with the force of the understanding, arguing from the positions of nature and reason.

The family is the first, natural, example of ethical life.[1054] Marriage has its natural basis in the necessities of reproduction and attendant natural inducements to it. However, the concept of marriage turns it "into self-conscious love"[1055] and an institution[1056] within which a man and woman find liberation from their personalities and elevates marriage to right. The understanding wants to cast marriage in either contractual (rationalistic) or physical (natural) terms.[1057] The fact that children experience the family as "an existence which has being for itself"[1058] is one of Hegel's best arguments against this view.

Parents train children as ethical beings,[1059] so as to leave the first family and begin their own families.[1060] The dissolution of the family can take other forms as

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[1054] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 157-158.

[1055] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 161.

[1056] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 162.

[1057] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §164 Anmerkung.

[1058] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 173.

[1059] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 175.

well, including death and divorce.[1061] The plurality of families and their (mostly economic) relations to each other constitute the transition to *bürgerliche Gesellschaft*.[1062] *Bürgerliche Gesellschaft*, the life of society outside the family in the bourgeois age and the second stage in ethical life, begins with the market (but it does not end there). Hegel recognizes with classical economists a happy contradiction: the pursuit by individuals of subjective ends results in not only the particular good but also the universal advantage. The social character of the system of needs and work makes this the case. However, this relationship is not in consciousness and has therefore not achieved the status of right.[1063] For this reason, the understanding allows an individual to mistake himself as his own end.[1064] Hegel calls the market the state of necessity,[1065] which gives rise to an exaggerated sense of particularity[1066] or

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[1060] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 177, § 180.

[1061] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 176, §§ 178-179.

[1062] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 181.

[1063] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 182

[1064] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 182 Zusatz.

[1065] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 183

[1066] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 184

universality in opposition to it as in Plato's *Republic*.[1067] This is the individual "lost in" the "extremes" of the understanding.[1068] Hegel is arguing that the truth of civil society must be an education of its members to explicit recognition of the universality and community of life within the state.[1069] The threat of the understanding lingers for civil society in two instantiations. First, its pretensions as universal reason, which works to eliminate "natural simplicity." If prevented from dialectical supersession of the understanding, "Reason as giver of laws is reduced to a Reason which merely *critically examines* them.[1070] Second, the understanding may act as a supranational cosmopolitanism that refuses to acknowledge its objective determinations of good in national ethical life.[1071]

Ethical life solves these dilemmas of the understanding. Work operates at the individual level, mediating particular needs by placing them in harmony with the

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[1067] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 184 In a dramatic passage in *Lectures on the History of Philosophy* (Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy : The Lectures of 1825-1826*, ed. Robert F. Brown, J. M. Stewart, and H. S. Harris (Berkeley, 1990). II.115 Hegel casts Rousseau in the role of the Ring of Gyges.

[1068] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 184

[1069] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 187

[1070] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). § 428

[1071] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 209 Anmerkung.

universal system of needs.[1072] At the macro-level, institutions above the individual (Resources and Estates) take a step toward making the universal explicit.[1073] Hegel delineates three estates: the substantial estate, or agricultural; the estate of trade and industry; and the universal estate (the state), which has as its end the satisfaction of universal needs.[1074] Persons with like occupation belong to corporations that prepare them for the ultimate universality and rationality of the state.

The state is the third and last instance of ethical life. It is the "actuality of the ethical idea" and has its "immediate existence in custom and its mediate existence in the self-consciousness of the individual."[1075] Because the state is the location of *Bildung*, and because the state also causes history to be constructed, we can see that the circle of the development of consciousness—of spirit--is closed here. It is the culmination of the dialectic and the philosophical location of substantial freedom, which is the good of the right. The understanding attacks the concept of the state in four ways, argues Hegel. First, the bickering of particular, subjective determinations

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[1072] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 196

[1073] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §§ 199-200

[1074] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 203, § 204, §§ 206-208.

[1075] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 257.

of individual reason make state-building an unwinnable contest among wills.[1076] Second, a view of the understanding that makes out freedom-as-subjectivity as the good rules out the legitimacy of any state.[1077] Third, the arguments by the understanding for a state that serves private property and pre-ethical determinations made in the face of necessity are, for Hegel, clearly not ground upon which a state may be constructed. Last, the rational state can find no legitimization in past states that were governed by the principle of understanding. This is of course most dramatically rendered in the *Phenomenology of Spirit* in the "cold, matter of fact annihilation"[1078] of *Absolute Freedom and Terror*. In the attempt to construct a rational state during the French Revolution, "abstractions divorced from the idea…turned the attempt into the most terrible and drastic event."[1079] It is finally this seminal incident that stands behind and informs the critique of the understanding in *PR*.

This categorial account of the state is an argument about what the state *is* for political science. It is Hegel's argument that, in the system of categories, being matches concept. Once again there is an affinity with Hobbes' concept of the state as

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[1076] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 272 Anmerkung.

[1077] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). §273 Zusatz.

[1078] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). § 591.

[1079] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 258 Anmerkung.

something which can be known perfectly. But the differences are decisive: history is almost wholly absent in Hobbes' account of the state,[1080] reason, "adding and subtracting,"[1081] gives rise to a science of generative causes[1082] based in his commitments to a specific materialism, empiricism, and nominalism. For Hegel, these causes can only be known (and mapped) in hindsight. They do not commit us to any specific future or course of action. Instead, the *Philosophy of Right* is the demonstration how science made sense of political science.

Hegel's *PR*, "insofar as it deals with political science," is "nothing other than an attempt to portray the state as an inherently rational entity."[1083] This categorial account of the philosophical ontology account purports to show what the state really is:

> As a philosophical composition, [*PR*] must distance itself as far as possible from the obligation to construct the state as it ought to be, but rather at showing how the state, as the ethical universe, should be recognized.[1084]

[1080] Though Hobbes thinking about the decay of states does attribute a role to history Thomas Hobbes, *The Elements of Law, Natural and Politic : Part I, Human Nature, Part Ii, De Corpore Politico ; with Three Lives*, ed. J. C. A. Gaskin, World's Classics (Oxford ; New York, 1994). p. 172., the theoretical argument for Leviathan does not.

[1081] Thomas Hobbes, *The Elements of Law, Natural and Politic : Part I, Human Nature, Part Ii, De Corpore Politico ; with Three Lives*, ed. J. C. A. Gaskin, World's Classics (Oxford ; New York, 1994). p. 23.

[1082] Thomas Hobbes, *Metaphysical Writings : Elements of Philosophy Concerning Body (Chapters I, Vi-Xii, Xv, Xxv, Xxix, Xxx), Human Nature (Chapter Ii), Leviathan (Brief Extracts)*, ed. Mary Whiton Calkins (La Salle, Ill., 1989). p. 6.

[1083] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 21.

[1084] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 21.

The limitations of the understanding frustrate the aspirations of freedom at every point, and these dead-ends are transcended only by categorial progression driven by speculative reason. For Hegel, the understanding seems to make political philosophy impossible--or rather it stands as an eternal inducement by removing the possibility of a shared conclusion. Hegel seems to have found a way, in an abstract, categorial reading of political theory and history, to supercede this impasse by way of the speculative logic of the dialectic and the insight that meaning is historically contingent (but slowly changing) and necessary to political thought.

To, Fro, and the Science of *Aufhebung*

Science is one form of remembering, but also a way of selective forgetting: in a contemporary context, it is said that extraordinary science can extirpate the past.[1085] However contested that view may be, there is a long tradition of practical wisdom in political science. What is to be gained by reading Hegel as the inauguration of the science of philosophy? Is this sort of project, indeed the philosophical mode, a sort of luxury enterprise?[1086] It might be argued that his rational reconstruction of political thought and the social world is so different from the historical contingencies of *praxis* as to say nothing about states but very much about the problems inherent in political philosophy. Because Hegel finds it "absurd to represent" regime types as "an object of

[1085] In the manner of Thomas S. Kuhn, *The Structure of Scientific Revolutions* ([Chicago], 1962).

[1086] See Klaus Hartmann, "Hegel: A Non-Metaphysical View," in *Hegel; a Collection of Critical Essays*, ed. Alasdair C. MacIntyre (Garden City, N.Y.,, 1972).

choice,"[1087] the consideration of existing states is excluded from his interest. Instead, his state is a "hieroglyph of reason which becomes manifest in the *really* real."[1088]

The State

The outlines of the concept of the state become clear in § 270 of *PR*, where Hegel argues that the state's end is simultaneously the expression of universal and particular, public and private interests. This simultaneity exits in the "*abstrakte Wirklichkeit*" "*abstract reality*" or substantiality of the state, in the realm of "*necessity*" where the private interests are deal with through the powers of the state, and "the spirit that knows and wills itself having gone through the form of full educational development (*Bildung*)."[1089] The state is most fully developed as a concept in the minds of those citizens prepared to recognize it. The role of education is often a problem for liberal theories, because it implies that the liberal self is something less than autonomous. The debate between Pufendorf and his critics on whether the law is natural—that a child is in the best position to interpret the law—is one instantiation of this problem. But in this case the *Bildung* taking place prepares citizens to think the state correctly, it contains and produces a type of individual who is simultaneously conceived as autonomous and situated.

[1087] Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*, ed. William Wallace, Arnold V. Miller trans. (Oxford,, 1971). § 543.

[1088] Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*, ed. William Wallace, Arnold V. Miller trans. (Oxford,, 1971). § 279 Zusatz.

[1089] "*durch die Form der Bildung hindurchgegangene*, sich wissende und wollende Geist" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:415.

In the *Anmerkung* to § 270 Hegel embarks on an extended discussion of the relationship of religion to the state. He begins by remarking that there are those who would argue that "religion is the basis of the state," "as if the science of the state was created with it [religion]"[1090] Nothing could create more confusion he writes, for although both religion and science claim for themselves the right to determine truth, only science in the state can deliver on that promise. Though religion can act to assuage feelings of loss (echoes of *Job*), it can also present the state as the result of arbitrariness, or as unimportant. However, "the state is the spirit *that exists in the world*."[1091] The argument is made, writes Hegel, that religion is the basis of the state. But this must be understood in the proper light:

> If Religion does constitute the foundation which ethical in general and more specifically the nature of the state as containing the divine will, it is thus only a *foundation*, and here is where both diverge. The state is the divine will as present spirit which is *unfolding* into real form as the *organization of a world*.[1092]

On this basis the state is responsible for social order, which is often threatened by fanaticism of religious feeling that will not—as a reference to both romanticism and to

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[1090] "Religion die Grundlage des Staates sei"; "als ob mit ihr die Wissenschaft des Staats erschöpt sei"; Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 270 Anmerkung. See also Peter Crafts Hodgson, "Georg Wilhelm Friedrich Hegel," in *Nineteenth Century Religious Thought in the West*, ed. Ninian Smart (Cambridge New York, 1985)., Emil L. Fackenheim, *The Religious Dimension in Hegel's Thought* (Bloomington, 1967).

[1091] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969).

[1092] Wenn nun die Religion so die *Grundlage* ausmacht, welche das Sittliche überhaupt und näher die Natur des Staats als den göttlichen Willen enthält, so ist es zugleich nur *Grundlage*, was sie ist, und hier ist es, worin beide auseinandergehen. Der Staat ist göttlicher Wille als gegenwärtiger, sich zur wirklichen Gestalt und *Organisation einer Welt entfaltender* Geist. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:417-418.

the radical reformation—accept, and that feels to those who are justified there is no law.[1093] However, because religion correctly conceived performs the end of binding the citizen to the state, the state may require that all citizens belong to *a* religion, *any* religion.[1094]

Aside from this raw issue of social order, there is another important way in which religion and the state may come into conflict is over the issue of doctrine (*Lehre*). However, it is not in the content that they differ, but rather in their form. Hegel writes, "In contrast with the *faith* and *authority* of the Church in relation to ethics, right, laws, and institutions, and with its *subjective conviction*, the state possesses *knowledge*"; it is "from the state that freedom of thought and science first emerged."[1095] In an appeal to the conceptual power of the trinity, Hegel explained in his lectures that just as God is "three in one," made one by the unity of spirit, the divine nature can be explained in concrete terms. First, while a bad state is only secular—like a mechanism—a good state is "infinite within itself." Second, though both the state and (the Protestant, Christian) religion are instantiations of freedom, the state compels duty in a different way than does religion. The state requires a legal duty, whereas religion compels an emotional attitude towards one's duty. Third, the

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[1093] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:418.

[1094] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 7:420.

[1095] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 270 Anmerkung. Even religions that do not live up to their responsibilities to the state (such as Anabaptism) can be "tolerated," in the sense that a state may be powerful enough to suffer a few citizens who do not live up to their duties.

content of religion therefore rests on opinion, on subjectivity. If the state were based on this sort of subjectivity, he says, this would lead to fanaticism, while the state rests on stable existence. The state on the basis of religion would make unlimited demands, while the state preserves particularity within its universal character.[1096] It would seem then that according to Hegel, religion has an aspiration for universal empire, whereas the Protestant state's demands are in a way more modest: it recognizes—and enforces--a partial kingship, a division of realms.

Political Science as the Science of the Experience of Freedom

This reading has pressing implications for contemporary theories of freedom. The tendency to read Hegel as if he were in normative political theory[1097] can be explained from within Hegel's philosophy: what Hegel is pursuing turns out to be a very philosophical notion of freedom. Hegelian political science wants to find a place where the form and content of freedom are the same:

> Since this real freedom of the idea consists precisely in giving each one of the moments of rationality its own present and self-conscious actuality, it is through its agency that the ultimate self-determining certainty which constitutes the apex of the concept of the will is allotted the function of a consciousness. But this ultimate self-determination can fall within the sphere of human freedom only in so far as it occupies the supreme condition, isolated for itself and exalted above everything particular and conditional; for only this does its actuality accord with its concept.[1098]

[1096] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 270 Zusatz.

[1097] See Richard L. Schacht, "Hegel on Freedom," in *Hegel; a Collection of Critical Essays*, ed. Alasdair C. MacIntyre (Garden City, N.Y.,, 1972). and Z. A. Pelczynski, *The State and Civil Society : Studies in Hegel's Political Philosophy* (Cambridge [Cambridgeshire] ; New York, 1984).

[1098] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 279 Anmerkung.

The modern realization that freedom is the constitutive element of human beings—"what men are"[1099]—had thrown politics to the mercy of particularity. But freed from the understanding, on the basis of philosophy,

> this freedom, which the content and aim of freedom has, is itself only a notion--a principle of the mind and heart, intended to develop into an objective phase, into legal, moral, religious, and not less into scientific.[1100]

The notion of freedom begins, in abstract right, as abstract subjectivity.[1101] But from there it careens through both philosophy and history in this and subsequent categories. Freedom is the impetus to philosophy which "appear[s] as a subjective cognition, of which liberty is the aim, and which is itself the way to produce it."[1102] The freest freedom imaginable has only one place where it can find its reality, in the *really* real: where it is the "self-thinking idea, the truth aware of itself."[1103] We would do well to

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[1099] Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*, ed. William Wallace, Arnold V. Miller trans. (Oxford,, 1971). § 482.

