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RICHARD DIXON: *Notebooks on Epicurean Philosophy*

CLEMENS DUTT: Articles, Letters and Appendices

JACK LINDSAY and the late ALICK WEST: *Oulanem*

ALEX MILLER: Poems

DIRK J. and SALLY R. STRUIK: *Doctoral Dissertation*

ALICK WEST: *Scorpion and Felix*
General Introduction

KARL MARX and FREDERICK ENGELS were the authors of an integrated body of philosophical, economic and social-political views, the ideology of communism, which in our time has spread more widely and exercised a greater influence on the course of world history than any other.

Theirs was a unique collaboration in theoretical work and in revolutionary leadership. While the leading role in it certainly belongs to Marx, the partnership was so close, many important writings having been undertaken under their joint authorship and the greater part of the work of each from the beginning of their friendship in 1844 to Marx’s death in 1883 having been discussed with the other, that their works must of necessity be collected together.

Both Marx and Engels began their adult lives as free-thinkers and revolutionary democrats in the Germany of the late 1830s and early 1840s. By the time they met and began their lifelong friendship and collaboration each had independently come to recognise in the emergent industrial working class the force that could reshape the future. As convinced materialists and Communists, they decided to collaborate in working out the fundamentals of a new revolutionary outlook. From that time their joint efforts were devoted to the aim of equipping the working-class movement with the scientific ideology and political organisation necessary for the realisation of what they saw as its historical mission, the overthrow of the power of the bourgeoisie and the creation of communism.

They were revolutionary thinkers who assailed old ideas and replaced them by new theoretical constructions, forging new
means for scientifically understanding the world and human life. And they were practical revolutionaries who fought for socialism and communism against the established order of society based on capitalist property. Their revolutionary standpoint was summed up in Marx's famous aphorism: "The philosophers have only interpreted the world, in various ways; the point is to change it." This became the point of all their practical activity and theoretical labours.

Marx and Engels were never merely theoreticians, and their work can never be understood simply as productive of a theory. Indeed, the distinctive feature of Marxism, and its strength, lies above all in the combination of a theoretical approach which seeks to be governed by strictly scientific considerations with the will to revolutionary action—its unity of theory and practice. They themselves played an active part in the working-class movement, both as advisers and as active participants. In their theoretical work they drew on the movement's practical experience. And much of it is devoted to accurate and often very lively analysis of particular events and particular problems, both great and small, immediately affecting the movement at various times. From beginning to end their works show that Marxism arose and developed out of practical revolutionary activity. Both Marx and Engels were essentially fighters. And they hammered out their standpoint in the course of often bitter struggle against bourgeois ideology, petit-bourgeois and other kinds of non-proletarian socialism, anarchism, and opportunism of both the Right- and Left-wing varieties within the working-class movement.

The sum total of achievement of Marx and Engels was truly immense.

Marxism offers to the revolutionary movement of all lands a scientifically-based theory of social life and of the individual, of the laws of development of social-economic formations, of history and human activity, and of the concepts and methods man can employ for comprehending both his own existence and that of the world about him so as to frame and realise human purposes in the world.

In the light of this the character and consequences of the alienation and exploitation of labour in modern capitalist society are made clear and it becomes possible to formulate a practical aim for ending it, and in a comprehensive theory of class struggle to work out principles for deciding practical policies to realise this aim.
In their studies of the past history and present predicament of society Marx and Engels came to grips with the problems of political and state power. In their theory of the state they concluded that state power has always been the product of the development of class contradictions, and exposed the whole character of the repressive apparatus and ideology of the bourgeois state in particular.

The penetrating Marxist analysis of bourgeois society, which was the crowning achievement of Marx and Engels, set out, in Marx's words, to disclose its "law of motion", the economic laws of its development and their reflection in class and political struggle. It is from this that Marxism demonstrates the historical necessity for the revolutionary transformation of capitalism into socialism, and of the subsequent building of communist society, the realisation of human aspirations for genuine freedom and social equality. This demonstration is at once a prediction of the future course of human development and an action programme for the social forces capable of realising it.

The revolutionary programme of the dictatorship of the proletariat, the conquest of political power by the working class in alliance with the non-proletarian sections of the working people, was the culminating point of Marxism. The Marxist theory of the socialist revolution gave to the movement practical principles of the strategy and tactics of working-class struggle, demonstrated the need for well-organised independent proletarian parties and for proletarian internationalism, and forecast the basic laws of construction of the new society.

* * *

Many decades have now passed since the deaths of Marx and Engels. And from that distance in time we now have to assess the continuing validity of the teachings of Marx and Engels and the progress of the world revolutionary movement they inspired.

During their lifetime the ideas of Marx and Engels became the organising and guiding force in the struggle to overthrow capitalism. The efforts of Marx and Engels themselves made Marxism into the theoretical foundation of the programmes and activity of the first international organisations of the proletariat—the Communist League, and subsequently the First International (the International Working Men's Association) embracing socialist groups and working-class associations and trade unions of various
countries. As the contradictions of the bourgeois system deepened and the working-class movement spread and grew in strength, Marxism won increasingly strong positions and more and more supporters.

The further development of Marxism on a world scale from the close of the nineteenth century is inseparably bound up with the personality, ideas and work of V. I. Lenin. Of all the political leaders and theoreticians of that time who became influential as Marxists, it was Lenin who based himself most consistently on the content and methods of the work of Marx and Engels in philosophy, political economy and the theory and practice of scientific socialism, and achieved the most creative development of their teachings. In so doing he established the organisational and political principles of a party able to lead the working class and the whole working people to the conquest of political power and the construction of socialism.

"Without revolutionary theory," Lenin said, "there can be no revolutionary movement." True to this principle, Lenin maintained that revolutionary theory must always keep pace with the march of world events and in doing so remain true to and consolidate the original theoretical positions of Marxism. To him the movement owes an analysis of imperialism, of monopoly and state-monopoly capitalism, which continued that made by Marx and Engels of capitalism in the earlier phases of its development. His immense contributions to the creative theoretical and practical development of Marxism cover the theory and practice of socialist revolution and the dictatorship of the proletariat, the agrarian, nationalities and colonial problems, the transition period from capitalism to socialism and the ways and means of building communist society, the principles of organisation and leading role of revolutionary working-class parties and, in general, the motive forces and prospects of the world revolutionary process in the epoch of imperialism and proletarian revolutions. Marxism organically absorbs the new features that were introduced by Lenin and represents in the modern epoch the integrated international doctrine of Marx, Engels and Lenin, constituting the foundation of the international communist movement.

The October Socialist Revolution of 1917 in Russia carried out, in the conditions obtaining at the time, Marx's, Engels' and Lenin's conception of the revolutionary conquest of power by the working class. It began a new epoch in world history, in which to the power of the old possessing classes are opposed not only the struggle against it of the working-class movement in capitalist countries and
of the peoples dominated by imperialism, but the rule of socialism which is becoming ever more consolidated throughout a large territory of the world.

In the years that have followed, the working people of socialist countries have faced and continue to face immense problems of socialist planning and administration, of overcoming objective difficulties of development and, in a number of cases, errors, of resolving new contradictions and of organising creative labour to strengthen the socialist system and move towards the goal of communism. Marxism-Leninism has been and continues to be the basis of all the achievement of socialist countries. The same is true of the working-class movement in the capitalist countries, where a struggle is spreading for profound economic and social-political changes, for true democracy, for a transition to the road to socialism; one of the vital conditions of victory in this struggle is to eliminate the consequences of opportunism and division in the working-class movement. In the countries that have freed themselves from colonialism and are developing on new lines, leading forces of the national liberation movements are turning more and more to the guidance of this teaching in the struggle to eliminate the results of colonial slavery, neo-colonialism and racialism, and to achieve economic and cultural renaissance.