[1100] Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*, ed. William Wallace, Arnold V. Miller trans. (Oxford,, 1971). § 482.

[1101] Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*, ed. William Wallace, Arnold V. Miller trans. (Oxford,, 1971). § 539.

[1102] Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*, ed. William Wallace, Arnold V. Miller trans. (Oxford,, 1971). § 576.

[1103] Georg Wilhelm Friedrich Hegel, *Hegel's Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*, ed. William Wallace, Arnold V. Miller trans. (Oxford,, 1971). § 574.

remember that social scientific categories often exercise a realer existence than natural scientific ones: the interest rate is a great deal more "real" than the quark.[1104]

Philosophy as the Practice of Freedom

Hegel ends his *Lectures on the History of Philosophy* with observations about what the series of lectures had hoped to accomplish. He said that the history of philosophy is not just a collection of unrelated occurrences. Rather, it has three aspects. First is unity: there is only one philosophy, with one principle, at any time. Second is necessity: the history of philosophy unfolds according to an inner principle. Third is self-consciousness, the acknowledgement of human freedom expressed through the concept of spirit, *Geist*:

> …the final philosophy of an age is the result of this development and the truth in its highest form, which gives self consciousness of spirit to itself. The most recent therefore contains all the previous ones, encompasses all stages in itself, is the product and result of all the previous ones.[1105]

The first contention refers to the formal aspects of philosophy as a project—there is *one* truth, not multiple truths. But this truth is historically contingent, for he says immediately that, "Man kann jetzt nicht Platoniker sein…" "One can not be a Platonist now…"[1106] This illustrates the distance of Hegel's philosophy to neo-Platonism but substantively shows that the ideal region of truth that philosophy busies itself with

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[1104] I owe this example to Steve Shapin.

[1105] …die letzte Philosophie einer Zeit das Resultat dieser Entwicklung und die Wahrheit in der höchsten Gestalt ist, die sich das Selbstbewußtsein des Geistes über sich gibt. Die letzte Philosophie enthält daher die vorhergehenden, faßt alle Stufen in sich, ist Produkt und Resultat aller vorhergehenden. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:460-461.

[1106] Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:461.

both exists apart from the diversity of perspectives of any given time and is immanent in them. In other words, the analytical distinction between the realm of truth and the realm of appearance is intimately connected. And the distinction is one to be observed if we are to understand modernity.

Identifying the "inner principle" is both the task of philosophy and its cause. On one hand philosophy is the project that "expresses the nature of spirit and lives in us all."[1107] Philosophy is an active attempt to divine this inner principle and read it back over the history of philosophy such that its history appears *necessary*, and this is "to give it [spirit] reality."[1108] (And reality, *Wirklichkeit*, is again the technical philosophical term meaning that something both exists and its existence is necessary). In the introduction to his lectures in 1820, Hegel explained,

> The unique method of this enterprise, the tracing of the [historical] figures, characterizing the considered, recognized necessity of determinations, is the task of philosophy itself; and in that it is the pure idea, appearing here not yet in the more individuated constitution of it as nature and as spirit, such that each characterization is primarily the task and business of *logical* philosophy.[1109]

The perspective of philosophy is to *assume* the necessity required by a scientific explanation and to read history in these terms. Again, this is historically conditioned

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[1107] "Die Nature Geistes selbst ausspricht und in uns allen lebt" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:462.

[1108] "Ihm Wirklickkeit zu verschaffen" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:462.

[1109] Die eine Weise dieses Hervorgehens, die Ableitung der Gestaltungen, die gedachte, erkannte Notwendigkeit der Bestimmungen darzustellen, ist die Aufgabe und das Geschäft der Philosophie selbst; und indem es die reine Idee ist, auf die es hier ankommt, noch nicht die weiter besonder[t]e Gestaltung derselben als Natur und als Geist, so ist jene Darstellung vornehmlich die Aufgabe und Geschäft der *logischen* Philosophie Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:478.

and the product of each generation—"each in his situation – to bring with consciousness to the light of day."[1110] This is a call to action on the part of the students in the seminar, for philosophy itself is not at an end, rather Hegel had prefaced these final remarks by saying that, "This is then the standpoint of the present time, and the sequence of spiritual configurations is thereby for now concluded. – Thereby this history of philosophy is *concluded*"[1111] Philosophy is not at an end, period—but it is constructed as such each time the story is told. *This* telling of the history is concluded *for now*. In order to impart the aspect of necessity formally required of scientific accounts, the past must be reconstructed each time to relate to the present. Spirit appears always in concrete formulations, in history and human institutions. But this is not Whig history--or if it is, it is of a self-conscious and purposeful sort. The past is self-consciously reconstructed such that it tells a story of necessary progress. It is self-conscious in the sense that to accuse it of perpetrating Whig history is only to recognize what it intends to do, and what it has a specific reason for doing. This is the strategy that Luther employed in reading the Old Testament in terms of the New; it is furthermore the strategy that I have argued that Hegel applied the contexts of nature (in his *Naturphilosophie*) and in the context of law (in the *Philosophy of Right*). It is the continual pointing out of the freedom

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[1110] "Jeder an seinem Orte – mit Bewuβtsein an den Tag zu bringen" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:462.

[1111] "Dies ist nun der Standpunkt der jetzigen Zeit, und die Reihe der geistigen Gestaltungen ist für jetzt damit geschlossen. - Hiermit ist diese Geschichte der Philosophie *beschlossen.*" Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:461.

imparted to human beings who have both a capacity for novelty and discourse as well as a substantial and constrained life. The radical contingency implicit in this interpretation is nevertheless always self-consciously being imparted in a historical form. Philosophy is the eternal perspective that is itself historical. History is the temporal perspective, whose movement is given by its conception as eternal—i.e. historical time is eternally occurring. The mediation of these two aspects of eternal and historical is the pivot around which this tradition of German philosophy turns.

The instantiation of "spirit" is a conception of the uniquely human, this aspect of contingency that gives rise to language and therefore to moral discourse. While much has been made of the living Hegel vs. dead Hegel,[1112] the solution to the strangeness of a conception of the human spirit is to recognize its importance as an explanatory tool in social science. It is a way of conceiving contingency. Hegel said in the lecture,

> This sequence [the "row" of figures in philosophy] is the true realm of the spirit, the one realm of the spirit that there is – a sequence that neither makes a variety, nor yet remains a line as in a succession of one thing after another, rather it makes itself moments of *one* spirit, to the *one* and the same present spirit.[1113]

The history of philosophy is a demonstration of spirit in two ways. First, it is the tracing of a development. This development is however not radically contingent, though it points out the radical contingency of history. Neither is it arbitrary in the sense that arbitrary calls to mind the action of the will. History is not *fabricated*, it is

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[1112] See Michael Allen Gillespie, "The New Hegel," *Political Theory* 25 (August, 1997).

[1113] Diese Reihe ist das wahrhafte Geisterreich, das einzige Geisterreich, das es gibt – eine Reihe, die nicht ein Vielheit, noch auch eine Reihe bleibt als Aufeinanderfolge, sondern eben im Sichselbsterkennen sich zu Momenten des *einen* Geistes, zu dem *einen* und demselben gegenwärtigen Geiste macht. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:461-462.

reconstructed and constituted according to a Reformed methodology. It is a translation of past into the present in which engagement with the past requires working on the aspect of our humanity that allows such transport to occur—that which allows us to be in two places at once. It is a way of making the history our own. This human spirit appears then in both concrete and in ideal form—each is infused with and constituted by this spirit:

> The spirit produces itself as nature, as the state; each is its unconscious doing, in which it is an other, not as spirit; in deeds and in life of history as well as in art it brings itself into presence in a conscious way, knows in various ways its reality, but also only ways of the same; but only in science does it know itself as absolute spirit, and alone this knowing, the spirit, is its true existence.[1114]

Making the unconscious work of the human spirit self-conscious through logical reconstruction is the task of the present day, of those citizens who have attained the *Bildung* required for the task, to carry out. Hegel the professor meets Hegel the pastor in his concluding sentences of the term:

> I hope that this history of philosophy may contain an enjoinment for you to seize the spirit of the age which is natural to us and to pull it into presence out of its naturalness, meaning its silence, lifelessness and -- each in his situation – to bring with consciousness to the light of day. For your *attention*, which you showed me in this undertaking, I have to express my thanks to you; for me it has become only through you to a greater pleasure [Befriedigung]. And it has been pleasurable for me to have stood with you in spiritual fellowship – and not *to have stood*, but

[1114] Der Geist produziert sich als Natur, als Staat; jenes ist sein *bewußtloses* Tun, worin er sich ein Anderes, nicht als Geist ist; in den Taten und im Leben der Geschichte wie auch der Kunst bringt er sich auf *bewußte* Weise hervor, weiß von mancherlei Arten seiner Wirklichkeit, aber auch nur Arten derselben; aber nur in der Wissenschaft weiß er von sich als absolutem Geist, und dies Wissen allein, der Geist, ist seine wahrhafte Existenz Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:460.

> rather, as I hope, to have formed a spiritual bond with each other that may remain between us! I hope for you that you live very well.[1115]

The invocation of the spirit of Luther—"to have stood"—is contrasted with *his* object in the lectures, in the performance of his examination or essay of the material ("*Versuche*"). Here it is rather "not *to have stood*" in opposition or defiance or resigned determination, but rather in a productive spiritual community of dual citizens. It is this sort of community Hegel had in mind in his discussion of the categorial shift leading to the development of philosophy out of theology under the heading *Das Reich des Geistes*, the realm of the spirit in his *Lectures on the Philosophy of History*:

> The sphere of the community is therefore the proprietary region of the spirit. The holy spirit poured out through the disciples, it is their immanent life; from there on they went out as a community and happily in the world, in order to raise it to a *universal community* and to spread the realm of God.
> We have then to work through 1. The *genesis* of the community or its notion; 2. Its existence and *persistence*, this is the realization of its notion; and 3. The transition of belief in knowledge, *change*, *transfiguration* of belief in philosophy.[1116]

[1115] Ich wünsche, daß diese Geschichte der Philosophie eine Aufforderung für Sie enthalten möge, den Geist der Zeit, der in uns natürlich ist, zu ergreifen und aus seiner Natürlichkeit, d. h. Verschlossenheit, Leblosigkeit hervor an den Tag zu ziehen und - jeder an seinem Orte - mit Bewußtsein an den Tag zu bringen.

Für Ihre *Aufmerksamkeit*, die Sie mir bei diesem Versuche bewiesen haben, habe ich Ihnen meinen Dank abzustatten; er ist mir ebenso durch Sie zur höheren Befriedigung geworden. Und vergnüglich ist es mir gewesen, in diesem geistigen Zusammenleben mit Ihnen gestanden zu haben, - und nicht *gestanden zu haben,* sondern, wie ich hoffe, ein geistiges Band miteinander geknüpft zu haben, das zwischen uns bleiben möge! Ich wünsche Ihnen, recht wohl zu leben. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 20:462.

[1116] Die Sphäre der Gemeinde ist daher die eigentümliche Region des Geistes. Der Heilige Geist ist über die Jünger ausgegossen, er ist ihr immanentes Leben; von da an sind sie als Gemeinde und freudig in die Welt ausgegangen, um sie zur *allgemeinen Gemeinde* zu erheben und das Reich Gottes auszubreiten.

Hegel's thought is founded on Luther's. Nevertheless, Hegel has translated the system into one secular possibility that remains intellectually consistent with the original. It is secular in good faith or as Luther might have put it, in the correct spirit. The centrality of the trinity as exegetical principle leads to a system of spirit, logic, and law.

Wir haben nun also 1. die *Entstehung* der Gemeinde zu betrachten oder ihren Begriff, 2. ihr Dasein und *Bestehen,* dies ist die Realisation ihres Begriffs, und 3. den Übergang des Glaubens in das Wissen, *Veränderung, Verklärung* des Glaubens in der Philosophie. Georg Wilhelm Friedrich Hegel, *Werke*, ed. Eva Moldenhauer, Karl Markus Michel, and Helmut Reincke ((Frankfurt am Main), 1969). 17:305.

VII

Conclusion

I argued in the last chapter that Hegel reads the history of ideas retrospectively—and self-consciously so—as a development culminating in the contemporary philosophical worldview. The most influential Left-Hegelian critics of this perspective, Feuerbach and Marx, explicitly want philosophy to serve the future. Marx writes that philosophy should be "real and oriented toward action,"[1117] while Feuerbach's *Essence of Christianity* makes a plea for the expression of human values (scientized in philosophy) back into the world. This takes the form of a religious calling such that "When man makes it his goal to morally improve himself, his resolutions and projects are divine."[1118] Feuerbach's critique of religion ends with a positive program which has been judged by most observers as not being very successful.[1119] Nevertheless, Feuerbach was a self-proclaimed "disciple of Luther" in the sense that he, following Hegel, considered the Wittenberg Reformer to be fundamental in understanding modern religious thought.[1120] He remained tied to

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[1117] Karl Marx, Friedrich Engels, and Robert C. Tucker, *The Marx-Engels Reader* (New York,, 1972). p. 156.

[1118] Ludwig Feuerbach, *The Fiery Brook; Selected Writings of Ludwig Feuerbach* (Garden City, N.Y.,, 1972). p. 128.

[1119] See James Thrower, *Religion : The Classical Theories* (Washington, D.C., 1999).; But cf. Carter Lindberg, "Luther and Feuerbach," *Sixteenth Century Essays and Studies* 1 (January, 1970): esp. pp. 107-108.

[1120] Simon Rawidowicz, *Ludwig Feuerbachs Philosophie; Ursprung Und Schicksal* (Berlin,, 1931). Schmitt traces the trajectory through an engagement with Herder's thought. Michael Schmitt, *Von Der Wirklichkeit Der Vernunft Zur Vernunft Der Sinnlichkeit : Zur Entwicklung Der Sinnlichen Philosophie in Den Frühschriften Ludwig Feuerbachs Im Ausgang Von Johann Gottfried Herder*, 1. Aufl. ed.

Luther's thought even as he became its opposite. Most meaningfully for this study is that Feuerbach's historicization of religion leaves the Hegelian project.[1121] One way of reading Feuerbach's move is to see it as a sort of data about the flow of philosophical energies (although this could be taken too far).[1122] Turning this philosophy on its head means taking Feuerbach's and Marx's normative move—the call to direct religious energy not up into the heavens but rather out into the world—and treating that as an *indicator* for the movement of philosophical possibilities. In other words, stripped of normativity, we can read Feuerbach as *announcing* the redirection of theological energies.

Over the course of the long 19th century, Hegel's impact reached across the Atlantic and had a profound impact on American philosophy and political theory.[1123] In the early 20th century this influence declined as Moore and Russell led a successful attack that undermined the stock of idealism and pragmatism.[1124] This movement in

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(Gèottingen, 1999). On the connection to later thinkers in this tradition and Nietzsche in particular, see Wolfgang Wahl, *Feuerbach Und Nietzsche : Die Rehabilitierung Der Sinnlichkeit Und Des Leibes in Der Deutschen Philosophie Des 19. Jahrhunderts*, Spektrum Philosophie, Bd. 12 (Wèurzburg, 1998). On Feuerbach's system see also Van Austin Harvey, *Feuerbach and the Interpretation of Religion*, Cambridge Studies in Religion and Critical Thought ; 1 (Cambridge ; New York, 1995).; Marx W. Wartofsky, *Feuerbach* (Cambridge [Eng.] ; New York, 1977).

[1121] Carter Lindberg, "Luther and Feuerbach," *Sixteenth Century Essays and Studies* 1 (January, 1970).116-117; Christine Weckwerth, *Ludwig Feuerback Zur Einführung* (Hamburg, 2002). esp. 51-64; Warren Breckman, *Marx, the Young Hegelians, and the Origins of Radical Social Theory : Dethroning the Self*, Modern European Philosophy (Cambridge ; New York, 1999).

[1122] The trajectory of German historiography was in large measure conditioned by Hegel's influence—but in more than one way. See Donald R. Kelley, *Fortunes of History : Historical Inquiry from Herder to Huizinga* (New Haven, 2003).

[1123] See John G. Gunnell, *The Descent of Political Theory : The Genealogy of an American Vocation* (Chicago, 1993). This is self-consciously written in the tradition of Luther, as the subtitle telegraphs.

[1124] Sibyl A. Schwarzenbach, "Rawls, Hegel, and Communitarianism," *Political Theory* 19 (November, 1991).

the academy does not speak to the deep forces in American political and religious thought that made various forms of Hegelianism so popular. As I noted in the Pufendorf chapter, above, there is a strong assonance and there are also direct links between Luther's thought and American political thought and practice. When American colonists are "doing" Pufendorf (or Locke) before these thinkers put their words to paper, it indicates that the course of intellectual history is not strictly given by the temporary fortunes of a particular tradition in philosophy departments.[1125] It is in this tradition, seen in Williams in Rhode Island, and the two Great Awakenings, that the deep structure of the Luther tradition remains relevant to American Political thought. In the late 20th century this became evident in what has been called the Rawls and his critics debate. Rawls' theory of justice, which is ostensibly Kantian—despite his many and increasing protests to the contrary—underwent a sustained attack from communitarian critics who style themselves to be the Hegelian alternative.

The possibility that Rawls is implicated in this tradition is made plain first of all through biographical data. We know that Rawls planned to enter the ministry after he took an undergraduate degree at Princeton, and his work seemed to have a profoundly religious foundation and dimension to some of his students.[1126] What is more telling is the steady "Protestant" cast of his theory. Rawls did not link his theory to Luther or Pufendorf in any meaningful way: though both are mentioned Pufendorf is

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[1125] One could predict that Luther's thought, with its virulently anti-philosophical aspects would not find a safe haven in philosophy departments.

[1126] Douglas Martin, "John Rawls, Theorist on Justice, Is Dead at 82," *New York Times*, November 26 2002.; Samuel Freeman, " John Rawls, Friend and Teacher," *Chronicle of Higher Education*, December 13 2002.

indiscriminately lumped with other contract or natural law theorists and Luther serves mainly as a poster boy for religious intolerance, though Rawls does draw the link between Luther and Hegel.[1127] What is clear throughout his writing is a distancing from the "Roman Catholic" position: Rawls was given to making analogies between the "Protestant" and Catholic solutions to various problems and he always chooses against the "Catholic" option.[1128] This is most striking in his anti-Pelagianism: Rawls' position on desert has predictably elicited a stream of responses.[1129]

The most explicit link to the tradition of Luther is through Hegel. Increasingly, Rawls invoked Hegel to solve problems associated with the (apparent) Kantian cast of the original theory.[1130] From the side of secondary literature on Hegel there is an increasing awareness of the consistency with Rawls' position.[1131] I am certainly not the first to see the connection of Hegel to Rawls (which he himself made increasingly explicit).[1132] In the *Law of Peoples* Rawls argues that "Political Liberalism is a

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[1127] On Pufendorf: John Rawls, *The Law of Peoples ; with, "the Idea of Public Reason Revisited"* (Cambridge, Mass., 1999)., 44; John Rawls and Samuel Richard Freeman, *Collected Papers* (Cambridge, Mass., 1999)., 44n; John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000)., 7. But on the issue of reconciliation Rawls takes a position nearer Leibniz (*LoP* 126-127). On Luther: John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000).5, 348.

[1128] See John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). pp. 103-105, 169-170.

[1129] See especially George Sher, *Desert*, Studies in Moral, Political, and Legal Philosophy (Princeton, N.J., 1987).

[1130] By *LoP*, Rawls is explicit in denying any connection between practical reason and political liberalism (§ 12.2).

[1131] For instance, see Frederick Neuhouser, *Foundations of Hegel's Social Theory : Actualizing Freedom* (Cambridge, Mass., 2000). esp. pp. 269-270.

[1132] Sibyl A. Schwarzenbach, "Rawls, Hegel, and Communitarianism," *Political Theory* 19 (November, 1991)., but Benson argues that Schwarzenbach incorrectly explicates aspects both of Hegel's and Rawls' philosophies. Benson's critique seems to me overly nice and technical. Peter Benson, "Rawls,

liberalism of freedom—in this it stands with Kant, Hegel, and J.S. Mill."[1133] This is thin evidence by itself—and the inclusion of Kant and Mill elide any specific Hegalian element here. However, it is important that this connection to Hegel became clearer over time under the pressure of the communitarians: Rawls seemed to not understand why he was being so consistently misunderstood by them.[1134] It is not only in problems having to do with history that Rawls invoked Hegel. Indeed, as will be pointed out below one of the most significant borrowings is the argument that a central task of the theory as well as all political philosophy is reconciliation (*Versöhnung*).[1135] What emerges in my view is a systemic engagement with Hegel, on the level of structuring the theory, on the view of the person, and on the utility and purpose of political philosophy. Perhaps the best way to demonstrate this is in an analysis of his thought that also places it against those of his critics who claim the mantle of Hegel.

Rawls, Hegel, and the Constitution of Liberalism

Since the first publication of *A Theory of Justice* (1971), John Rawls has continually clarified his position. Many of these attempts are collected in *Political Liberalism* (1993, 2nd 1996). The revised argument is presented in more structured form

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Hegel, and Personhood: A Reply to Sibyl Schwarzenbach," *Political Theory* 22 (August, 1994). Though it is not technically necessary to show that he got Hegel "right" to prove the influence, Rawls acknowledged that he believed he was basing important aspects of his theory on Hegel. To the extent Rawls is not Hegelian, he seems to me to be Kantian; one way to see this wold be to say that Rawls reconstructs in his philosophy elements of the two great Protestant sects.

[1133] John Rawls, *The Law of Peoples ; with, "the Idea of Public Reason Revisited"* (Cambridge, Mass., 1999). p. 127.

[1134] John Rawls, *The Law of Peoples ; with, "the Idea of Public Reason Revisited"* (Cambridge, Mass., 1999). p. 73.

as *Justice as Fairness: A Restatement* (2001). The restatements were animated in part by Rawls' abiding impression that he was being misunderstood by communitarian critics.[1136] These critics contend that Rawls argues from the standpoint of an "unencumbered self," and this dangerously misrepresents the social world.[1137] But the communitarian account of Rawls' failings is open to the criticism that it both distorts Rawls' theory and that it advances a view every bit as one-sided as it claims "individualism" is. The importance of Hegel's political philosophy to both sides of this dispute has been underappreciated, but Rawls' recent publications give the impetus to reevaluate this influence. From a Hegelian perspective the "liberal-communitarian" debate—or more narrowly the Rawls and his critics debate—is a necessary and on its own terms irresolvable debate within liberalism itself; liberalism is a simultaneously historical and theoretical phenomenon. Rawls' theory itself contains this opposition, but because his theory is in Hegelian terms a *moral*—not ethical or political—theory, he fails to connect it up to the state. Comprehensive nation-state liberalism is the container not only for that moral theory but also for the dialectical struggle about abstract and concrete individuality between the communitarians and liberals. This Hegelian political science gets us closer to the explanatory power of the "scientific"

[1135] SeeJohn Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). § 1.; John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). pp. 124 ff., 164-165, 195.

[1136] Alasdair C. MacIntyre, *After Virtue : A Study in Moral Theory* (Notre Dame, Ind., 1981). p. 3.; Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982).; Michael Walzer, *Spheres of Justice : A Defense of Pluralism and Equality* (New York, 1983).; Charles Taylor, *Philosophy and the Human Sciences*, ed. Charles Taylor, Philosophical Papers ; 2. (Cambridge [Cambridgeshire] ; New York, 1985).

[1137] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 18.

theory Rawls wanted: not only does it explain the tension between Rawls and his communitarian critics, but it also explains the content of that controversy.

When Communitarians Attack

What is generally missing from both Rawls and his communitarian critics is a sense of the scope, both empirical and philosophical, of the various attacks and parries. This leads to a series of recurrent questions about Rawls and his critics. When are we talking about *our* society and when are we talking about some *ideal* society? When are we speaking about metaphysics, when about epistemology, and when about ontology? And finally, what effect does any *political theory* have on each of them (i.e., does politics point to some relationship between the categories)? Getting both Rawls and the communitarians right means sorting out these category issues.

It is then not a coincidence that both Rawls and the communitarians admit of Hegel's impact in varying degrees.[1138] In his scientific ontology of the liberal state, Hegel compels us to view normative philosophy as political behavior and—on the other hand—constitutive of our political ontology. A categorial approach will indicate a way out of the epistemological problems that both Rawls and the communitarians seem to face. Finally, Hegel suggests an account of a (doubly) comprehensive liberalism in which the tensions of abstract and concrete individuality at stake in the debate are reframed in a higher category [*aufgehoben*].

[1138] Alasdair C. MacIntyre, *After Virtue : A Study in Moral Theory* (Notre Dame, Ind., 1981). p. 3.; Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). p. ix.; Michael Walzer, *Spheres of Justice : A Defense of Pluralism and Equality* (New York, 1983). p. 259.; Charles Taylor, *Sources of the Self : The Making of the Modern Identity* (Cambridge, Mass., 1989).; John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 3.; see also Jean Hampton, "Should Political Philosophy Be Done without Metaphysics?," *Ethics* 99 (1989): pp. 792-793.

Political Epistemology

Sandel has been correct to insist that Rawls' original position points to what is foremost an *epistemic* problem.[1139] What is contested in the original position is what the representative individuals there should be allowed to remember about themselves. Sandel wants to say that we remember too little to correctly represent our social life, and that the individualistic philosophy that follows from the original position causes social dislocations.[1140] Indeed, Rawls has been repeatedly taken to task for the abstract individualism of persons behind the veil of ignorance. He wants to allow for expressions of concrete individuality after the basic structure of society is settled—which is to say after the principles of justice have been affirmed. But Sandel argues only abstract persons have a need for justice—when applied blindly, impartial justice can even damage relationships based on character, like friendship.[1141] For Sandel, concrete individuality is lost to the point that no contract (requiring distinct persons) is even possible because behind the veil we are all in effect an *identical person*.[1142] As penetrating as this insight is, it is also not quite right. First, in contemporary society it is not the case that we relate to everyone as family or friend. There is a real danger to democratic equality in the hierarchy present in the concrete world. One thing that

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[1139] Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). p. 172. This accords with Rawls' insistence that he is creating a theory with epistemic roots akin to social science.

[1140] Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). pp. 32-33, 161.

[1141] Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). pp. 183, 35.

[1142] Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). p. 131.

Rawls' original position prevents is the sort of distinction the Athenians make to the Melians; that justice comes into play only between equals—between unequals might makes right.[1143] A not-accidental religious analogy explains this. Putting the problem in religious terms is to ask what coheres in a notion of the soul and how that soul finds salvation. Before the Christian God, as Nietzsche said, all souls are identical.[1144] However, this does not mean that there is only one soul. Importantly, if finely, we are nominally distinguished. Rawls' liberalism is a faith that includes everyone—and the original position is one in which none of us can fail to choose salvation .[1145] This is the key to Rawls' political epistemology.

Political Ontology or Political Metaphysics?

It may be non-controversial to argue that Rawls' theory is intended to be normative ("realistically utopian," but not "utopian"[1146]). However, he makes an effort in both *Political Liberalism* and *Justice as Fairness*[1147] to make explicit his acknowledgement of the force of history. On one hand, history is confronted under the rubric of "intuitionism." In *Theory*, intuitionism means unstructured and historically given claims about justice that are applied on an ad hoc basis. Rawls argued that his

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[1143] Thucydides, Robert B. Strassler, and Richard Crawley, *The Landmark Thucydides : A Comprehensive Guide to the Peloponnesian War* (New York, 1996). p. 351-357.

[1144] Friedrich Wilhelm Nietzsche, *Werke. Kritische Gesamtausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin,, 1967). VI-3.10.

[1145] This is not an "Athenian" soul (distinguished by blood tie), nor a "Roman" soul (distinguished by desert), but rather a "Protestant," even Lutheran, soul that cannot hope to earn God's grace.

[1146] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). pp. 4, 192.

[1147] Hereafter *Theory*, *PL*, and *JaF*.

constructivism allowed a rejoinder to utilitarianism not possible for intuitionist theories; making the right prior to the good presents a philosophically defensible position. Rawls' concession to history in *PL* seems to damage the viability of the theory. It opens up the possibility for an even more radical historicism in which *both* the structure of values as well as a content are given. In other words, ordinary expressions of justice may be complex yet structured,[1148] and therefore the important question arises about how *Theory* accords with history or does violence to it in the name of normativity. With *PL* and *JaF* Rawls has detached justice from the reliable universalistic basis it seemed to have in *Theory*. But he has not justified normativity itself historically or philosophically—he remains uncritically tethered to the supposed neutrality and atemporality of reason. In *Theory*, liberalism seemed to be what Rawls calls a "comprehensive doctrine," a complete theory of the good. In the "political conception" of *PL* and *JaF*, he presents an alternative interpretation of the same moral viewpoint, but Rawls wants to maintain that political liberalism is an umbrella for a deep kind of pluralism. For him, this pluralism is an important kind of diversity and a source of philosophical contestation. To the extent that he incorporates an historical sense into his theory to accommodate his communitarian critics, he appears to be "splitting the difference" rather than synthesizing the two views. While Rawls intended this as a clarifying move, it instead seems to give communitarian theories more purchase. This would mean that "liberal" and communitarian theories maintain a dialectical stance that

[1148] Michael Walzer, *Spheres of Justice : A Defense of Pluralism and Equality* (New York, 1983).; John T.; Richard E. Matland; Philip A. Michelbach; Brian H. Bornstein Scott, "Just Deserts: An Experimental Approach to Distributive Justice," *American Journal of Political Science* 45 (October, 2001).

attacks the basis of a shared comprehensive doctrine: as Hegel would argue, they are "lost in" the "extremes" of the understanding.[1149] What is needed is an *Aufhebung*, a conceptual and scientific framing of this political debate in a wider conception of our political situation, the liberal state.