At the present time, moreover, with growing social tensions set up by the deepening of the contradictions of capitalism and the advent of the new scientific-technological revolution, Marxism attracts many people beyond the working-class movement itself. More and more do perceptive minds come to realise that in the theory of Marxism they can find the thread to lead the way out of the labyrinth of the social and political problems of modern times. The appeal of Marxism to progressive-minded people lies in its scientific approach and revolutionary spirit, its genuine humanism, its combination of a sober realistic attitude to facts with confidence in the creative abilities of working men and women the world over. The breadth and consistency of Marxism affords hope for the solution not only of economic and sociological problems but of problems of philosophy, law and ethics, including various aspects of the future of human personality, which are of particular concern to the present generation. Thus it is that despite the efforts to discredit and refute Marxism, which have been going on for well over a century and are continually stepped up, the interest in Marxism, and its influence, grow unceasingly.
The undertaking of collecting together and publishing the complete works of Marx and Engels was begun on a broad scale in the twenties of this century in the Soviet Union. In 1927, the Marx-Engels Institute in Moscow launched the publication in the original languages of Marx/Engels, Gesamtausgabe, initially under the general editorship of D. Ryazanov and later under the editorship of V. Adoratsky, a project that was never completed. A Russian edition was commenced and published between the years 1928 and 1947. A second Russian edition was launched in 1955, embodying an all-round study by the Institute of Marxism-Leninism of the Central Committee of the Communist Party of the Soviet Union of everything by then discovered written by Marx and Engels, of all the documents having any bearing on their work, and also of newspapers and periodicals in which their works were published in their lifetime. This edition at present consists of 39 basic and 4 supplementary volumes (47 books in all, since some of the volumes are published in two or more parts). Following this, the further labours of the Institute of Marxism-Leninism of the Central Committee of the Socialist Unity Party of Germany in Berlin led to the publication, beginning in 1956, of Marx/Engels, Werke. It also comprises 39 basic and 2 supplementary volumes (44 books in all).

Both in the USSR and in the German Democratic Republic new supplementary volumes continue to be prepared, containing early writings of Marx and Engels, their legacy of manuscripts, and works and letters recently discovered.

A complete edition of the works of Marx and Engels in the original languages (Marx/Engels, Gesamtausgabe—MEGA) has been projected jointly by the Moscow and Berlin Institutes of Marxism-Leninism. Besides containing all the works and letters of Marx and Engels, this edition will include all the extant manuscript preparatory materials for various of their published works—synopses, excerpts, marginal notes, etc.—as well as all the available letters written to them.

Many of the works of Marx and Engels, particularly their major works, are available to readers in the English-speaking countries, particularly in Great Britain and the USA, where some were translated and published while their authors were still alive (not to mention numerous articles, reports and pamphlets they themselves wrote in English and which were published in the British or
American press), and many more have been translated and published since.

A whole series of major works, particularly the economic manuscripts, remain, however, largely or even completely unknown to English readers. Many of Marx's early writings, nearly all the writings of the young Engels, the bulk of Marx and Engels' numerous contributions to the *Neue Rheinische Zeitung* (1848-49), and most of their letters, have never yet appeared in English. Many of their articles which were published in the British and American press of their day have not been republished in English and are now bibliographical rarities. From the available scattered publications in English it is difficult to gain any clear conception of the formative process of Marxist ideas, to study them in their historical development. Some of the existing translations, moreover, do not meet present-day requirements, and notes and commentaries are not always up to the standard now demanded in studies of the history of Marxism and of the international working-class movement.

In preparing this first English-language edition of the collected works of Marx and Engels these circumstances have been kept in mind. It is intended that the composition and character of this edition should reflect the present level of development of Marxist studies and be guided by both English and international experience in the publication of social-economic and political literature. The task is to take into account and use to the fullest advantage the best traditions established in this field in Great Britain, the USA, the USSR, the German Democratic Republic, and other countries, as well as the results achieved by world science in investigating the literary legacy of Marx and Engels and the history of Marxism. Thus this edition will provide for the first time to the English-speaking world a practically complete, organised and annotated collection of the works of the founders and first teachers of the international communist movement.

* * *

This English edition will include the works and letters already contained in the main volumes of the above-mentioned second Russian and German editions as well as in the supplementary volumes of these editions already published or in preparation. It will embrace all the extant works of Marx and Engels published in their lifetime and a considerable part of their legacy of manu-
scripts—manuscripts not published in their lifetime and unfinished works, outlines, rough drafts and fragments. The contents of the main sections of the volumes will include authorised publications of speeches by Marx and Engels or reports of their speeches which they themselves verified. Author's revisions of various works are regarded as works in their own right and will be included alongside the original texts. Of the available preliminary manuscript versions, however, only those that differ essentially from the final text will be published in this edition. Nor will versions of printed works (the texts of articles published simultaneously in various organs of the press, and various lifetime editions of one and the same work) be duplicated. Any important changes in these texts made by the authors themselves will be brought to the reader's attention, usually in footnotes.

The edition will include all the letters of Marx and Engels that have been discovered by the time the volumes appear.

Synopses and excerpts made by Marx and Engels are considered selectively and will appear in this edition only if they contain considerable author's digressions and commentaries. Such works, and also the rough versions and drafts of individual works the final texts of which are published in the body of a given volume, will usually be grouped together in a special section under the heading "From the Preparatory Materials".

Several of the volumes of this edition will be supplied with appendices containing documents and materials of a biographical nature, such as official applications and other legal documents written by Marx or Engels, newspaper reports and minutes, reports of speeches and lectures never verified by the authors, interviews which they gave to various correspondents, documents which they helped to draw up for various organisations and letters written on their instructions.

The whole edition will comprise fifty volumes, organised into three main groups: (1) philosophical, historical, political, economic and other works; (2) Marx's Capital, with his preliminary versions and works directly connected with it, particularly the Economic Manuscripts of 1857-1858 better known under the editorial heading Grundrisse der Kritik der Politischen Ökonomie; (3) the letters, beginning from August 1844. According to the preliminary plan of the edition, the first group will run from volumes 1 to 28, the second from 29 to 37, and the third from 38 to 50.

The first three volumes will have certain specific structural features. Before the beginning of their close friendship and co-operation in August 1844, Marx and Engels each developed
independently as thinker, writer and revolutionary, and in these volumes their works and letters will be published separately. The first volume will contain works and letters of the young Marx up to March 1843, and the second works and letters of Engels over approximately the same period. The third volume will be divided on the same principle, giving works and letters of Marx and Engels from the spring of 1843 up to August 1844 in two separate sections. In the subsequent volumes the literary legacy of the founders of Marxism, an important feature of whose creative work from August 1844 onwards was constant collaboration, will be published together.

Within each group of volumes the material will be arranged, as a rule, chronologically according to the date when a particular work or letter was written. When the writing was spread over a long period, the date of the first publication will be used. Departures from this chronological principle will be made only when individual works or series of works of similar type are grouped in special volumes.

The distribution of material over the volumes will be determined on current principles of periodisation of the history of Marxism, so that the contents of individual volumes or several consecutive volumes correspond to specific stages in the authors' work. Provision has been made for including works referring to a particular group of subjects in one or another volume. Within any given volume, articles of a particular series will be published in chronological order. Only series of articles conceived as such by the authors and serialised during their lifetime in newspapers or periodicals will be presented as unified works.

A number of works by Marx and Engels were republished, sometimes more than once, during their lifetime, and the authors usually provided each new edition with a new introduction, preface or afterword. Sometimes these additions were separated from the works for which they were written by decades, and naturally reflect a fresh departure in Marxist thought. These prefaces and the like were essentially independent contributions containing new material and referring to a historical period that differed from that in which the main work was written. Writings of this type will be published according to the date of writing, along with other materials of the given period. Cross-references will be provided to all works that have later author's prefaces, introductions or afterwords.

All letters, irrespective of addressee, will be published in chronological order.
The editions of the works of Marx and Engels published in their lifetime and, failing these, the author's manuscripts, will provide the source of the texts used for publication. If several editions authorised by the authors themselves are available, the last of them will, as a rule, be taken as the basic one and any significant variant readings from other authorised editions will be given in footnotes. In cases where such readings are numerous they may be brought together in the form of appendices.

Any extraneous editorial additions to the texts of publications made during the authors' lifetime will be removed and information concerning them, if necessary with reproduction of the corrupted text, will be provided in the notes.

English translations that appeared during the lifetime of Marx and Engels and under their supervision and editorship are regarded as authorised by them. These texts will generally be reproduced without changes, but only after checking against the texts in the original languages and removal of any obvious mistranslations or misprints that passed unnoticed by the authors. Textual revisions introduced by a translator with the consent of the authors or on their instructions will be preserved, the translation of the text as in the original language being given in a footnote as a variant reading.

All texts will be checked for misprints, inaccuracies in the quoting of proper names, place names, numerical errors, and so on. Obvious misprints or slips of the pen in the original will be corrected without comment, while any assumed errors will be discussed in footnotes. Comments in footnotes or general notes will also be made whenever the correction of a misprint influences the reading of the subsequent text or calls for further correction (for example, in tables, arithmetical calculations, etc.).

Citations by the authors will be checked and obvious mistakes corrected. The author's deliberate condensation or revision of quoted texts will be preserved and, where this seems necessary, the exact text of the passage cited will be noted. Citations from works in languages other than English will, as a rule, appear in English translation. Deliberate uses of foreign expressions, terms, aphorisms, proverbs in the ancient language or in local dialect, etc., will be reproduced, however, as in the original, an English translation being appended in a footnote when this seems necessary.

The edition will include a detailed reference apparatus for each volume, containing information on texts, sources, bibliography and history, references to theoretical and literary sources, commentaries on obscure passages, and brief notes on persons, newspapers
and periodicals referred to in the texts. Each volume will be provided with a subject index. In general, the reference apparatus, more or less uniform for all volumes, will be arranged as follows: an editorial preface for each volume, or group of volumes embracing a single work; notes; a name index; an index of quoted and mentioned literature; an index of periodicals, and a subject index.

Editorial commentary will be found in the form of footnotes and notes at the end of each volume. The footnotes will be concerned mainly with textual criticism. They will seek to explain obscurities in the texts, including oblique references to names, literary works and events. And they will cite variant readings from other authorised editions or from manuscripts and printed versions, provide cross-references, indicate possible misprints, and so on. Explanations concerning books and literary works mentioned will be given in footnotes only where the reader may have difficulty in tracing these works in the index of quoted and mentioned literature.

The notes at the end of each volume will provide more detailed information. They will deal with the history of various works and projects, including those that remained in the form of unfinished manuscripts (brief information on the first publication will also be given at the end of each work). The work of Marx and Engels on various newspapers, and their activities in various organisations, will be one of the main subjects of the notes. Historical commentary will bear mainly on the history of the working-class movement and Marx and Engels' participation in it. Notes on general historical events will be provided only when circumstances essential to an understanding of the text do not emerge clearly from the authors' own accounts.

The name index will be provided with brief annotations. A special section will list alphabetically the literary and mythological characters mentioned in the text. The index of periodicals, which includes all the newspapers, magazines, annuals, etc., referred to in the text, will also be annotated. Wherever possible the index of quoted and mentioned literature will indicate the editions used by Marx and Engels. Where this cannot be firmly established, the first edition will be indicated and, in the case of fiction, only the title and the author's name.

The volumes will include documentary illustrations, with maps and diagrams for articles dealing with military and historical subjects. Original drawings by Engels included in his letters will be reproduced.

The entire work of preparation and publication is supervised by editorial commissions appointed by the publishers in Great Britain, the United States and the Soviet Union. Together they form a team responsible for the edition as a whole.

Considerable help is being afforded, too, by the Institute of Marxism-Leninism of the Central Committee of the Socialist Unity Party of Germany, in Berlin.

All the work of arrangement, preparation and final editing of the texts and of the reference apparatus of each volume is based on agreement in the sharing of obligations between the participating publishers, the key principle being co-ordination of all major decisions and mutual cross-checking of the work. The edition is being printed in Moscow at the First Model Printers.

The general principles governing its preparation and publication were first agreed at a general conference of representatives of the three publishers in Moscow at the beginning of December 1969, and subsequently elaborated further by the agreement of the three editorial commissions. Those who took part personally in the elaboration of these principles are listed alphabetically below:

GREAT BRITAIN: Jack Cohen, Maurice Cornforth, Maurice Dobb, E. J. Hobsbawm, James Klugmann, Margaret Mynatt.
USA: James S. Allen, Philip S. Foner, the late Howard Selsam, Dirk J. Struik, William W. Weinstone.

The publication of the first volume and preparation of subsequent volumes is being conducted under the supervision of the above-mentioned editorial commissions.
Preface

The first volume of the Collected Works of Karl Marx and Frederick Engels contains works and letters written by Marx between August 1835 and March 1843. The volume is divided into four sections—works, letters, preparatory material and youthful literary experiments in prose and verse, the material in each section being arranged chronologically. Relevant biographical documents are supplied in the appendices.

These writings reflect Marx's early, formative period, the path of intellectual development that led an inquiring young man, inspired while still at the gymnasium by the idea of serving the common good, to the forefront of the philosophical and political thought of his day. This was the time when Marx, as a student first at Bonn and then at Berlin University, was deeply engaged in the study of law, history and philosophy, which he combined with trying his strength in the sphere of creative writing. In these years Marx evolved his atheistic and revolutionary-democratic beliefs and began his activities as a contributor to and, later, editor of the Rheinische Zeitung. His work on this newspaper initiated a new stage in the formation of his ideas which was to result in his final and complete adoption of materialist and communist positions.

The first section of the volume opens with the school essay "Reflections of a Young Man on the Choice of a Profession", which Marx wrote in 1835, and which may be regarded as the starting point of his intellectual development. Unlike his other school essays (they appear in the appendices), which as a whole do not reach beyond the usual framework of ideas current among gymnasium students and in gymnasium textbooks of those days,
this composition reveals his resolve not to withdraw into the narrow circle of personal interests but to devote his activities to the interests of humanity. At the same time the young Marx, swayed by the ideas of the French Enlightenment concerning the influence of the social environment on man, had begun to think also about the objective conditions determining human activity. "Our relations in society have to some extent already begun to be established before we are in a position to determine them," he wrote in this essay (see p. 4).

The "Letter from Marx to His Father", written in 1837, vividly illustrates Marx’s hard thinking as a student and shows the versatility of his intellectual interests and the variety of problems that stirred his imagination. The letter records an important stage in the evolution of his ideas—his recognition of Hegelian philosophy as a key to the understanding of reality, in contrast to the subjective idealism of Fichte and other subjectivist philosophical systems. In his intensive search for a truly scientific conception of the world Marx did not confine himself to becoming an advocate of Hegel’s teaching and joining the Young Hegelian movement, whose representatives were attempting to draw atheistic and radical political conclusions from Hegel’s philosophy. Armed with Hegelian dialectics, he set about blazing his own trail in philosophy.

An important feature of the intellectual development of the young Marx was his study of ancient classical philosophy, which resulted in the Notebooks on Epicurean Philosophy (1839) (published in the third section) and, based on this preparatory material, the Doctoral dissertation on the Difference Between the Democritean and Epicurean Philosophy of Nature (1840-41). This work of investigation into the major trends in classical philosophy testifies to the young Marx’s erudition and the revolutionary nature, the radicalism, of his views. The very choice of subject, his recourse to the great materialist philosophers of classical times, Democritus, Epicurus and Lucretius, whom Hegel had treated with a certain degree of scorn, indicates Marx’s considerable power of independent thought, his desire to gain his own understanding of the salient problems of philosophy and to determine his own attitude to the philosophical legacy of the past.

While studying the ancients, Marx kept constantly in view the issues that stirred the minds of his contemporaries and formed the hub of the current ideological struggle. In his comments on excerpts from works of the classical philosophers contained in his notebooks he is already voicing a protest against agnosticism,
against attempts to belittle the cognitive power of philosophy. He is full of faith in the power of human reason, in the power of progressive philosophy to influence life. His high estimation of Epicurus’ struggle against superstition reads as a passionate defence of freedom of thought, an appeal for resolute protest against the shackleing authority of religion.