Situating justice requires us to think in concrete terms. This means that we must consider moral theories in the context they are given to us: the modern nation-state. Canovan highlights the importance of this unspoken but crucial assumption in Rawls and the communitarians when she argues, "Typically, theorists in both camps start by aiming their prescriptions at humanity as a whole, and then slip almost imperceptibly into talking about the particular nation-state of which they are members."[1150] But it is also the case that modernity can be distinguished by its abstract, ideal character.[1151] Nowhere is this explored with more intellectual rigor than in Hegel's lectures on the philosophy of history. He argues, "The state is the externally existing, genuinely ethical life. It is the union of the universal essential with the subjective will—and this is ethics."[1152] The state is both the symbol of and the concrete actualization of nation, ethics, and morality. This leads to the crucial

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[1149] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 184.

[1150] Margaret Canovan, *Nationhood and Political Theory* (Cheltenham, UK ; Brookfield, Vt., 1996). p. 30.

[1151] See Robert B. Pippin, *Idealism as Modernism : Hegelian Variations*, Modern European Philosophy. (Cambridge [England] ; New York, 1997).

[1152] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). p. 41.

nexus of what I will call political ontology, political metaphysics, and political epistemology, for the state is required before any genuine science may appear; history itself is instantiated: "the state creates it as it creates itself."[1153] It does this by calling instituting and embodying an official memory, an "intelligent and definite record of (and interest in) action and events whose results are lasting."[1154]

Intuition and History

Rawls sees the question of a well-ordered society as the most significant problem in the system laid out in *Theory*. Indeed, the philosophical status of justice in *Theory* has been questioned from its first publication. Is the work, in analogy to Kant, a theory of justice erected on the basis of practical reason? Or is it meant to be an account of justice-as-it-is-experienced-in-1971? Allan Bloom, one of Rawls' harshest early critics wrote of *Theory*,

> Throughout this book one wonders about the status of Rawls' teaching. Is it meant to be a permanent statement about the nature of political things, or just a collection of opinions that he finds satisfying and hopes will be satisfying to others? One finds no reflection on how Rawls is able to break out of the bonds of the historical or cultural determinism he appears to accept, and no reflection on how philosophy is possible within such limits or what it means to be a philosopher. Is he a seeker after the truth, or only the spokesman for a certain historical consciousness?[1155]

In Bloom's view, *Theory* was "merely" an attempt to justify late 20th Century welfare states in the voice of academic political philosophy, without having taken into account

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[1153] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). p. 64.

[1154] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). p. 65.

[1155] Allan Bloom, "Justice: John Rawls Vs. The Tradition of Political Philosophy," *American Political Science Review* 69 (1975): p. 648.

decisive 19th century philosophical developments. In *PL* and *JaF*, Rawls has attempted to answer such critics by giving a more plainly historical and ontological account of justice as it is now practiced in constitutional democracies.

Readings like Bloom's have certainly not been uncommon (especially among those who see Rawls as justifying the welfare state), and Rawls gives license to such a reception at some points in *Theory*. He began *Theory* by arguing that, "Justice is the first virtue of social institutions, as truth is of systems of thought."[1156] This both secures his subject's priority over competitors like order and the good life and, in the comparison to epistemology, makes political philosophy the arbiter of justice. Indeed—against the force of Bloom's early critique—a reconstruction of the moral content of contemporary politics was *precisely what Rawls' theory was aiming at*: "We are to think of the circumstances of justice as reflecting the historical conditions under which modern democratic societies exist."[1157] This is underscored by Rawls' early insistence that what he is after is a kind of *scientific* account proceeding out of a reflective equilibrium between the ideal and the empirical.[1158]

A Hegelian exegetical strategy brings into sight the issue of category. One way to begin thinking about the importance of categories is to ask, "What if the original position captures the constitution of liberal society precisely?" If the OP is *exactly* right,

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[1156] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 3.

[1157] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 84.

[1158] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). pp. 46-53.; see also Norman Daniels, "Introduction," in *Reading Rawls : Critical Studies on Rawls' a Theory of Justice*, ed. Norman Daniels (Stanford, Calif., 1989), pp. xlii, li-liii.; R.M. Hare, "Rawls' Theory of Justice," in *Stanford Series in Philosophy*, ed. Reading Rawls : critical studies on Rawls' A theory of justice (Stanford, Calif., 1989), p. 82.; Thomas Nagel, "Rawls on Justice," *Philosophical Review* 82 (1973).

what then does the rest of the theory say to us? This would mean that basic structure of society would be settled. But after that ("OP + 1"), the theory has *nothing* to say (or very little: kinds of communitarianism, moral perfectionism, and other "retail versions" of theories of the good can be contained within it —as indeed they must be for the practice of liberalism to have any content). Even if the OP isn't quite right, the only consequence that proceeds from that is that Rawls' theory is wrong. His being mistaken—having imperfectly modeled liberal moral machinery— doesn't (necessarily) cause anything. In other words, his *theory* of liberalism designed to give us a picture of our moral intuitions about justice may be incorrect, but this may not imply any untoward ontological repercussions. If Rawls is wrong, consign his crackpot theory to the dustbin of history. It is only in the case that he is (exactly) right that social reality is connected to his ideas. Conversely, the appearance to us that Rawls is mistaken may be predicted by things that liberal theory causes us to remember and forget. Paradoxically, what is designed to be a theory of the liberal constitution might be better seen as an example of *liberal practice*. Taken alone, a moral theory "forgets" its socio-political context and attempts to map the will and its possible contents. As a model of that will, it is an impassioned call to action.

Rawls allows that political philosophers have offered differing conceptions of justice,[1159] but the principles that he will defend are reached through the device of the original position and its veil of ignorance. Rawls asks,

> …why, if this agreement is never actually entered into, we should take any interest in these principles, moral or otherwise? The answer is that the

[1159] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 5.

> conditions embodied in the description of the original position are ones that we do in fact accept.[1160]

This acceptance is not predicated on the claim that the principles of justice are "necessary truths or derivable from such truths,"[1161] but rather on the result of a "reflective equilibrium" reached in "the attempt to describe our moral capacity."[1162] This will take the form of principles, related to each other in a coherent and systematic manner, and congruent with "everyday judgements."[1163] This will be a systematic effort, and it will therefore stand in relief against intuitionist justice, which is a kind of non-theory theory.[1164]

Rawls moves to a general conception of justice after introducing the two principles of justice upon which the work rests.[1165] These are a "special case" of the general conception that,

> All social values—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage.[1166]

Rawls appeared to think that this general conception of justice was an atemporal truth—it marks out the boundaries of what justice is or might be. On the other hand, he was

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[1160] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 21.

[1161] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 21.

[1162] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 46.

[1163] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 46.

[1164] Joel Feinberg, "Rawls and Intuitionism," in *Reading Rawls : Critical Studies on Rawls' a Theory of Justice*, ed. Norman Daniels (Stanford, Calif., 1989).and R.M. Hare, "Rawls' Theory of Justice," in *Stanford Series in Philosophy*, ed. Reading Rawls : critical studies on Rawls' A theory of justice (Stanford, Calif., 1989). argue that Rawls' theory rests on intuitionism.

[1165] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 60.

[1166] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 62.

willing to concede that the priority of liberty is a historical occurrence.[1167] Although moral learning does play a role in developing a sense of justice in the individual,[1168] this teaching must not take the form of a "noble lie":[1169] again, justice must rest on a description of a set of principles from a perspective "that we do in fact accept."[1170] A reflective equilibrium may be reached by anyone who puts himself in this situation. The device of the original position allows moral philosophy to do its business, that is, to "look for possible bases of agreement where none seem to exist."[1171] Rawls argues that resulting from this device is,

> Thus to see our place in society from the perspective of this position is to see it *sub specie aeternitatis*: it is to regard the human situation not only from all social but also from all temporal points of view.[1172]

Liberalism, which associates itself with the standpoint of science, has a tendency to view itself in precisely these terms—and therefore retreating from a universalistic position might seem problematic from the standpoint of correctly reconstructing liberalism. Indeed, the argument Rawls makes for the status of the general form of justice is the sort of claim he would be making if he had not decided to make some concession to history. Given that a "general" form is preserved, it is worth asking if the more specific form of justice (the two principles) deviate *enough* from the general

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[1167] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 542.

[1168] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). pp. 461, 516.

[1169] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 454.

[1170] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 587.

[1171] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 582.

[1172] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 587.

conception. But, as he is willing to concede, the framework they co-inhabit only exists in modernity.

It seems that Rawls wants to move in the direction of political ontology (though he maintains that was his intention all along[1173]). Rawls could respond Bloom's objection by saying that the theory may have no normative force outside of its temporal and geographical context, but it explains best our thinking within it—it synthesizes our aspirations for justice. This would defuse Bloom's objection, clearly explaining the status and scope of theory: for us moderns—and in its proper context—Rawls' moral theory is the truth. However, this does mitigate the problem I am pointing to. Having conceded that liberalism is a part of a grand *historical* tendency, he seems hard pressed to justify a space for the normativity still present in *PL*. To make my criticism explicit (here I am following Hegel): if Rawls is interested in giving a *scientific description* of what we really think, then there is no room for normativity (on *his* part) in the rational reconstruction of political philosophy. If what we think is historically conditioned, then what we think we *should* think is similarly determined.[1174] Interestingly, this last is a trap Sandel wants to steer Rawls clear of. For Sandel, this double determination implies what he calls a "radically situated subject,"[1175] a subject who is instantly transformed in his preferences and constitution by his whereabouts. In other words, the problem is that both aspects of the personality are simultaneously and constantly modified. But it

[1173] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. xvi.

[1174] This could be seen as a radicalization of Rawls' claims about desert in that both the will and what makes the "good will" good are historically but separately conditioned.

[1175] Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). p. 6.

would seem that Sandel wants to collapse the categories too easily. It would accord with our experience better if the "constitutional" part of our personality were rather more resistant to change than our immediate preferences are: a subject could be radically situated without fading into the wallpaper. Rawls is also right, in his way, about the political-not-metaphysical roots of why we think that. In the right context the original position really is what we think. But this is not a scientific finding because he has not taken account of its wider historical determinants. The "last endogeneity" introduced by the philosopher is a consequence of attributing normative status to a moral theory in the ethical domain. There is a normative consequence to agreeing with Rawls about his description, and the scope of that consequence varies with the subject we take him to be addressing.

Specifying the Communitarian Pressure

Communitarians have by and large argued that the account of persons in Rawls' and similar "individualistic" accounts are either false or at best a distortion. Human beings are then historically and socially situated concrete rather than abstract individuals. To some extent I let Sandel's critique of Rawls stand in for communitarianism.[1176] The terms of Sandel's attack have arguably had the most resonance,[1177] as ubiquitous use of the phrase "unencumbered self" indicates.

[1176] This necessarily does injustice to the varieties of communitarianism. It may be argued that Taylor's, MacIntyre's, Walzer's (or even another) communitarianism is more nuanced than Sandel's, particularly with respect to those authors' attention to their philosophic roots in Hegel. However, Sandel's critique of Rawls has clearly been the most influential. This is even shown by the professional and textual reflexivity of the communitarian literature. For example, see Taylor on Sandel Charles Taylor and Amy Gutmann, *Multiculturalism and "the Politics of Recognition" : An Essay* (Princeton, N.J., 1992). p. 58.; Charles Taylor, *Sources of the Self : The Making of the Modern Identity* (Cambridge, Mass., 1989). p. 89., but see Charles Taylor, *Hegel* (Cambridge [Eng.] ; New York, 1975). p. 570. and Walzer on Sandel Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18

Sandel's famous piece contains two main arguments. First, he contends that what liberal theories—and Rawls' theory in particular—presuppose is a certain picture of the person, of the way we must be if we are beings for whom justice is the first virtue. This is the picture of the unencumbered self, a self understood as prior to and independent of purposes and ends.[1178] Sandel rejects this, arguing that it omits the social rootedness of concrete persons. Second, the consequence of such a theory, he argues is that "…the liberal self is left to lurch between detachment on the one hand, and entanglement on the other. Such is the fate of the unencumbered self and such is its promise."[1179] Sandel is arguing that individualistic philosophy, is (1) false in the sense that it does not take account of the fact that persons are historically and socially situated and (2) that when instantiated in political discourse, individualistic liberalism crowds out the prospects for "real" democracy. Worse, it

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(1990): p. 9. Sandel cites both MacIntyre and Taylor in Sandel Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). pp. 147, 160-1, 175n., while Taylor and Walzer both provided positive reviews of Sandel (1982). On assonance among these communitarian theorists, see Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford, UK ; Cambridge, USA, 1992). esp. pp. 157-164. "From this perspective, all four communitarians are united around a conception of human beings as integrally related to the communities of culture and language that they create, maintain and inhabit" Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford, UK ; Cambridge, USA, 1992). p. 162. Additionally, both Sandel's communitarianism and his reading of Rawls present mutually exclusive extremes of individualism and community. This hyperbolic competition is useful to show the tensions between "individualism" and communitarian approaches generally.

[1177] Richard J. Arneson, "Introduction," *Ethics* 99 (1989): pp. 695-696.

[1178] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 18.

[1179] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 24.

has the "tendency to undercut the kind of community on which it nevertheless depends."[1180]

If "the social" is a powerful enough force to derail the individualistic project—one has the image of individualism, having wandered too far, being snapped back to reality—then why is it not sufficiently strong to prevent the heresy in the first place? Sandel glides past this point when he introduces—but does not resolve—the following paradox:

> [This view of individualistic liberalism] calls into question the status of political philosophy and its relation to the world. For if my argument is correct, the liberal vision we have considered is not morally self-sufficient but parasitic on a notion of community it officially rejects, then we should expect to find that the political practice that embodies this vision is not *practically* self-sufficient—that it must draw on a sense of community it cannot supply and may even undermine.[1181]

Taking history as seriously as Sandel wants to would seem to require the impossibility of liberalism. At the very least, he would have to defend a position that explains how such a self-destructive yet omnipresent false consciousness took root in the West (and is it really John Rawls' fault?). The problem is highlighted as he laments contemporary political arrangements: "So long as the nation-state is the primary form of political association, talk of constitutive community too easily suggests a darker politics than a

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[1180] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 27. Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18 (1990). distinguishes these two arguments as "communitarianism one" and "communitarianism two". See also Allen E. Buchanan, "Assessing the Communitarian Critique of Liberalism," *Ethics* 99 (1989): p. p. 856.

[1181] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 24.

bright one."[1182] One is put in mind of the aporia concerning the origin of language in Rousseau's *Second Discourse*: "speech seems to have been highly necessary in order to establish the use of speech."[1183] I take this to be an ironic device that points out the incoherence of atomistic state-of-nature theories. But Sandel does not seem to be making his point with similar irony: he draws definitive political consequences from holding "liberal" views.[1184]

Two things need to be said about the coherence and impact of the Rawlsian, or "liberal", views that Sandel attacks. First, because the original position is meant to be a device of representation, or a model of our considered convictions (given certain constraints), if "we" conceive ourselves as autonomous moral agents it is not Rawls' theory that makes us do so. Either we do (Rawls is correct) or we do not (and the original position does not correctly model our considered judgements). I think we must be honest with ourselves and say that we do in fact consider ourselves to hold the moral power that the original position models. But we must also be honest with the communitarian attack, or a version of it, and say that this moral capacity that we congratulate ourselves on is not inborn, it is socially constructed.[1185] In other words, the way in which we conceive of ourselves as liberals is historically given. There is a

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[1182] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 24.

[1183] Jean-Jacques Rousseau, Roger D. Masters, and Judith R. Masters, *The First and Second Discourses* (New York,, 1964). p. 123.

[1184] Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, UK ; New York, 1982). p. 66.

[1185] Though it derives from the natural but social fact of human self-consciousness, see Ian Tattersall, *Becoming Human : Evolution and Human Uniqueness*, 1st ed. (New York, 1998).

category error involved in arguing that the two positions conflict. The first is a point about what we know, the second is a point about how we come to know it.

Second, we need to look closely at the incoherence in social life that Sandel alleges is caused by liberalism. It is a fact that life within liberalism has unpleasant costs as well as its benefits. The lurching of the self has to be seen as an alienation which has been present from the beginnings of the ontological and epistemological triumph of "liberal" thought and practice.[1186] This alienation takes one of its philosophical forms as Sandel's communitarianism. Thus, the discontent could be seen in one sense to have more to do with communitarianism and communitarians than "liberalism" and liberals: if one is prepared to trade a few sleepless nights for high material comfort then that alienation could at least be salved if not quite completely ameliorated. Taylor argues that,

> This is why those thinkers who stand in a Romantic or expressivist tradition of whatever kind, disciples of Rousseau, or of de Tocqueville, or Marx, whatever they be socialists, anarchists, partisans of 'participatory democracy', or admirers of the ancient polis like Hannah Arendt, are all estranged from modern Western society.[1187]

Walzer (1990) expresses a similar view when he writes that communitarianism is an instance of a recurrent, endemic, if "transient" critique of liberalism: "No liberal success will make it permanently unattractive. At the same time, no communitarian critique, however penetrating, will ever be anything more than an inconstant feature of

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[1186] Albert O. Hirschman, *The Passions and the Interests : Political Arguments for Capitalism before Its Triumph* (Princeton, N.J., 1977).

[1187] Charles Taylor, *Hegel* (Cambridge [Eng.] ; New York, 1975). p. 542.

liberalism."[1188] Against these two communitarian self-analyses, I want to argue that the alienation felt by persons in modernity does not stand outside, or to the side, of liberalism. It is a constant feature of our psychic life. Hegel understood this, and I approach his solution later. He also understood the power of this estrangement for producing political passion,[1189] for it is not just communitarians who do not feel at home in the current political situation, but also social democrats, libertarians, classical republicans, utilitarians and every other type of political cat. Still, there are those who pay real costs for the social and psychic reality of what Sandel calls liberalism. In a very real way, that liberalism is bought at the expense of those who are strangers in their own lands, those who cannot, for whatever reason, get with the program of modernity. Those who pay the steepest costs in our society are those who cannot find a way to live within it. I am talking about the drunks, the drug addicts, the criminals, poetic Swabian schizophrenics, romantic suicides on the Wannsee, and antichristians throwing their arms around horses' necks. It is not obvious that there is a transfer of wealth—in Leninist imperialist style—between those who are more at home and those who are less, but it is probably the case that the shape of liberal life requires some Foucaultian discipline and boundary drawing if not an extra-systemic "other". On the other hand, communitarian-style attachment to the "world"—short of madness—can ironically produce a quasi-religious distance from the world that has its rewards too—in variations

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[1188] Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18 (1990): p. 6.

[1189] Georg Wilhelm Friedrich Hegel, *Introduction to the Lectures on the History of Philosophy*, ed. T. M. Knox, Arnold V. Miller trans. (New York, 1985). p. 26.

on the *unio mystica* and other internal and external rewards accorded to prophets (like academic success, for example).

If my suggestion that that both the Rawlsian and communitarian positions are related through a comprehensive nation-state liberalism is correct, then it will be profitable to situate them among other political theories. I argue Rawls is easily able to respond to his communitarian critics. The reasons for this requires a discussion of attempts to constitute politics. Consider the following classificatory scheme:

Unit of Analysis	Individual Good	Social Good
Abstract Individual	**I.** *Deontology*: $Rawls_{OP}$, Kant, Libertarians *Stoics* *Christianity*: Augustine; Luther,	**II.** $Rawls_{OP+1}$, Social Democrats, Utilitarianism
Concrete Individual	**III.** Nietzsche, Postmodernism, Cavell, Emerson, Humboldt, Romanticism, ($Rawls_{OP}$)	**IV.** Communitarianism, Marx, Classical Republicanism, ($Rawls_{OP+1}$)

OP = Original Position; OP+1 = after the Original Position

Figure 1. Individuality and the Good

It should be clear to us as political observers that ideological conflicts occur most often—though by no means always—between theories in the top half of the figure and those in the bottom half of the figure. (Conflict over preeminence within each cell has also been common). One reason Rawls' theory has been so attractive to so many people and inspired so much debate is that it appears to occupy space in all four cells: (I.) as deontological liberalism that communitarianism critiques and Kantians assent to—Nagel's Rawls; (II.) as the wealth maximizer, political egalitarian, and agent of

subjective valuation—Fisk's, Dworkin's, and Scanlon's Rawls; (III.) as the historical liberal and socialized neoclassical economic man of *Political Liberalism*—Hare's and Feinberg's Rawls; (IV.) and as the liberal communitarian ensconced in a social union of social unions—Kymlicka's Rawls. The last two guises may be less obvious than the first two, but textual support for them abounds. This also helps explain why Rawls has proven so cagey to his detractors and supporters: he is (a bit of) all things to all but the most dogmatic critics.

There is also a conflict of sorts in the move from left to right, from locating the good in the individual and locating it in the social. Contractarian political theorists want to insist that the self is transformed in the contracting process (something which they argue for normatively). In Hobbes, the problem of moral subjectivity is transformed by incorporation into the regulative body of the Leviathan. An earlier, natural state, is compared to the social state. One of Rousseau's genius insights was to realize the degree of projection back into the "natural" that was going on in the classical contract theories. His emphasis on a more robust conception of consent (based on fully conscious choice and not in response to appetite or coercion) lead Kant to rarify the concept even further: consent is with him an "idea of reason"[1190] such that we need only propose a contract to which rational men *could* reasonably consent. Critics have long pointed out how empowering this is to philosophers (as representatives of Reason, they are authorized to speak for everyone) over against everyman, but with this move we are again in Rawls' neighborhood.

[1190] Immanuel Kant, *Kant's Political Writings*, ed. Hans Siegbert Reiss (Cambridge [Eng.], 1970). p. 79.

In Rawls' original position, we could be said to see ourselves simultaneously in terms of individual and social good. The idealized choice situation allows us to see ourselves as social beings while also acting in accordance with our own interests. And after the original position is relinquished, we are free to pursue retail versions of the good, in communities and outside of them. The original position *is* an epistemological standpoint, but it is an epistemological standpoint activated by a moral impetus. It frees us to do what is ("deontologically") morally correct: in a moral sense we know ourselves better when we know nothing about the facts of our lives. We experience our common morality when the facts of our individual lives are hidden from us. And we know our concrete selves better after we emerge from the original position because we have directly experienced our common moral intuitions.[1191] In this way Rawls is a better communitarian than his critics: we are revealed as communal beings both when we consider ourselves as abstracted individuals *and* when we return to our "worldly" selves. To make the point in Hegelian terms, when communitarians deny the distinction between morality (*Moral*) and ethics (*Sittlichkeit*) they alienate us from ourselves in a way converse to what they accuse Rawls of doing. But this powerful response to the communitarians latent in Rawls' theory raises two questions, the first of which I can deal with at this point: Why *this* ideal choice situation and not another? If justice beats

[1191] This is why Hare's cantankerous remark that Rawls is "advocating a kind of subjectivism, in the narrowest and most old fashioned sense" R.M. Hare, "Rawls' Theory of Justice," in *Stanford Series in Philosophy*, ed. Reading Rawls : critical studies on Rawls' A theory of justice (Stanford, Calif., 1989), P. 82. when he appeals to what is reasonable to "us" doesn't hit its target. Hare's critique presupposes that values are radically subjective, that we could experience something outside our common moral framework.

utility (i.e., the right is prior to the good), it would also seem that only utility (broadly construed) can decide between two justices.[1192]

Do we believe this? The test case would be whether the ends *do* ever justify the means. What we mean when we use that phrase is that it is OK to do wrong when the payoff is great enough. But this reveals another strength of the original position, that it describes our moral intuition—and provides its scope—with regard to this problem. "The ends justify the means" could not be chosen behind the veil because it is a call to sacrifice some individuals for the good of others. But behind the veil we cannot distinguish to the extent needed to pick individual winners and losers. Conversely, when an individual *volunteers* to sacrifice himself, this reaffirms his commitment to the whole and tends rightfully to confer honor. In other words, an individual's decision to sacrifice himself for the good of the many does not justify utilitarianism in a moral sense, except as the individual applies that moral rule to himself. (A collective version of this is a lottery, agreed to by all based on some compelling need). There are two conclusions to draw from this. First, utilitarianism is a component of "deontology" or what Hegel calls *Moral*. Second, the original position allows us to see in precisely what way the right is prior to the good.

I have complicated Rawls by arguing that his philosophy occupies all four quadrants of Figure 1. But this could be said of most political philosophies. They all have something to say about the quadrants they do not occupy. "Hobbes" is the attempt to move from quadrant I to quadrant II, but as the liberal philosopher of the body, his

[1192] I owe this idea to David Schmidtz. It could be expressed in formally as: $J_1 > J_2$ when $(J_1 + U_1) - (J_2 + U_2) > 0$.

views are intimately connected to and account for III. and IV. Libertarians want to collapse I. and III., and argue that III. and IV. can be seen as functions of I. Marx wants to move from the depraved condition of I. to IV., with III. collapsed into it. Communitarianism wants to argue that III. arises out of IV., and it wants to denies the "true" existence of I. and II. This denial embodies a neo-platonic resort to I. and II.

Armed with this insight, we need to turn the focus back on Sandel's critique of Rawls. The communitarian literature's acknowledgement of its intellectual debt to Hegel is crucial to this effort because the communitarian response to "individualism" proceeds from a misreading of Hegel's philosophy. Indeed, communitarianism seems to have more in common with counter-Enlightenment thinkers including Herder and those thinkers associated with early German Romanticism.[1193] Hegel did not so much argue against either individualism on the one hand, or against theories that proceed from the social on the other. Instead, he argued that both are insufficient for describing contemporary political arrangements because both tendencies, the individualistic and the holistic, are present in a full account of liberalism.[1194] These two positions jostle one another from inside a system of philosophy framed by liberalism, constantly contesting each other for sole access to the privileges of being the dominant philosophical move.

Hegel was striving to produce what we could call a scientific account of political philosophy, which means that normative elements (individualism, social situatedness)

[1193] Charles E. Larmore, *The Romantic Legacy* (New York, 1996). P. 36. See also Pierre Birnbaum, "From Multiculturalism to Nationalism," *Political Theory* 24 (1996).

[1194] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 279 Anmerkung, §§ 153, 187.

are to be *described* rather than to be *ascribed to*. This is clear in the Preface to the *Philosophy of Right*, where Hegel concluded with the following: "A further word on the subject of *issuing instructions* on how the world ought to be: philosophy, at any rate, comes too late to perform this function."[1195] To be a scientific account, work on the *concept of the state* had to distance itself from normative accounts. His work, he argued,

> …insofar as it deals with political science, shall be nothing other than an attempt to comprehend and portray the state as an inherently rational entity. As a philosophical composition, it must distance itself as far as possible from the obligation to construct a *state as it ought to be*; such instruction as it may contain cannot be aimed at instructing the state on how it ought to be, but rather at showing how the state, as the ethical universe, should be recognized.[1196]

The application of these Hegelian insights to the paradox that Sandel—and indeed many communitarians— are left with serves to show that their distortion of Hegel leads to conceptual difficulties. (In the figure above Hegel aims to describe the classificatory scheme itself, which is in the last analysis the state).

Following from this are several additional observations about Sandel's critique of Rawls. First, Sandel argues that the unsituatedness of the self in individualism makes Rawls position incoherent, because "Only if the self is prior to its ends can the right be

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[1195] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 23.

[1196] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 21.

prior to the good."[1197] This may be phenomenologically true, i.e. if we insist on constructing a philosophical narrative that discovers a logic to the emergence of philosophical positions (as opposed to seeing philosophy as retrospectively constructing such a narrative, the only position consistent with historicism). Clearly, the complaint against individualism is not as strong if we are permitted to adopt a Hegelian position: the moral fact that the right is thought prior to the good is given by history, rather than being the outcome of disembodied philosophical cogitation. Notice how this interpretation shows how Sandel's critique is one-sided and tendentious, because it captures the historical insight of communitarianism but it is also capable of explaining the pervasive existence of various forms of "individualism" (including Rawls' position). Rawls' actual position (as opposed to the cartoon version of "individualism" that Sandel ascribes to him) has no problem admitting the "social construction" of individualism, but in practical terms—for Rawls as for Hegel—it just doesn't matter because the categories in which these two insights operate are distinct. Liberal philosophy is not responsible for constructing persons, but rather for modeling their behavior.

When Sandel calls "into question the status of political philosophy" because individualism is "parasitic" on community,[1198] he collapses philosophical and sociological categories. This is a conscious move but it has curious implications. He accepts the "individualistic" liberal vision of social life as radically differentiated; he is

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[1197] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 19.

[1198] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 24.

committed to the position that the "individual" has—in contrast to his main point—some separate existence outside the social milieu (the view *from* nowhere would seem to appear *out of* nowhere). This is both—but separately—a philosophical and ontological point. The alienation caused by the idea of an abstract individual is Sandel's creation—not Rawls', because Rawls recognizes that our philosophical life is "socially constructed." Sandel commits the category error when he collapses the mind-body distinction but continues to use philosophy as before. No one is denying the sociological point that the abstract individual and concrete individual are both artifacts of a community containing individuals; Rawls acknowledges that the modern individual is an historical artifact. What Rawls contests is the *moral relevance* of the individual's social construction. It is a fact of our mental experience—one that Sandel rejects—that we sometimes think of ourselves as ahistorical individuals making up a community. The abstract individual and concrete individual of philosophy are both given by the history of our community.