In his dissertation, Marx went even further in pursuing his atheist views. He declared his profound conviction that it is necessary to know the origin and nature of religion in order to overcome it. This work also contains, in embryo, the idea of the dialectical unity of philosophy and life. “... as the world becomes philosophical, philosophy also becomes worldly” (see p. 85). Demonstrating the fertility of the dialectical method in philosophy, Marx strove to discover the elements of dialectics that were already implicit in the beliefs of the ancient philosophers. He did, in fact, reveal the dialectical nature of Epicurus’ teaching on the declination of the atoms as the embodiment of the principle of self-movement.

Thus, in his Doctoral dissertation Marx faced up squarely to problems that were to play a major part in the subsequent formation of his view of the world. He became clearly aware of the need to solve the problem of the relationship between philosophy and reality. The strong atheist views that he had already adopted facilitated his subsequent transition to materialism.

Collected in this volume are all the known journalistic writings of the young Marx in the early forties. They illustrate his development as a political tribune, a revolutionary democrat and a resolute critic of the existing social and political system. It was in active journalistic work, in political struggle against the whole conservative and obsolete Establishment that the young Marx saw the way to integrating advanced philosophy with life. In the very first article “Comments on the Latest Prussian Censorship Instruction”, exposing Prussian legislation on the press, Marx launched what amounted to a militant campaign against feudal monarchist reaction in Germany. Here for the first time he passed from the discussion of general philosophical problems to an analysis of specific political phenomena. By linking his criticism of existing conditions of censorship to an exposure of the Prussian political system he not only demonstrated its irrationality from the standpoint of advanced philosophy but also came near to understanding the essential hostility of the Prussian state to the people.
Marx's political convictions became even more clearly defined while he was with the *Rheinische Zeitung* (May 1842 to March 1843). Journalistic work on this paper provided him with an outlet for his enormous revolutionary energy, for publicising his revolutionary-democratic views. As its editor, Marx displayed great skill and flexibility in overcoming censorship difficulties and the opposition of the moderates on the editorial board and among the shareholders, and set about converting the paper from an organ of the liberal opposition into a tribune of revolutionary-democratic ideas. He set the tone in his own articles, which hit out against the social, political and spiritual oppression that reigned in Prussia and other German states. The revolutionary-democratic direction that Marx had given the paper led to attacks upon it from almost the whole monarchist press and also persecution by the authorities, who succeeded in having the paper closed. In the history not only of the German but also of the whole European press and social thought the *Rheinische Zeitung* occupies a distinguished place for having several years before the revolution of 1848 heralded the approaching revolutionary storm in Germany.

Marx's work on the newspaper represents an important phase in the development of his world outlook. In his articles one can trace what Lenin called "Marx's transition from idealism to materialism and from revolutionary democracy to communism" (V. I. Lenin, *Collected Works*, Vol. 21, p. 80). The forming of his political views had a considerable reciprocal effect on his philosophical position, leading him further and further beyond the bounds of Hegelian idealism. Newspaper work revealed to Marx his lack of knowledge of political economy and prompted him to undertake a serious study of economic problems, of man's material interests.

Marx's articles—some of them were never published because of the censorship and have not been preserved—ranged widely over the social problems of the Germany of his day.

In his article "Debates on Freedom of the Press and Publication of the Proceedings of the Assembly of the Estates" Marx, though he had not yet abandoned the abstract-idealist view of freedom as the "essence" of human nature, nevertheless linked his presentation of the problem with the attitudes adopted by various sections of society towards freedom of the press. His conclusion strikes a revolutionary note; only a people's press can be truly free and its main purpose is to rouse the people to defend freedom with arms in hand.

In this and a number of other articles ("The Supplement to Nos. 335 and 336 of the Augsburg Allgemeine Zeitung" on the
Commissions of the Estates in Prussia”, “The Local Election of Deputies to the Provincial Assembly”, “The Divorce Bill”, etc.) Marx strongly criticises the hierarchical principle on which Prussian political institutions were based and which led to the political domination of the nobility. He exposed the wretched inadequacy of the Provincial Assemblies, which were mere caricatures of representative institutions, the retrograde ideas permeating Prussian legislation, and the absolutist political system of the Prussian monarchy.

The group of articles that includes “The Philosophical Manifesto of the Historical School of Law”, “The Leading Article in No. 179 of the Kölnische Zeitung”, “Communal Reform and the Kölnische Zeitung”, “The Polemical Tactics of the Augsburg Newspaper”, and “The Rhein- und Mosel-Zeitung as Grand Inquisitor”, was aimed against various aspects of ideological reaction in Germany. Marx spoke in defence of opposition newspapers that were being persecuted by the government and exposed the stand of the anti-democratic and reactionary press on the country’s domestic affairs. He angrily exposed the preachers of religious obscurantism. He branded the representatives of the historical school of law and reactionary romanticism for attempting to justify feudal aristocratic institutions on the grounds of historical tradition. He also condemned the half-heartedness and inconsistency of the liberal opposition towards the existing regimes of the German states. Characteristic in this respect is his editorial note “In Connection with the Article ‘Failures of the Liberal Opposition in Hanover’”.

Marx defended the representatives of progressive philosophy of the time, particularly the Left Hegelians, from the attacks of the reactionaries in other papers as well. This can be seen from his article in the Deutsche Jahrbücher against Doctor Gruppe’s criticism of the views of Bruno Bauer, the leader of the Young Hegelians. At the same time he took a sharply critical attitude towards anarchistic individualism, superficial and loud-mouthed criticism, addiction to the ultra-radical phrase without any clearly defined positive programme, all of which were distinctive features of the Berlin Young Hegelian circle of “The Free”. In a short article on “The Attitude of Herwegh and Ruge to ‘The Free’” Marx hinted that such behaviour would compromise the freedom party’s cause. These disagreements with “The Free” marked the beginning of the rift that was to develop between Marx and the Young Hegelians.

Some of the material and documents published in this volume (“Renard’s Letter to Oberpräsident von Schaper”, “Marginal
Notes to the Accusations of the Ministerial Rescript”, etc.) reflect Marx's struggle to keep up publication of the Rheinische Zeitung, his attempts to deflect the onslaught of the ruling circles, which in the end succeeded in having it banned.

In his articles in the Rheinische Zeitung Marx generally maintained idealist positions in his understanding of the state and the interrelation between material and spiritual activity, treating the Prussian state merely as a deviation from the state's essential nature. At the same time the urge to achieve a critical understanding of reality, to put the ideal of freedom into practice, the desire to comprehend and express the true interests of the people, drove Marx to probe more deeply into the life around him. He began to understand the role of social contradictions in the development of society, took the first steps towards defining the class structure of German society, and the role of the nobility as the social mainstay of the Prussian state. Outstanding in this respect are the “Debates on the Law on Thefts of Wood” and “Justification of the Correspondent from the Mosel”, in which Marx came out openly in defence of the “poor, politically and socially propertyless many” (see p. 230).

Work on these articles with their analysis of the destitute condition of the working masses and its causes was of great significance in shaping Marx's beliefs. As Engels wrote, Marx told him on more than one occasion later that it was his study of the law on thefts of wood and of the condition of the Mosel peasants that prompted him to turn from pure politics to the study of economic relations and, thus, to socialism (see F. Engels to R. Fischer, April 15, 1895).

In his article “Communism and the Augsburg Allgemeine Zeitung” Marx touched for the first time on communism, which he regarded as a contemporary issue raised by life itself, by the struggle of a section of society “that today owns nothing” (see p. 216). Though critical in his attitude to the various utopian theories of the time and also to the practical experiments in setting up communist communities, Marx felt that his knowledge was not yet sufficient for him to express a definite opinion on these subjects. Even then, however, he saw in communism a subject worthy of profound theoretical analysis.