The Hegelian question would be: why not see these persons as integrated (and, consequently, how would it be possible that they are unintergrated, if the social theory out of which communitarianism draws its strength is correct)? From this perspective, the "liberal" and "communitarian" constitute a dialectic in political thought. The one side argues for a revolutionizing abstract individualism, the other for a "conservative" founding of thick community. The picture that these two paint together (explored more fully below) is essentially our social and political landscape: our communitarianism is not a post-liberal fantasy but rather the liberalism we experience in nation-states. If this

crowds out democracy—of an unspecified, but presumably participatory kind[1199]—then it would not be a democracy that is easily available to us. Given that our social word is in fact the nation-state, any other form of community would arguably put us somewhere that we do not belong.[1200]

This is even more evident in Sandel's contention, "What is denied to the unencumbered self is the possibility of membership in any community bound by moral ties antecedent to choice; he cannot belong to any community where the self *itself* could be at stake."[1201] This could mean that the philosophy of individualism undercuts thick community and/or that the philosophy of individualism mischaracterizes they way communities are constituted. Sandel's contention seems to be that Rawls' philosophy *causes* people to act as if they were unencumbered selves. If he is speaking about the practice of individualist liberalism (which Rawls' philosophy perhaps reflects?), then there is the question of how the practice of individualist liberalism emerged from the kind of community Sandel both advocates and is the alleged default from which individualist liberalism strays. He argues that individualist liberalism has a problem because it posits a "distinction between the values I *have* and the person I *am*."[1202] But this is the heart of the matter: this is precisely the distinction Sandel replicates when he says that communitarianism shows how we *are* while liberalism provides the false

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[1199] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 27.

[1200] Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18 (1990): p. 16.

[1201] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 19.

[1202] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 18.

values we *have*. If communtarianism has something to do with recognizing the force of history and social situation, then it should be the case that the sort of "constitutional" discourse implied by the self itself being at stake should also be, practically speaking, off limits to communitarians as well. Although Sandel is not required by his position to be radically determinist, at the very least change in selves would tend to take a more leisurely pace and would not be open to the strong notion of perfectibility this line of argument makes room for.

Thinking of ourselves as autonomous is not foreign to our culture, it is rather partially constitutive of it.[1203] On cannot ignore the fact that moderns view themselves as morally independent beings; any account of our morality must take account of this. Sandel argues that as citizens, "we find ourselves implicated willy-nilly in a formidable array of dependencies and expectations we did not choose and increasingly reject."[1204] The status of "individualist" philosophy in this claim is an ideology, it is a false consciousness. If human beings are connected to political outcomes (i.e., if we are not inclined to fully endorse theories of malevolent elite control), then our political arrangements would seem to be in some way not radically disconnected from our preferences and cultural expectations. The claim that we "increasingly reject" present political arrangements is a proposition of fact. In other words, if it is a testable empirical hypothesis, the data may show that Sandel is wrong about this claim (if the sample were the public as a whole, which seems to be implied in his *Democracy's*

[1203] See J. B. Schneewind, *The Invention of Autonomy : A History of Modern Moral Philosophy* (Cambridge ; New York, 1998).

Discontent (1996)).[1205] The same goes for his contention that the nation-state is on the way out.[1206] And it is especially true of the contention that the nation-state is somehow a weak, rather than thick, form of community. After all, communitarianism itself grows in the garden of the nation state. While communitarians bemoan this supposedly attenuated bond (Taylor 1998), their position hardly seems unassailable. For example, on the one hand Durkheim had spoken of the relatively weak tie of the pre-modern tribe (Durkheim 2000: 161), and Herz at least is willing to argue that nationalism strongest sentiment in modern politics (Herz 1944: 1; see also Kellas 1998: 83; Llobera 1994: 144). This suggests that our philosophical and emotional attachment to nation-states is, practically speaking, our only option.

Finally, let us turn to the specific formulation often claimed to be the communitarian knock-down argument against Rawls. After Rawls dismisses utilitarians (for blurring the distinction between persons) and libertarians (for not taking luck into account), he nevertheless introduces an ethic of sharing. Sandel takes Rawls to task because his theory "ends by assuming that these assets are therefore *common* assets and

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[1204] Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," in *Communitarianism and Individualism*, ed. Shlomo Avineri; Avner de-Shalit (Oxford, 1992), p. 28.

[1205] Michael J. Sandel, *Democracy's Discontent : America in Search of a Public Philosophy* (Cambridge, Mass., 1996). Trust in government as measured by public opinion polls declined from a high in the late 1950s until about 1980. After that the figures for those who trust the government to do the right thing "most of the time" and "just about always" range from the low 20%s to 64% immediately after the September 11, 2001 terrorist attacks. The figure for those who trust the government "only some of the time" has ranged from the low 50%s to 76% (excepting post-9/11: 34%), while those trusting in government "none of the time" ranged from 1% up to 8%, though usually in the 2-4% range. (http://www.washingtonpost.com/wp-srv/politics/polls/vault/stories/data092801.htm).

[1206] The number of nation-states has risen steadily in the liberal era, from 21 (1776) to 53 (1917) to 68 (1945). There are currently 191 member states of the United Nations (2004). UnitedNations, Growth in United Nations Membership, 1945-2004 (2004 [cited 10/12/2004 2004]); available from http://www.un.org/Overview/growth.htm.

that society has a prior claim on the fruits of their exercise. But this assumption is without warrant" (Sandel 1992: 22). First, this would only be the case if Rawls were a cartoon of his actual position, that is to say if he were as individualistic as Sandel wants him to be. Second, the charge seems faintly disingenuous in the mouth of a communitarian (after all, their position clearly provides the answer to this question), though it does serve to show once again that individualism is indeed, a one-sided and incomplete account of liberal society. It is a disingenuous claim because it says that being able to conceive of ourselves as abstract individuals somehow prevents us from acknowledging how those individuals come about and interact. In fact we can know both things, because they exist in different categories and are not at odds.

Sandel's communitarianism sees liberal society lurching between individualist philosophy and the community ties that *truly* undergird liberal society. This would be problematic if communitarian *philosophy* were the linchpin holding us together, but philosophy does not do that. If Sandel were right about the havoc that individualist philosophy were supposed to wreak, we could not explain sociality. When liberal philosophy commits this category error it tells social contract stories. From a communitarian perspective, we cannot even really explain the existence of liberalism, let alone the "lurching" caused as it disturbs our community's equilibrium.[1207] I have argued that communitarians present a one-sided account which is every bit as incomplete as the one they charge individualism with. And I have said that this could be

[1207] On the incoherence of communitarians' use of abstract philosophical categories, see also Will Kymlicka, "Liberalism and Communitarianism," *Canadian Journal of Philosophy* 18 (1988).; Allen E. Buchanan, "Assessing the Communitarian Critique of Liberalism," *Ethics* 99 (1989).; Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18 (1990).

repaired by recourse to a categorial reading of Hegel. What remains is to assess the degree to which Rawls' theory is reconciled to a comprehensive Hegelian view of liberalism.

Rawls and Hegel

In drawing up justice as fairness, Rawls gives an account of ethical life anchored in the moral reasoning of the original position. The position he takes here contra Hegel is that of morality alone, out of its context (social life in the state). At its worst, this threatens to re-collapse the distinction Hegel introduced between morality and ethical life. This is not at all an unreasonable position from the standpoint of morality—indeed, it was shown above to be superior to the position taken by Sandel. But taking it produces an incomplete account likely to give rise to precisely the kind of ontological attacks that have been launched by communitarians. The extent to which Rawls approaches this extreme moral-not-political standpoint can be determined by watching him appropriate Hegel's social philosophy. In using Hegel's conception of ethical life (*Sittlichkeit*), Rawls mixes elements of ideality and ontology in very sophisticated ways, indicating that he knows well the stakes involved. This is shown clearly in the import of *Versöhnung* ("reconciliation") in Rawls' reading of Hegel, which points to a resolution of the tension between moral and political theory.

Hegel's influence on Rawls is not obvious. But although Rawls seldom mentions Hegel in his writings on justice, the philosopher figures prominently in his thinking.[1208]

[1208] Rawls mentions Hegel twice in *Theory* in connection with private property John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 521n.; in *PL* he devotes three unfocused pages to Hegel in a curious critique that trails off into discussion of Lockean social compact theory John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. 287-8.; In *JaF*, Hegel appears three

Most recently, Rawls has written that Hegel's social philosophy allows us to be reconciled to our society by affirming its rationality. What Rawls wants us to be able to be reconciled to is the following:

> Thus I believe that a democratic society is not and cannot be a community, where by a community I mean a body of persons united in affirming the same comprehensive, or partially comprehensive, doctrine. The fact of reasonable pluralism which characterizes a society with free institutions makes this impossible.[1209]

This is a curious use of Hegel: perversely, it would seem that Rawls wants us to use the Hegelian idea of reconciliation so that we are not alienated by one of Hegel's primary substantive doctrines.

For the only detailed published discussion of Rawls' Hegel reception we have to turn to a volume of recently published lecture notes from an undergraduate ethics course that Rawls regularly taught at Harvard. Barbara Herman, who edited the volume, argues that Rawls uses Hegel to develop the "notion of a wide social role for morality"—his understanding of Hegel sketches the "bridge between Kantian moral thought and the liberalism of Rawls' own work."[1210] This is evidence for the contention that although Hegel is rarely explicitly addressed in Rawls' writing on justice, his presence can be felt more and more explicitly post-1971. It shows that Rawls thinks of liberalism as a social practice, not simply as the deontological standpoint that Sandel critiques.

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times: once as the source of the idea of philosophy as recognition, once in connection with the historical circumstances of Christianity, and finally as a reference for the idea of classical republicanism John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001).

[1209] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 3.

[1210] Herman in John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. xv.

Ethics: Ontology Not Metaphysics

Rawls' reading of Hegel is more sophisticated than Sandel's. He does not make Hegel into a philosopher who says merely that history and social situation matter. Rawls writes, "I have taken him to be laying out an ideal-typical system of institutions that he thinks *does* constitute modern freedom."[1211] But Rawls also claims that Hegel wants to make normative claims about how we ought to conduct ourselves—and such a suggestion appears nowhere in Hegel's mature thought.[1212] Hegel is presenting us with a philosophy of philosophy: it is a way to understand how our self-understanding comes about, maintains, and perpetuates itself. Normativity in Hegel's thought serves to point out not how we ought to *act* (in a political sense) but rather how we ought to *understand ourselves*.

It is worthwhile here to return to what Rawls' notion of normativity is, because he seems to be using the word in precisely the way Hegel's philosophy is normative. Consider that for Rawls, the conception of free and equal citizens is a "normative conception: it is *given* by our moral and political thought and practice, and it is studied by moral and political philosophy and by the philosophy of law [emphasis added]." It is to be distinguished from a biological view of human beings that sees them as without

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[1211] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 348.

[1212] But see Otto Pöggler, "Editorial Introduction," in *Hegel, Georg Wilhelm Friedrich, Lectures on Natural Right and Political Science : The First Philosophy of Right : Heidelberg, 1817-1818, with Additions from the Lectures of 1818-1819* (Berkeley, 1995).; Michael Alan Mosher, "Civic Identity in the Juridical Society: On Hegelianism as Discipline for the Romantic Mind," *Political Theory* 11 (1983).

moral powers.[1213] This means that the fact that we consider ourselves moral beings has consequences for what sort of claims we are liable to put up with from one another. Specifically, it is a moral theory because justice as fairness applies to "first principles of justice," not on the regime type. Furthermore, this agreement is "hypothetical and nonhistorical" such that it "would make no difference" if it ever took place.[1214] What sort of normativity is this? It seems to be the same kind of "normativity"—the kind which applies to our self-understanding—as in Hegel. For him, normativity is a institution given its shape by our self understanding, it is animated by the passions, and owes its existence to the idea of self-consciousness.

Rawls asks if this means his theory has "no significance," and answers that it is important as a "device of representation for public and self-clarification" in two ways. First, it "models" fair conditions for regulating the basic moral structure of society. Second, it "models" acceptable restrictions on *reasons* which are to be allowed when arguing for or against principles of justice.[1215] This is not yet in any ordinary sense a normative theory. It concerns normativity in that it gives its basis in our self conception, but Rawls is not arguing that it implies any duty to act on our parts. Where it does matter in the sense of how we commonly think of normative moral or political theories mattering is with regard to legitimacy:

> Such a [political] conception when satisfied allows us to say: political power is legitimate only when it is exercised in accordance with a constitution…the essentials of which all citizens, as *reasonable and*

[1213] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 24.

[1214] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 16.

[1215] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 17.

> *rational*, can endorse in the light of their *common human reason*. This is the liberal principle of legitimacy [emphasis added].[1216]

This formulation marks major differences from Hegel. For Hegel, when taken alone moral theory wants to "jump the rails," so to speak, and attempt to colonize things which are not its purview (which Rawls does not advocate). This is why for Hegel morality is embedded in ethical theory (to which it is constitutionally connected), whereas in Rawls—though we are cognizant of the existence of communities such as the family and political associations—they are a subject to be brought up after the basic moral principles have been recognized. Also, notice that for Rawls rational thought stands outside the theory—and outside the society—as an atemporal, universal human faculty.

Philosophical reason's relation to the state seems at first consistent for the two authors:

> A *Theory of Justice* follows Hegel in this respect when it takes the basic structure of society as the *first* subject of justice. People start as rooted in society and the first principles of justice they select are to apply to the basic structure. The concept of person and society fit together; each requires the other and neither stands alone.[1217]

Rawls writes that for Hegel, "the form of the modern state, which in its political and social institutions expresses the freedom of persons, is not fully actual until its citizens understand how and why they are free in it."[1218] This is true because the state is the

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[1216] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 41.

[1217] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 366.

[1218] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 332.

"hieroglyph of reason which becomes manifest in the *really* real,"[1219] implying that citizens can come to this philosophical knowledge through the state, but the form of the modern state is fully "actual" (in Hegel: *wirklich*, real) when articulated by philosophy. But Rawls also contends that the German word *Vernunft*, as used by Hegel, should be translated as "reasonableness."[1220] For Hegel *Vernunft* is the highest form of philosophical reason.[1221] Rationality and reasonableness are connected in Hegel's phenomenological account, but there is no basis for the assertion that ordinary reasonableness and philosophical rationality are the same thing. For Hegel, both reasonableness and rationality are products of historical processes, but they are distinct products. If they were the same, the distinction Rawls makes between the concepts would collapse.

The way in which the two philosophers differ is shown in Rawls' portrait of Hegel's constitution of philosophical reason. Rawls considers Hegel to be, "a true metaphysician, he believes that *reality is fully intelligible*—which is the thesis of absolute idealism—and so it must answer to the ideas and concepts of a reasonable and coherent categorial system."[1222] This interpretation overlooks two things. First, Hegel is explicitly not engaged in metaphysics, where metaphysics means philosophical

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[1219] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 279 Zusatz

[1220] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 332.

[1221] *Vernunft* comes close to "reasonableness" in adjectival form--as in the phrase "*Sei vernünftig!*" ("Be reasonable!" or "Use your head!").

[1222] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 330.

recourse to some higher power—be it God or Reason. Hegel rejects metaphysical projects like Kant's and Leibniz' because of his incorporation of the social world into philosophy.[1223] He believes himself to be constructing an ontology of the categories used to define reality. Second, reality does not "answer" to the categorial system, the categorial system is rather "read off" from within reality—Hegel looks around, as it were, and observes how philosophy and social thought think about reality, and then systematizes that thought into a rational (i.e. philosophical) and categorial form. The preparatory "field work" for the articulation of this categorial schema is the *Phenomenology* or the "science of the *experience of consciousness*."[1224] These differences all point to their disagreement on the relationship between moral and ethical theory. Hegel argues that any ethical theory must either take the side of substantiality or individuality, but that the standpoint of spirit unites the two.[1225] Rawls disagrees, arguing that there is a "third way" predicated on Kant's and Rousseau's philosophies: the vision of radical individuals contracting with one another for an end which is not only an "end they do share but ought to share."[1226] Following

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[1223] Klaus Hartmann, "Hegel: A Non-Metaphysical View," in *Hegel; a Collection of Critical Essays*, ed. Alasdair C. MacIntyre (Garden City, N.Y.,, 1972).; Klaus Hartmann, "Towards a New Systematic Reading of Hegel's Philosophy of Right," in *The State and Civil Society : Studies in Hegel's Political Philosophy*, ed. Z. A. Pelczynski (Cambridge [Cambridgeshire] ; New York, 1984). But see also Charles Taylor, *Hegel* (Cambridge [Eng.] ; New York, 1975). Ch. 20. on the unavailability of the "spirit monist" interpretation to modern readers.

[1224] Georg Wilhelm Friedrich Hegel, *Phenomenology of Spirit*, ed. J. N. Findlay, Arnold V. Miller trans. (Oxford, 1977). p. 56.

[1225] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 362.

[1226] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 363.

Kant, "the idea of this contract is an idea of reason and as such it is nonhistorical."[1227] Hegel thought he was synthesizing this view under the rubric of spirit. Rawls believes that Kant's philosophy was capable of answering Hegel's objections,[1228] but this does not budge the fact that Hegel believed himself to be critiquing Kant, and simply restating the Kantian case does not blunt the critique. In the *Philosophy of Right*, abstract right is embedded in morality which is in turn embedded in ethical life. This is the sense of the point in that text that Rawls points to in making his break with Hegel[1229]: in Rawls as in Kant, the state is to be comprehended in moral theory.

Versöhnung in Philosophy

In *JaF*, Rawls acknowledges that *Versöhnung* ("reconciliation") is a major theme of Hegel's ethical thought.[1230] The German world *Versöhnung*, as Rawls points out, does not imply resignation. On the contrary it is affirmation, with a religious connotation (its root is *Sühne*—atonement).[1231] Reconciliation means that "no fundamental social transformations are necessary" in the family, civil society, and the state and that "the essences or underlying rational structures…are realized to a significant degree" in those

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[1227] John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. 364.

[1228] Herman in John Rawls and Barbara Herman, *Lectures on the History of Moral Philosophy* (Cambridge, Mass., 2000). p. xv.

[1229] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 156, see also §141, § 151, §157.

[1230] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 3.

[1231] For a detailed and fully adequate discussion of the meaning of *Versöhnung*, see Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). pp. 85-87.

institutions.[1232] The question is whether Rawls' moral philosophy can really play this role. Hegel prefaced the *Philosophy of Right* with the following explanation:

> To recognize reason as the rose in the cross of the present, and thereby to delight in the present–-this rational insight is the *reconciliation* with actuality which philosophy grants to those who have received the inner call *to comprehend*, to preserve their subjective freedom in the realm of the substantial, and at the same time to stand with their subjective freedom not in a particular and contingent situation, but in what has being in and for itself.[1233]

Moral philosophy, which is to say the subject of the middle part of the *Philosophy of Right*, cannot hope to reconcile us to our social and political situation. Its answers will necessarily be incomplete because "true reconciliation…reveals the *state* as the image and actuality of reason."[1234]

In the section of *PL* entitled "Reply to Hegel's Criticism," Rawls puts the main Hegelian objection to social contract theories the following way: "the doctrine failed to recognize the social nature of human beings and depended on attributing to them certain fixed natural abilities and specific desires independent from, and for rhetorical purposes, prior to, society."[1235]

[1232] Michael O. Hardimon, *Hegel's Social Philosophy : The Project of Reconciliation*, Modern European Philosophy (Cambridge [England] ; New York, NY, USA, 1994). pp. 122-123.

[1233] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 22.

[1234] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 360.

[1235] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 286.

Rawls believes he answers this objection with the idea that "the primary subject of justice is the basic structure of society," which he believes "may offhand appear to be a concession, [but] it nevertheless is not" because it "establishes a fair agreement situation between free and equal moral persons and one in which they can reach a rational agreement."[1236] At this point Rawls attempts to split the difference with the communitarians, to find a middle ground, asserting that "a conception of justice must incorporate an ideal form for the basic structure in the light of which the accumulated results of ongoing social processes are to be limited and adjusted."[1237] This argument should remind us that the social contract or original position is the only position from which individualistic liberalism may be *philosophically* justified. The first consequence of this is that philosophy must be adjusted, not the world. Taking morality alone implies the opposite. The second consequence, expressed in Hegelese, is that the social democratic variant of liberalism that Rawls endorses is a particularistic account, liable to destabilization by a second movement of dialectical reason (in this case, communitarianism). Without expanding the categorial scheme that contains both of the "moments," Rawls and the communitarians are locked in an irresolvable tension.

What is most fundamentally at odds in Hegel's and Rawls' political theories is the connection of the social world to the philosophical picture of it. First, for Hegel the ethical world (*Sittlichkeit*) is prior to morality in the sense that ethics contains morality. Second, the connection between that ethical life in the state and morality is determinate:

[1236] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 286.

morality does not merely rattle around within the loose confines of society but is held fast in constant, fixed, definite form. The state, as the hieroglyph of reason, is doubly comprehensive: it is comprehensive in Rawls sense of having teleological significance and in also in the sense that it is the final, all-inclusive, social category. If the Hegelian account is superior in that it accounts for more of our experience with the state, then we are less likely to find *Versöhnung* in Rawls' *Theory*.

Hegel, Rawls, and Comprehensive Doctrines

Rawls replies to the "neo-Hegelian" critique of communitarians with a political conception of justice, where "political reason" is a mode of discourse presupposing no consensus in values held by persons in a just society. Does this allow us *Versöhnung* in our present institutions? In *Political Liberalism*, Rawls argues that there is a "reasonable pluralism" of views and that his political liberalism does not presuppose any "comprehensive doctrine," or shared concept of the good. The scope of deliberation is restricted by appealing to the idea of "the political" as a separate sphere. There he argues that a "moral conception is general if it applies to a wide range of subjects, and in the limit to all subjects universally."[1238] In contrast, political liberalism "is only partially comprehensive when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated." He adds: "Many religious and

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[1237] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 281.

[1238] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 13.

philosophical doctrines aspire to be both general and comprehensive";[1239] a comprehensive doctrine demands aspires to be universalized through a sort of missionary activity.

Key to clarifying this formulation are the ideas of comprehensive doctrines, overlapping consensus, and the separate and freestanding sphere of the political:

> In *Theory* a moral doctrine of justice general in scope is not distinguished from a strictly political conception of justice. Nothing is made of the contrast between comprehensive philosophical and moral doctrines and conceptions limited to the domain of the political.[1240]

Rawls argues that he undertook changes in these areas, "to resolve a serious problem internal to justice as fairness, namely that the account of stability in part III of *Theory* is not consistent with the view as a whole."[1241] In *PL*, the discussion is constrained to the context of a constitutional democratic regime with reasonable pluralism resulting from the long term application of these institutions.[1242] Rawls states that the contradiction in *Theory* stems from the "premise that in the well-ordered society of justice as fairness, citizens hold the same comprehensive doctrine."[1243] Given the "fact of reasonable

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[1239] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 13.

[1240] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. xvii.

[1241] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. xvii-xviii.

[1242] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. xlii.

[1243] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. xlii.

pluralism,"[1244] however, no such comprehensive doctrine is to be found in these liberal constitutional orders. In *JaF*, it becomes clear that "political" means "limited to morality in a particular state." Rawls distinguishes between "political" society and associations or communities within them. For him, the distinction between a democratic society and a community rests on three differences: first, one is born into a political society; second, political society is coercive and can't be exited voluntarily; last, a democratic society cannot reward citizens according to their contributions to it, because there are no shared ends on the basis of which to distinguish members of the political society.[1245] The last is Rawls' abstract individualism.

What the communitarians mean by community is not adequately represented by the way Rawls uses the word (but that is not Rawls' fault). What is at stake is whether what Rawls calls political or democratic society is the same constitutive entity as what the communitarians call a community. The two are not commensurate for two reasons. First is the communitarians' own theoretical difficulties, discussed above: their constitutive community wants to do away with some liberal institutions (individualistic philosophy, the state). Second is the shadowy, incomplete connection of ethical life in the state with morality in Rawls. This is a "political" theory because it is restricted to the circumstances of one society, "our" society. It does not claim to be political—contested—in a sense that would make it liable to the type of critique Stanley Cavell advanced against it; the original position settles the important questions such that the

[1244] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. xlii.

political in the form of a "remarriage" is not possible.[1246] Cavell will also claim that having the basic structure of society agreed upon in the original position will constrain perfectionstic politics post-OP,[1247] but this shows a point of agreement between Rawls and Hegel: the ideal of a description of the constraints in the system is different from the "political" actions of persons in Cavell's sense.

By constraining theory to liberal constitutional regimes, Rawls seems to clearly delimit its scope. But there are problems stemming from the argument about the "fact" of reasonable pluralism, and even of plain old pluralism. Rawls' argument is now explicit: his theory operates only within the confines of constitutional democracies. But he does not want to argue that the content of philosophy is an epiphenomenon of historical circumstances, that each political philosophy is a child of its age.[1248] For Rawls, concepts of the good, the true, and the right do shift over time, but this has nothing to do with the moral force political liberalism can exert here and now. It does this through atemporal reason.

[1245] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). pp. 20-21.

[1246] Stanley Cavell, *Conditions Handsome and Unhandsome : The Constitution of Emersonian Perfectionism : The Carus Lectures, 1988*, The Carus Lectures ; 1988. (La Salle, Ill., 1990). pp. 106-108. Honig makes a similar point but this reconstructs the opposition between the play of political passions on one hand and political wisdom as *Versöhnung* on the other. B. Honig, "Rawls on Politics and Punishment," *Political Research Quarterly* 46 (March, 1993).

[1247] Stanley Cavell, *Conditions Handsome and Unhandsome : The Constitution of Emersonian Perfectionism : The Carus Lectures, 1988*, The Carus Lectures ; 1988. (La Salle, Ill., 1990). p. 27.

[1248] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). p. 21.

In *PL* and *JaF*, intuitionism takes on an expanded meaning: the intuitionism of *PL* more closely resembles the theory of *Theory* than it does the intuitionism of *Theory*.[1249] Rawls sets things up this way in *PL* to distinguish intuitionism from his constructivism. This intuitionism is quite different, and quite a bit less reasonable, from the foil Rawls had in *Theory*. Constructivism has remained essentially the same across the two works, so it may be that intuitionism had to change to make room for the enhanced historicism in *PL*. Rawls writes,

> We collect such settled convictions as the belief in religious toleration and the rejection of slavery and try to organize the basic ideas and principles implicit in these convictions into a coherent political conception of justice.[1250]

The systematizing of what he called intuitionism in *Theory* is made explicit in *PL*, and more importantly, Rawls provides (one might say concedes) the historical origins of liberal political philosophy.

The historicism in *PL* comes in the form of a discussion of the historical basis of liberalism. The most explicit instance of this kind of thinking is the following:

> Thus, the historical origin of political liberalism (and of liberalism more generally) is the Reformation and its aftermath, with the long controversies over religious toleration in the sixteenth and seventeenth centuries. Something like the modern understanding of liberty of conscience and freedom of thought began then.[1251]

[1249] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. 91-92.

[1250] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 8.

[1251] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. xxvi, v.

To the force of the Reformation he also adds "the development of the modern state" and "the development of modern science."[1252] He specifically addresses what he calls public reason when he says that "the principles, ideals, and standards that may be appealed to—are those of a family of reasonable political conceptions of justice and this family changes over time"[1253] But this is no simple historicism. Rawls will maintain, implicitly but steadfastly, that reason itself is not a historical category. This is why he can draw out the distinction he does between modern and ancient liberty. According to him, "moral philosophy was [for the Greeks] always the exercise of free, disciplined reason alone" and did not interact with the civic religion at all.[1254] For Rawls, the practices of the public, civic religion ("ancient liberty") and the rationally determined right and good ("modern liberty") must be reconciled (one might say *aufgehoben*) in a system such as his. But the nod to *Aufhebung* distorts Rawls' project as well as doing injustice to Hegel: it may be the case that Rawls' reason is, in the end, Kant's.[1255] Form and content are decidedly *not* the same for Rawls, and his discussion of the difference between the Greeks and the Moderns shows this—reason is, was, and ever shall be the same reason. In this way one may still sense the spirit of the general conception of

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[1252] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. xxiv-xx.

[1253] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. liii.

[1254] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. xxiv. Unless it did attempt to interact—as Socrates' trial might attest. The issue might be that Athenians were quite aware of the threat that philosophy posed to their political life and customs—and that conversely Socrates chose death because he was well aware that Athens conditioned his philosophical enterprise.

justice from *Theory*. The story Rawls tells about the development of modern liberalism is Hegel's story too. However, Hegel had insisted on keeping political philosophy ontological, retrospective, and intimately tied to its ethical situation in the state. Morality torn from its ethical moorings and made prior to ethical life creates the bloodshed epitomized for him by the French Revolution.

For Rawls, philosophy is "realistically utopian" and asks the question, "What would a just democratic society be like under reasonably favorable but still possible historical conditions, conditions allowed by the laws and tendencies of the social world?"[1256] But this is not the only way to conceive political philosophy. One might easily argue that the arrow of causation points the other way: background thoughts and attitudes may determine the possibility of a democratic order and determine what we conceive of as politics as well—or there may be no arrow of causation at all, the facts experienced in various "spheres" of life are really discretely perceived "covariance" about a single phenomenon called modernity. Rawls has conceded that order precedes right as a matter of necessity.[1257] He has also introduced a level of historicism into his theory while maintaining that atemporal reason governs and orders this historical inheritance. This confluence of order, history, and reason stands outside his explanatory schema.