The second section contains letters written by Marx between 1841 and 1843, most of which are addressed to the German radical Arnold Ruge, editor of the Young Hegelian Deutsche Jahrbücher. The letters provide a supplement to Marx's published works of the time. Here he often expresses his views in
a much sharper form, since in private correspondence he was able to write with a frankness impossible under press censorship of his critical attitude towards Prussian life and towards various trends in philosophy and literature. This part of the young Marx's literary legacy is also permeated with revolutionary-democratic ideas. The letters vividly reproduce the political atmosphere in which Marx, as a revolutionary journalist and editor of the *Rheinische Zeitung*, had to work, his struggle with the censorship and the obstacles which beset publication of the paper at every turn.

The position Marx adopted in the fierce political and philosophical arguments that had flared up in Germany can be clearly traced in his correspondence. Marx did not share the illusions of the German liberals concerning the prospects of introducing a constitutional monarchy by peaceful means and stood for revolutionary methods of struggle against absolutism. More fully than his articles in the *Rheinische Zeitung* the letters reveal Marx's conflict with the Berlin Young Hegelian circle of "The Free". Marx's letter to Ruge of November 30, 1842 (see pp. 393-95) is particularly important in this respect. Marx hailed *The Essence of Christianity* and other works of Ludwig Feuerbach as a major event in philosophical life. Indeed, this is shown not only by Marx's letters but by a number of articles in the *Rheinische Zeitung*, particularly "the Leading Article in No. 179 of the Kölnische Zeitung" where he ranks Feuerbach among the representatives of true philosophy, which was "the intellectual quintessence of its time" (see p. 195). Feuerbach's materialist views exercised a considerable influence on Marx. Though he had a high opinion of them, Marx nevertheless perceived some of the deficiencies in Feuerbach's contemplative materialism. He pointed out that Feuerbach "refers too much to nature and too little to politics. That, however, is the only alliance by which present-day philosophy can become truth" (see p. 400). This remark on the inseparable connection between philosophy and political struggle anticipates his thoughts in later works on the unity of revolutionary theory and practice.

The third section, "From the Preparatory Materials", includes the above-mentioned *Notebooks on Epicurean Philosophy*. These notebooks consist of lengthy excerpts from Diogenes Laertius, Sextus Empiricus, Lucretius, Cicero, Plutarch, Seneca, Clement of Alexandria and Stobaeus, accompanied by Marx's own comments on the problems of both ancient philosophical thought and the social significance of philosophy. The section also includes the *Plan of Hegel's Philosophy of Nature*, which Marx devised in his
undergraduate years under the influence of Hegel's Encyclopaedia of the Philosophical Sciences.

The fourth section offers the reader a considerable portion of the verse and prose which Marx wrote as a young man. It does not embrace all the poems that have been preserved, but what has been included gives a clear idea of the nature of Marx's youthful contribution to belles-lettres, sufficient to judge the part played by these endeavours in his intellectual development.

The section includes some of the poems from the three albums that Marx wrote for his fiancée—Jenny von Westphalen. The poetical works that Marx himself selected in 1837 for a book of verse dedicated to his father are given in full. It contained ballads, romances, sonnets, epigrams, humorous verse and scenes from the unfinished tragedy Oulanem. A supplement to this book consisted of chapters from a humoristic novel Scorpion and Felix, which are also reproduced in the present volume. Marx himself evidently regarded this collection as the best of what he had written in this field and later actually decided to publish two of the poems from it. These poems, combined under the title Wild Songs, were published in the magazine Athenäum in 1841 (they appear in the first section of the present volume).

Many of these literary endeavours are, of course, somewhat imitative in character. Marx himself did not place much value on their artistic merits and later treated them with a great deal of scepticism, though he found that there was genuine warmth and sincerity of feeling in his youthful poems, particularly the ones dedicated to Jenny. But the main value of these youthful writings is that they reflect—particularly the sonnets, epigrams and jests—certain aspects of the view that the young Marx had of the world in general, his attitude to the life around him, the traits that were forming in his character. The themes of high endeavour, of dedicated effort, of contempt for philistine sluggishness, of readiness to throw oneself into battle for lofty aims stand out clearly. Regarded from this angle, the poems included here offer an important insight into the mind of the young Marx.

The appendices supply biographical documents concerning the major landmarks in Marx's life, his gymnasium essays on set subjects, papers concerned with his undergraduate years, and so on. Of great biographical interest are the letters of Heinrich Marx to his son. These letters are full of parental anxiety over a beloved child's irresistible craving for knowledge, tempestuous character and fearless free-thinking, particularly in matters of religion.
They convey a picture of the intense intellectual life Marx led as a student. The few extant letters from Jenny von Westphalen to Marx reveal the strength of the feelings that bound them together.

A special group is formed by the documents concerning the banning of the Rheinische Zeitung by the Prussian Government—a petition from the citizens of Cologne requesting withdrawal of the ban, and the minutes of the general meeting of the shareholders held on February 12, 1843.

* * *

Most of the items included in this volume had not previously been translated into English. Many of the articles from the Rheinische Zeitung, including the “Proceedings of the Sixth Rhine Province Assembly” (articles 1 and 3), “Justification of the Correspondent from the Mosel”, all the letters given in the volume, the bulk of the youthful literary endeavours, and also the Notebooks on Epicurean Philosophy and the Plan of Hegel’s Philosophy of Nature, appear in English for the first time. The appendices also consist entirely of material and documents not previously published in English.

The article “Luther as Arbiter Between Strauss and Feuerbach” published in previous editions of Marx’s early works is not included in the present edition, for recent research has proved that it was not written by Marx.

The works that have previously appeared in English are given here in new, carefully checked translations.

The author’s underlining is reproduced by italics; marks of emphasis in the margins are shown by vertical lines. Headings supplied by the editors where none existed in the original are given in square brackets. The asterisks indicate footnotes by the author; the editors’ footnotes are indicated by index letters, and reference notes by superior numbers.

The compiling of the volume, the writing of the preface and notes, and the making of the subject index were the work of Tatyana Vasilyeva. The name index and the indexes of quoted literature and periodicals were prepared by Dmitry Belyaev, Tatyana Chikileva and Galina Kostryukova (CCCP Institute of Marxism-Leninism).

All the articles, letters, etc., in this volume have been translated from the German unless otherwise stated.

The prose translations were made by Richard Dixon, Clemens Dutt, Dirk J. and Sally R. Struik and Alick West, and edited by
Robert Browning, Maurice Cornforth, Richard Dixon, Catherine Judelson, David McLellan and Margaret Mynatt.

The poems were translated by Alex Miller in consultation with Diana Miller and Victor Schnittke except for the verse tragedy Oulanem translated by Jack Lindsay and Alick West and edited by Alex Miller.


The volume was prepared for the press by the editors Natalia Karmanova, Margarita Lopukhina, Victor Schnittke, Lyudgarda Zubrilova, and the assistant-editor Natina Perova, for Progress Publishers, and Vladimir Mosolov, scientific editor, for the Institute of Marxism-Leninism, Moscow.
KARL MARX

WORKS

August 1835-March 1843
Nature herself has determined the sphere of activity in which the animal should move, and it peacefully moves within that sphere, without attempting to go beyond it, without even an inkling of any other. To man, too, the Deity gave a general aim, that of ennobling mankind and himself, but he left it to man to seek the means by which this aim can be achieved; he left it to him to choose the position in society most suited to him, from which he can best uplift himself and society.

This choice is a great privilege of man over the rest of creation, but at the same time it is an act which can destroy his whole life, frustrate all his plans, and make him unhappy. Serious consideration of this choice, therefore, is certainly the first duty of a young man who is beginning his career and does not want to leave his most important affairs to chance.

Everyone has an aim in view, which to him at least seems great, and actually is so if the deepest conviction, the innermost voice of the heart declares it so, for the Deity never leaves mortal man wholly without a guide; he speaks softly but with certainty.

But this voice can easily be drowned, and what we took for inspiration can be the product of the moment, which another moment can perhaps also destroy. Our imagination, perhaps, is set on fire, our emotions excited, phantoms flit before our eyes, and we plunge headlong into what impetuous instinct suggests, which we imagine the Deity himself has pointed out to us. But what we ardently embrace soon repels us and we see our whole existence in ruins.

We must therefore seriously examine whether we have really been inspired in our choice of a profession, whether an inner
voice approves it, or whether this inspiration is a delusion, and what we took to be a call from the Deity was self-deception. But how can we recognise this except by tracing the source of the inspiration itself?

What is great glitters, its glitter arouses ambition, and ambition can easily have produced the inspiration, or what we took for inspiration; but reason can no longer restrain the man who is tempted by the demon of ambition, and he plunges headlong into what impetuous instinct suggests: he no longer chooses his position in life, instead it is determined by chance and illusion.

Nor are we called upon to adopt the position which offers us the most brilliant opportunities; that is not the one which, in the long series of years in which we may perhaps hold it, will never tire us, never dampen our zeal, never let our enthusiasm grow cold, but one in which we shall soon see our wishes unfulfilled, our ideas unsatisfied, and we shall inveigh against the Deity and curse mankind.

But it is not only ambition which can arouse sudden enthusiasm for a particular profession; we may perhaps have embellished it in our imagination, and embellished it so that it appears the highest that life can offer. We have not analysed it, not considered the whole burden, the great responsibility it imposes on us; we have seen it only from a distance, and distance is deceptive.

Our own reason cannot be counsellor here; for it is supported neither by experience nor by profound observation, being deceived by emotion and blinded by fantasy. To whom then should we turn our eyes? Who should support us where our reason forsakes us?

Our parents, who have already travelled life's road and experienced the severity of fate—our heart tells us.

And if then our enthusiasm still persists, if we still continue to love a profession and believe ourselves called to it after we have examined it in cold blood, after we have perceived its burdens and become acquainted with its difficulties, then we ought to adopt it, then neither does our enthusiasm deceive us nor does overhastiness carry us away.

But we cannot always attain the position to which we believe we are called; our relations in society have to some extent already begun to be established before we are in a position to determine them.

Our physical constitution itself is often a threatening obstacle, and let no one scoff at its rights.
Die Aussicht auf die Zukunft ist ein Thema, das eine große Rolle in meinen Überlegungen spielt. Ich sehe mich in eine Zeit, in der ich mich dafür entscheiden muss, was für eine Zukunft ich haben will. Die Wahl einer beruflichen Zukunft ist eine Schwierigkeit, die mich beschäftigt.

Im Gymnasium habe ich bereits einige Berufe kennengelernt, die ich interessant fand. Die Ärzte, die Ingenieure, die Wissenschaftler, alle haben ihre eigenen Vorzüge und Nachteile. Ich habe mich für das Studium der Wirtschaft entschieden, da ich an ihrer Bedeutung für den Lebensstandard der Menschen interessiert bin. Ich habe auch eine Vorliebe für die Naturwissenschaften, besonders für die Chemie, aber ich habe mich für die Wirtschaft entschieden.

It is true that we can rise above it; but then our downfall is all the more rapid, for then we are venturing to build on crumbling ruins, then our whole life is an unhappy struggle between the mental and the bodily principle. But he who is unable to reconcile the warring elements within himself, how can he resist life's tempestuous stress, how can he act calmly? And it is from calm alone that great and fine deeds can arise; it is the only soil in which ripe fruits successfully develop.

Although we cannot work for long and seldom happily with a physical constitution which is not suited to our profession, the thought nevertheless continually arises of sacrificing our well-being to duty, of acting vigorously although we are weak. But if we have chosen a profession for which we do not possess the talent, we can never exercise it worthily, we shall soon realise with shame our own incapacity and tell ourselves that we are useless created beings, members of society who are incapable of fulfilling their vocation. Then the most natural consequence is self-contempt, and what feeling is more painful and less capable of being made up for by all that the outside world has to offer? Self-contempt is a serpent that ever gnaws at one's breast, sucking the life-blood from one's heart and mixing it with the poison of misanthropy and despair.

An illusion about our talents for a profession which we have closely examined is a fault which takes its revenge on us ourselves, and even if it does not meet with the censure of the outside world it gives rise to more terrible pain in our hearts than such censure could inflict.

If we have considered all this, and if the conditions of our life permit us to choose any profession we like, we may adopt the one that assures us the greatest worth, one which is based on ideas of whose truth we are thoroughly convinced, which offers us the widest scope to work for mankind, and for ourselves to approach closer to the general aim for which every profession is but a means—perfection.

Worth is that which most of all uplifts a man, which imparts a higher nobility to his actions and all his endeavours, which makes him invulnerable, admired by the crowd and raised above it.

But worth can be assured only by a profession in which we are not servile tools, but in which we act independently in our own sphere. It can be assured only by a profession that does not demand reprehensible acts, even if reprehensible only in outward appearance, a profession which the best can follow with noble pride. A profession which assures this in the greatest de-
degree is not always the highest, but is always the most to be preferred.

But just as a profession which gives us no assurance of worth degrades us, we shall as surely succumb under the burdens of one which is based on ideas that we later recognise to be false.

There we have no recourse but to self-deception, and what a desperate salvation is that which is obtained by self-betrayal!

Those professions which are not so much involved in life itself as concerned with abstract truths are the most dangerous for the young man whose principles are not yet firm and whose convictions are not yet strong and unshakeable. At the same time these professions may seem to be the most exalted if they have taken deep root in our hearts and if we are capable of sacrificing our lives and all endeavours for the ideas which prevail in them.

They can bestow happiness on the man who has a vocation for them, but they destroy him who adopts them rashly, without reflection, yielding to the impulse of the moment.

On the other hand, the high regard we have for the ideas on which our profession is based gives us a higher standing in society, enhances our own worth, and makes our actions unchallengeable.

One who chooses a profession he values highly will shudder at the idea of being unworthy of it; he will act nobly if only because his position in society is a noble one.

But the chief guide which must direct us in the choice of a profession is the welfare of mankind and our own perfection. It should not be thought that these two interests could be in conflict, that one would have to destroy the other; on the contrary, man’s nature is so constituted that he can attain his own perfection only by working for the perfection, for the good, of his fellow men.

If he works only for himself, he may perhaps become a famous man of learning, a great sage, an excellent poet, but he can never be a perfect, truly great man.

History calls those men the greatest who have ennobled themselves by working for the common good; experience acclaims as happiest the man who has made the greatest number of people happy; religion itself teaches us that the ideal being whom all strive to copy sacrificed himself for the sake of mankind, and who would dare to set at nought such judgments?

If we have chosen the position in life in which we can most of all work for mankind, no burdens can bow us down, because they are sacrifices for the benefit of all; then we shall experience no
petty, limited, selfish joy, but our happiness will belong to millions, our deeds will live on quietly but perpetually at work, and over our ashes will be shed the hot tears of noble people.

Written between August 10 and 16, 1835

First published in the yearly Archiv für die Geschichte des Sozialismus und der Arbeiterbewegung, Ed. K. Grünberg, Leipzig, 1925

Signed: Marx
Berlin, November 10[[-11, 1837]

Dear Father,

There are moments in one’s life which are like frontier posts marking the completion of a period but at the same time clearly indicating a new direction.

At such a moment of transition we feel compelled to view the past and the present with the eagle eye of thought in order to become conscious of our real position. Indeed, world history itself likes to look back in this way and take stock, which often gives it the appearance of retrogression or stagnation, whereas it is merely, as it were, sitting back in an armchair in order to understand itself and mentally grasp its own activity, that of the mind.