[1255] Benjamin R. Barber, "Justifying Justice: Problems of Psychology, Politics, and Measurement in Rawls," in *Reading Rawls : Critical Studies on Rawls' a Theory of Justice*, ed. Norman Daniels (New York, 1989), p. 316.

[1256] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 4.

[1257] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. xxvi-xxvii.

Liberalism as Comprehensive Doctrine

Rawls thinks of himself as rejecting a notion of a good that transcends individuals. This points to a fundamental difference with Hegel having to do with the possibility of deep diversity in anything that could be called a society. Rawls insists that such a diversity is a fact called reasonable pluralism, but Hegel will not get him to that point. Rawls is mistaken in his contention, introduced on the basis of the communitarian attack, that political liberalism implies no comprehensive doctrine—but he is correct that liberalism *views itself* as not participating in a comprehensive doctrine. Hegel argues that moral theories like Rawls' can only be understood by virtue of their position inside the ethical comprised in the state. Forgetting the state in this way detaches liberal moral theory from its moorings—while it simultaneously correctly reconstructs how that theory sees itself. Creating a political-not-metaphysical module leaves unanswered the question of how that moral domain is maintained and how it relates to the other realms of liberal society. This is nowhere clearer than when Rawls argues that justice as fairness is not comprehensive because, "It focuses on the political (in the form of the basic structure), which is but a part of the domain of the moral."[1258]

We point to a comprehensive doctrine with the terms "modernity," "liberalism," and the "scientific age." When Rawls lists the characteristics of medieval Christianity[1259] to demonstrate the characteristics of a comprehensive doctrine, it is far from doubtful that science occupies the same space as epistemological arbiter that the

[1258] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 14.

[1259] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. xxv.

Church once did. It seems troublesome that Rawls wants to avoid the issue of the foundation of knowledge, arguing that political liberalism needs no metaphysical grounding.[1260] Rawls' "as if" construction of objectivity points to two things. First, his discussion is naturalistic and scientistic, signifying the comprehensive doctrine within which it operates. Second, Rawls' refusal to commit to a metaphysics that would ground this objectivity seems to leaves only the historicist alternative,[1261] while relying on what has been called the "emotional relevance" of science.[1262]

What would be required in taking seriously the claim that political philosophy is a "module," separate from other human concerns and thought? Rawls argues that political liberalism is not universal: "It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself."[1263] The implication is made clear in Rawls' arguments concerning tolerance. Tolerance is made necessary by the diversity within liberal culture: The

> diversity of reasonable comprehensive religious, philosophical, and moral doctrines found in modern democratic societies is not a mere historical condition that may soon pass away; it is a permanent feature of the public culture of democracy.[1264]

[1260] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. 10, 29.

[1261] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. 110-112.

[1262] Charles E. Rosenberg, *No Other Gods : On Science and American Social Thought* (Baltimore, 1976).

[1263] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 10.

[1264] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). p. 36.

Political liberalism, Rawls argues, "applies the principle of toleration to philosophy itself" (*PL* 10). For Rawls, tolerance is essential to democracy—without tolerance we cannot recognize a society as democratic. But this does not foreclose the possibility that toleration is a historical occurrence, merely that it is necessary to democratic politics: in liberalism we apply the liberal norm of tolerance to our philosophical determinations. It is in this way that we can see the causal traffic between the ethical and moral realms.

This diversity of doctrines under the umbrella of background attitudes means those doctrines have the same status as the after-the-original-position "versions of the good": they are a form of preference satisfaction. In Georg Büchner's *Dantons Tod*, Danton remarks out of this perspective that, "There are only Epicureans, crude ones and discriminating ones. Christ was the most discriminating. That is the only difference I can discern between human beings."[1265] Rawls' reasonable comprehensive doctrines are expressions of taste, poor cousins to the constitutive doctrine detailed in the *Philosophy of Right*. Rawls argues in several places that reasonable comprehensive doctrines must be tolerated in political liberalism,[1266] but it is interesting to note that modernity can not tolerate the medieval, the fundamentalist, the religious, or the magical.

Rawls gives as an example of overlapping consensus involving religious views Patrick Henry's argument for religious establishment in Virginia. The argument is that

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[1265] Es gibt nur Epicuäer und zwar grobe und feine, Christus war der feinste; das ist der einzige Unterschied, den ich zwischen den Menschen herausbringen kann. Georg Büchner and Karl Pörnbacher, *Werke Und Briefe*, Münchner Ausg. ed. (München, 1988). p. 88.

[1266] John Rawls, *Political Liberalism*, John Dewey Essays in Philosophy ; No. 4. (New York, 1993). pp. xx, 60-61, 64-65.

religion is necessary as a cause of public order rather than because it is true. For political liberalism, religion is acceptable only if it is atheistic. Perhaps it is helpful to point to Locke's concerns in "An Essay Concerning Toleration" (1667). Locke's early modern concern was for tolerance of religions that did not contradict the loyalty of the subject. Therefore, Muslims could not be tolerated because they owed allegiance to the Ottoman Sultan in his capacity as temporal head of that religion. That sort of concern is barely possible at this point in time. Christianity or Islam within liberalism is certainly something different than religion outside of it: the lack of certainty attached to any doctrine other than the dominant liberal and scientific one is fundamentally altered.[1267] It is after all religion (and Christianity in particular) that is increasingly censored in the public sphere in liberal republics. And one sees this conflict in starkest terms as Christian Scientist parents are charged with manslaughter when their children die for lack of modern allopathic medicine: here we have people who do reject the dominant liberal and scientific paradigm, and the consequences of that rejection.

A Theory of Justice was more right than *Political Liberalism* in the sense that there is a comprehensive doctrine operating in late modernity. He wrote in *Theory* that intuitionism "may be true,"[1268] but that political philosophy has the task of accounting for the various weights among competing principles of justice that intuitionism recognizes. If intuitionism is seen as the anti-theory theory, then it resists any and all attempts to systematize "our" sense of justice. But if we see this sort of hyper-

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[1267] Peter L. Berger, *The Sacred Canopy; Elements of a Sociological Theory of Religion*, [1st] ed. (Garden City, N.Y.,, 1967). p. 128.

[1268] John Rawls, *A Theory of Justice* (Cambridge, Mass.,, 1971). p. 39.

subjectivist characterization of intuitionism as an impossibility, an artifact of the liberal notion of autonomy that has been extended into categories where it has no place, then it has the same source as Rawls' constructivism: it, like science, *can not* take account of history without dethroning its absolutely privileged status as "true" knowledge. If "religion is the human enterprise by which a sacred cosmos is established,"[1269] then a comprehensive political liberalism seems to be that sacred cosmos.

Most recently Rawls has admitted,

> Theory never discusses whether justice as fairness is a comprehensive moral doctrine or a political conception of justice…the reader can reasonably conclude that justice as fairness was set out as part of a comprehensive moral doctrine…"[1270]

In *JaF*, there are several developments which aid in evaluating Rawls' distinction between political liberalism and comprehensive doctrines. The most important of these is Rawls' explicit defense against the charge that political liberalism discriminates unfairly among comprehensive doctrines. He argues that the key to the distinction is understanding that all political systems set limits, the question is how the basic structure encourages or discourages certain comprehensive doctrines:

> the state, at least as concerns constitutional essentials, is not to do anything intended to favor any particular comprehensive view. At this point the contrast between political and comprehensive liberalism is clear and fundamental.[1271]

[1269] Peter L. Berger, *The Sacred Canopy; Elements of a Sociological Theory of Religion*, [1st] ed. (Garden City, N.Y.,, 1967). p. 25.

[1270] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. xvii.

[1271] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 153.

The position has two codicils. First, "The aims of the basic institutions and public policy of justice as fairness can be said to be neutral with respect to comprehensive doctrines and their associated conceptions of the good," but not procedurally neutral.[1272] Second, against Nagel (1973), who argues that the veil of ignorance is procedurally unfair to certain comprehensive doctrines, Rawls answers that justice as fairness is a political doctrine, meaning that the social situation—not the veil—sets the bounds of acceptable political discourse.[1273]

Rawls thinks that there would be two troubling ways that competing comprehensive doctrines could be discouraged. First, they could be in direct conflict with principles of justice. Second, they could fail to gain adherents.[1274] He writes, "But the important question surely is whether the political conception is arbitrarily biased against these views, or better, whether it is just or unjust to the persons whose conceptions they might be."[1275] Again, his answer seems to be that the social situation has to provide the answer that question, because "there is no social world without loss."[1276]

This is a coherent viewpoint—from the military school—but it would seem to gloss over how liberalism deals with competing comprehensive doctrines. Rawls writes, "many ways of life pass the test of endurance and gaining adherents over

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[1272] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 153n.

[1273] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 153n.

[1274] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 154.

[1275] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 154.

[1276] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 154.

time,"[1277] not indicating if a marketplace of ideas, conquest, or simply sea changes in social situation are to blame for it. What is problematic for his liberalism is that it often seems to be arguing that it can beat the field even by the other guy's rules—this claim is most often made with reference to some kind of essentialism. Indeed, the test for the fairness of justice as fairness to other comprehensive doctrines is "a reasonable and defensible political conception of justice itself."[1278]

Rawls does provide a test for this sort of fairness, and it is the following:

> Political liberalism is unjustly biased against certain comprehensive doctrines only if, say, individualistic conceptions alone can endure in a liberal society, or they so predominate that associations affirming values of religion or community cannot flourish, and further, if the conditions leading to this outcome are themselves unjust.[1279]

Two things need to be said about this test. First, Rawls acknowledges that citizenship is not an elective affinity (*JaF* 4): people enter a nation by birth and they leave it by death.[1280] Second, citizenship itself is an education to political liberalism.[1281] With this in mind, I think it is fair to inquire after a test to determine if a doctrine is comprehensive or not. I propose the following reasonable test: if doctrine is mutually exclusive with other comprehensive doctrines, then it is itself a comprehensive doctrine. (A corollary to this would have to be the argument I make above about doctrines inside

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[1277] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 154.

[1278] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 155n.

[1279] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 156.

[1280] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 182.

[1281] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 56.

liberalism—for example Christianity or Islam—being different from those doctrines outside of liberalism.)

Finally, I think we have to address the means by which justice as fairness is accepted. It cannot be a *modus vivendi*.[1282] Interestingly (though from a Hegelian perspective incoherently), it *is* permissible that someone choose justice as fairness from outside its rightful social setting. This is why Rawls rejects the view that "outside the church there is no salvation."[1283] In contrast, "a political conception is political in the wrong way when it is framed as a workable compromise between known and existing political interests" or when it tailors itself so as to win allegiance of existing comprehensive doctrines.[1284] In Lutheran terms: grace, not works. Rawls could be seen (in this way) as a "Lutheran" deontological theory: Rawls insists that the soul's orientation relationship to God is most important. This orientation is accomplished through the original position or the categorical imperative. It is the inclusion of works in the theory that sets Rawls apart from Kant. Kant's theory seems more imperialistic in that deontology takes over the world. In Rawls, deontology has its say, then the world is left alone—it is ordered in its connection to but independence from the moral sphere. In this regard, Rawls is more "Lutheran" than Kant: there is a distinction made between *Moral* and *Sittlichkeit*, as well as traffic between these categories. However, Rawls' position is less coherent than Hegel's and this matters because—as Rawls

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[1282] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 188.

[1283] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 183.

[1284] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 188.

himself argues—they both have the basic structure of society as their dependent variable.

Getting the State into Political Philosophy (and political philosophy into the state)

Hegel argues that liberal morality considered alone poses a danger to ethical life. In Hegel, *Moralität* (morality) incorporates determinations of right and wrong from the perspective of the individual. This is the concept that most liberal political theorists have made use of, as it brings with it the notion of subjectivity and particularity they understood to be human nature. The implementation of *Moralität* is an individual process and in it the individual stands above and apart from other human beings, whether it is in applying determinations of natural right or the pure dictates of reason. Ethical life refers to the philosophically reconstructed institutions of a nation-state. *Sittlichkeit* takes the perspective of the social. This "second nature"[1285] is the ground upon which meaning—determinations of right and wrong—rests. The point does not give in to the nihilistic relativism of the skeptics, or, looking forward, to Nietzsche or postmodern thought. Neither does it base its claims on foundations built from nature, as Hobbes and Kant do. Hegel is arguing that moral content comes from historically contingent sources but that the arbitrary source does not make it less "real."

For Hegel, the task of philosophy is to be a second-order discourse about the movements of human consciousness. With regard to Rawls' theory of justice as it has evolved over the course of a half-century, this means that Rawls does not need to retreat

[1285] Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, Hugh Barr Nisbet trans., Cambridge Texts in the History of Political Thought. (Cambridge [England] ; New York, 1991). § 151.

as far as he does in the face of the communitarian attack. If he is willing to resort to a Hegelian reading, he can easily incorporate their attacks into more complete theory ending with the comprehensive doctrine oriented to our actual social situation—the nation-state. And the way for this is clear, because he is able to make the following two points:

- "We are to think of the circumstances of justice as reflecting the historical conditions under which modern democratic societies exist."[1286]
- "citizens do have final ends in common…they do affirm the same political conception."[1287]

Rawls' theory is more complete than the communitarian response, in that it at least attempts to get all the game pieces on the table. But, misreading Hegel, Rawls does not reconstruct the comprehensive doctrine of contemporary political life. He remains within it.

The dispute between Rawls and the communitarians concerns the relative importance of concrete and abstract individuality. I have argued both sides in this debate are correct, but that the different categories of these insights means that they intersect only rarely. One place that they do directly traffic with each other is in their reconstruction of the relationship of the right to the good. For Rawls, right (morality) is prior to the good (*Sittlichkeit*). For Sandel, right is indistinguishable from the good; right is nested in a particularistic community. I have argued that reconstructing liberalism requires us to see the truth of both of these positions. Rawls' theory reconstructs the moral life of liberal individuals. Indeed, I have shown that he (rightly) considers his own Hegelianism to be a rejoinder to Sandel et al. But Rawls is not Hegel. In Rawls' characterization of the connection of that moral experience to our particularistic

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[1286] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 84.

[1287] John Rawls and Erin Kelly, *Justice as Fairness : A Restatement* (Cambridge, Mass., 2001). p. 199.

community, he admits of a historicization which demands some sort of explanation. Rawls' intention was to give a scientific account of liberalism. If we maintain that he correctly represents important aspects of liberal moral theory, we may ask that scientific theory if it can account for itself. It would not do to ask Rawls to become Hegel or to argue that he should be Hegel. Rather, I am arguing that we need Hegel to explain Rawls. A Hegelian political science allows a reconstruction of a more complete account of liberal society. It does so by appealing to our ethical life in the state, to the fact that concrete individuality is arbitrated by the state—both in itself as the nexus of our national community and through the concrete individuality of our cultural, economic, and political representatives. Finally, Hegel helps explain John Rawls' concrete individuality, as a commentator on a tradition stretching back to Luther.

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