At such moments, however, a person becomes lyrical, for every metamorphosis is partly a swan song, partly the overture to a great new poem, which endeavours to achieve a stable form in brilliant colours that still merge into one another. Nevertheless, we should like to erect a memorial to what we have once lived through in order that this experience may regain in our emotions the place it has lost in our actions. And where could a more sacred dwelling place be found for it than in the heart of a parent, the most merciful judge, the most intimate sympathiser, the sun of love whose warming fire is felt at the innermost centre of our endeavours! What better amends and forgiveness could there be for much that is objectionable and blameworthy than to be seen as the manifestation of an essentially necessary state of things? How, at least, could the often ill-fated play of chance and intellectual error better escape the reproach of being due to a perverse heart?
When, therefore, now at the end of a year spent here I cast a glance back on the course of events during that time, in order, my dear father, to answer your infinitely dear letter from Ems, allow me to review my affairs in the way I regard life in general, as the expression of an intellectual activity which develops in all directions, in science, art and private matters.

When I left you, a new world had come into existence for me, that of love, which in fact at the beginning was a passionately yearning and hopeless love. Even the journey to Berlin, which otherwise would have delighted me in the highest degree, would have inspired me to contemplate nature and fired my zest for life, left me cold. Indeed, it put me strikingly out of humour, for the rocks which I saw were not more rugged, more indomitable, than the emotions of my soul, the big towns not more lively than my blood, the inn meals not more extravagant, more indigestible, than the store of fantasies I carried with me, and, finally, no work of art was as beautiful as Jenny.

After my arrival in Berlin, I broke off all hitherto existing connections, made visits rarely and unwillingly, and tried to immerse myself in science and art.

In accordance with my state of mind at the time, lyrical poetry was bound to be my first subject, at least the most pleasant and immediate one. But owing to my attitude and whole previous development it was purely idealistic. My heaven, my art, became a world beyond, as remote as my love. Everything real became hazy and what is hazy has no definite outlines. All the poems of the first three volumes I sent to Jenny are marked by attacks on our times, diffuse and inchoate expressions of feeling, nothing natural, everything built out of moonshine, complete opposition between what is and what ought to be, rhetorical reflections instead of poetic thoughts, but perhaps also a certain warmth of feeling and striving for poetic fire. The whole extent of a longing that has no bounds finds expression there in many different forms and makes the poetic “composition” into “diffusion”.

Poetry, however, could be and had to be only an accompaniment; I had to study law and above all felt the urge to wrestle with philosophy. The two were so closely linked that, on the one hand,

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a See this volume, pp. 677-78.—Ed.

b A pun on the German words Dichten (poetic composition or also something compact) and Breiten (something broad or diffuse).—Ed.
I read through Heineccius, Thibaut\textsuperscript{a} and the sources quite uncritically, in a mere schoolboy fashion; thus, for instance, I translated the first two books of the Pandect\textsuperscript{3} into German, and, on the other hand, tried to elaborate a philosophy of law covering the whole field of law. I prefaced this with some metaphysical propositions by way of introduction and continued this unhappy opus as far as public law, a work of almost 300 pages.\textsuperscript{4}

Here, above all, the same opposition between what is and what ought to be, which is characteristic of idealism, stood out as a serious defect and was the source of the hopelessly incorrect division of the subject-matter. First of all came what I was pleased to call the metaphysics of law, i. e., basic principles, reflections, definitions of concepts, divorced from all actual law and every actual form of law, as occurs in Fichte,\textsuperscript{b} only in my case it was more modern and shallower. From the outset an obstacle to grasping the truth here was the unscientific form of mathematical dogmatism, in which the author argues hither and thither, going round and round the subject dealt with, without the latter taking shape as something living and developing in a many-sided way. A triangle gives the mathematician scope for construction and proof, it remains a mere abstract conception in space and does not develop into anything further. It has to be put alongside something else, then it assumes other positions, and this diversity added to it gives it different relationships and truths. On the other hand, in the concrete expression of a living world of ideas, as exemplified by law, the state, nature, and philosophy as a whole, the object itself must be studied in its development; arbitrary divisions must not be introduced, the rational character of the object itself must develop as something imbued with contradictions in itself and find its unity in itself.

Next, as the second part, came the philosophy of law, that is to say, according to my views at the time, an examination of the development of ideas in positive Roman law, as if positive law in its conceptual development (I do not mean in its purely finite provisions) could ever be something different from the formation of the concept of law, which the first part, however, should have dealt with.


\textsuperscript{b} J. G. Fichte, \textit{Grundlage des Naturrechts nach Prinzipien der Wissenschaftslehre}, 2 Teile.— Ed.
Letter from Karl Marx to his father, November 10-11, 1837
Portrait of Karl Marx in his student years
Moreover, I had further divided this part into the theory of formal law and the theory of material law, the first being the pure form of the system in its sequence and interconnections, its subdivisions and scope, whereas the second, on the other hand, was intended to describe the content, showing how the form becomes embodied in its content. This was an error I shared with Herr v. Savigny, as I discovered later in his learned work on ownership, the only difference being that he applies the term formal definition of the concept to "finding the place which this or that theory occupies in the (fictitious) Roman system", the material definition being "the theory of positive content which the Romans attributed to a concept defined in this way", whereas I understood by form the necessary architectonics of conceptual formulations, and by matter the necessary quality of these formulations. The mistake lay in my belief that matter and form can and must develop separately from each other, and so I obtained not a real form, but something like a desk with drawers into which I then poured sand.

The concept is indeed the mediating link between form and content. In a philosophical treatment of law, therefore, the one must arise in the other; indeed, the form should only be the continuation of the content. Thus I arrived at a division of the material such as could be devised by its author for at most an easy and shallow classification, but in which the spirit and truth of law disappeared. All law was divided into contractual and non-contractual. In order to make this clearer, I take the liberty to set out the plan up to the division of *jus publicum*, which is also treated in the formal part.

<table>
<thead>
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<td>I. <em>jus privatum</em></td>
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<td>a) Conditional contractual private law.</td>
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<td>b) Unconditional non-contractual private law.</td>
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<td>A. Conditional contractual private law</td>
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<td>a) Law of persons; b) Law of things; c) Law of persons in relation to property.</td>
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<td>a) Law of persons</td>
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<td>I. Commercial contracts; II. Warranties; III. Contracts of bailment.</td>
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*a* F. C. Savigny, *Das Recht des Besitzes.*— *Ed.*

*b* Public law.— *Ed.*

*c* Private law.— *Ed.*
I. Commercial contracts


3. Locatio conductio

1. Insofar as it relates to operae.a
   a) locatio conductio proper (excluding Roman letting or leasing);
   b) mandatum.b

2. Insofar as it relates to usus rei.c
   a) On land: usus fructusd (also not in the purely Roman sense);
   b) On houses: habitatio.e

II. Warranties

1. Arbitration or conciliation contract; 2. Insurance contract.

III. Contracts of bailment

2. Promissory contract

1. fide jussiof; 2. negotiorum gestio.g

3. Contract of gift

1. donatioh; 2. gratiae promission.i
   b) Law of things

I. Commercial contracts

2. permutatio stricte sic dicta.1

1. permutatio proper; 2. mutuum (usurae)k; 3. emptio venditio.l

pignus.m

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a Services.— Ed.
b Commission.— Ed.
c Right to use of something.— Ed.
d Usufruct.— Ed.
e Right to habitation (first of all in one’s own house, later in the house of another person).— Ed.
f Pledge.— Ed.
g Management without commission.— Ed.
h Gift.— Ed.
i Promise of a favour.— Ed.
j Exchange in the original sense.— Ed.
k Loan (interest).— Ed.
l Purchase and sale.— Ed.
m Pledge.— Ed.
III. Contracts of bailment

2. commodatum\(^a\); 3. depositum.\(^b\)

But why should I go on filling up pages with things I myself have rejected? The whole thing is replete with tripartite divisions, it is written with tedious prolixity, and the Roman concepts are misused in the most barbaric fashion in order to force them into my system. On the other hand, in this way I did gain a general view of the material and a liking for it, at least along certain lines.

At the end of the section on material private law, I saw the falsity of the whole thing, the basic plan of which borders on that of Kant,\(^6\) but deviates wholly from it in the execution, and again it became clear to me that there could be no headway without philosophy. So with a good conscience I was able once more to throw myself into her embrace, and I drafted a new system of metaphysical principles, but at the conclusion of it I was once more compelled to recognise that it was wrong, like all my previous efforts.

In the course of this work I adopted the habit of making extracts from all the books I read, for instance from Lessing’s *Laokoon*, Solger’s *Erwin*, Winckelmann’s history of art, Luden’s German history, and incidentally scribbled down my reflections. At the same time I translated Tacitus’ *Germania*, and Ovid’s *Tristia*, and began to learn English and Italian by myself, i. e., out of grammars, but I have not yet got anywhere with this. I also read Klein’s criminal law and his annals, and all the most recent literature, but this last only by the way.

At the end of the term, I again sought the dances of the Muses and the music of the Satyrs. Already in the last exercise book that I sent you\(^c\) idealism pervades forced humour (*Scorpion and Felix*) and an unsuccessful, fantastic drama (*Oulanem*), until it finally undergoes a complete transformation and becomes mere formal art, mostly without objects that inspire it and without any impassioned train of thought.

And yet these last poems are the only ones in which suddenly, as if by a magic touch—oh, the touch was at first a shattering blow—I caught sight of the glittering realm of true poetry like a distant fairy palace, and all my creations crumbled into nothing.

Busy with these various occupations, during my first term I

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\(^a\) Loan, loan contract.—*Ed.*

\(^b\) Safe keeping of goods deposited.—*Ed.*

\(^c\) See this volume, pp. 616-32.—*Ed.*
spent many a sleepless night, fought many a battle, and endured much internal and external excitement. Yet at the end I emerged not much enriched, and moreover I had neglected nature, art and the world, and shut the door on my friends. The above observations seem to have been made by my body. I was advised by a doctor to go to the country, and so it was that for the first time I traversed the whole length of the city to the gate and went to Stralow. I had no inkling that I would mature there from an anaemic weakling into a man of robust bodily strength.

A curtain had fallen, my holy of holies was rent asunder, and new gods had to be installed.

From the idealism which, by the way, I had compared and nourished with the idealism of Kant and Fichte, I arrived at the point of seeking the idea in reality itself. If previously the gods had dwelt above the earth, now they became its centre.

I had read fragments of Hegel’s philosophy, the grotesque craggy melody of which did not appeal to me. Once more I wanted to dive into the sea, but with the definite intention of establishing that the nature of the mind is just as necessary, concrete and firmly based as the nature of the body. My aim was no longer to practise tricks of swordsmanship, but to bring genuine pearls into the light of day.

I wrote a dialogue of about 24 pages: “Cleanthes, or the Starting Point and Necessary Continuation of Philosophy”. Here art and science, which had become completely divorced from each other, were to some extent united, and like a vigorous traveller I set about the task itself, a philosophical-dialectical account of divinity, as it manifests itself as the idea-in-itself, as religion, as nature, and as history. My last proposition was the beginning of the Hegelian system. And this work, for which I had acquainted myself to some extent with natural science, Schelling, and history, which had caused me to rack my brains endlessly, and which is so [...] written (since it was actually intended to be a new logic) that now even I myself can hardly recapture my thinking about it, this work, my dearest child, reared by moonlight, like a false siren delivers me into the arms of the enemy.

For some days my vexation made me quite incapable of thinking; I ran about madly in the garden by the dirty water of the Spree, which “washes souls and dilutes the tea”.* I even joined my landlord in a hunting excursion, rushed off to Berlin and wanted to embrace every street-corner loafer.

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Shortly after that I pursued only positive studies: the study of Savigny's *Ownership*, Feuerbach's and Grohlmann's criminal law, Cramer's *de verborum significatione*, Wenning-Ingenheim's Pandect system, and Mühlener's *Doctrina pandectarum*, which I am still working through, and finally a few titles from Lauterbach, on civil procedure and above all canon law, the first part of which, Gratian's *Concordia discordantium canonum*, I have almost entirely read through in the corpus and made extracts from, as also the supplement, Lancelotti's *Institutiones*. Then I translated in part Aristotle's *Rhetoric*, read *de augmentis scientiarum* of the famous Bacon of Verulam, spent a good deal of time on Reimarus, to whose book on the artistic instincts of animals I applied my mind with delight, and also tackled German law, but chiefly only to the extent of going through the caputaries of the Franconian kings and the letters of the Popes to them.

Owing to being upset over Jenny's illness and my vain, fruitless intellectual labours, and as the result of nagging annoyance at having had to make an idol of a view that I hated, I became ill, as I have already written to you, dear Father. When I got better I burnt all the poems and outlines of stories, etc., imagining that I could give them up completely, of which so far at any rate I have not given any proofs to the contrary.

While I was ill I got to know Hegel from beginning to end, together with most of his disciples. Through a number of meetings with friends in Stralow I came across a Doctors' Club, which includes some university lecturers and my most intimate Berlin friend, Dr. Rutenberg. In controversy here, many conflicting views were expressed, and I became ever more firmly bound to the modern world philosophy from which I had thought to escape, but all rich chords were silenced and I was seized with a veritable fury of irony, as could easily happen after so much had been negated. In addition, there was Jenny's silence, and I could not rest until I had acquired modernity and the outlook of contemporary science through a few bad productions such as *The Visit*, etc.

If perhaps I have here neither clearly described the whole of this last term nor gone into all details, and slurred over all the nuances, excuse me, dear Father, because of my desire to speak of the present time.

Herr v. Chamineso sent me a very insignificant note in which he informed me "he regrets that the *Almanac* cannot use my contributions because it has already been printed a long time ago". I swallowed this with vexation. The bookseller Wigand has sent my plan to Dr. Schmidt, publisher of Wunder's firm that
trades in good cheese and bad literature. I enclose his letter; Dr. Schmidt has not yet replied. However, I am by no means abandoning this plan, especially since all the aesthetic celebrities of the Hegelian school have promised their collaboration through the help of university lecturer Bauer, who plays a big role among them, and of my colleague Dr. Rutenberg.\footnote{a} Now, as regards the question of a career in cameralistics, my dear father, I recently made the acquaintance of an assessor, Schmidthänner, who advised me after the third law examination to transfer to it as a justiciary, which would be the more to my taste, since I really prefer jurisprudence to all administrative science. This gentleman told me that in three years he himself and many others from the Münster high provincial court in Westphalia had succeeded in reaching the position of assessor, which was not difficult, with hard work of course, since the stages there are not rigidly fixed as they are in Berlin and elsewhere. If later, as an assessor, one is awarded a doctor’s degree, there are also much better prospects of obtaining a post as professor extraordinary, as happened in the case of Herr Gärtner in Bonn, who wrote a mediocre work on provincial legislation\footnote{a} and is otherwise only known as belonging to the Hegelian school of jurists. But, my dear, very good father, would it not be possible to discuss all this with you personally? Eduard’s\footnote{b} condition, dear Mama’s illness, your own ill health, although I hope it is not serious, all this makes me want to hurry to you, indeed it makes it almost a necessity. I would be there already if I was not definitely in doubt about your permission and consent.

Believe me, my dear, dear father, I am actuated by no selfish intention (although it would be bliss for me to see Jenny again), but there is a thought which moves me, and it is one I have no right to express. In many respects it would even be a hard step for me to take but, as my only sweet Jenny writes, these considerations are all of no account when faced with the fulfilment of duties that are sacred.

I beg you, dear Father, however you may decide, not to show this letter, at least not this page, to my angel of a mother. My sudden arrival could perhaps help this grand and wonderful woman to recover.


\footnote{b} Karl Marx’s brother.—Ed.
My letter to Mama was written long before the arrival of Jenny's dear letter, so perhaps I unwittingly wrote too much about matters which are not quite or even very little suitable.  

In the hope that gradually the clouds that have gathered about our family will pass away, that it will be granted to me to suffer and weep with you and, perhaps, when with you to give proof of my profound, heartfelt sympathy and immeasurable love, which often I can only express very badly; in the hope that you also, dear, ever beloved Father, taking into account my much agitated state of mind, will forgive me where often my heart seems to have erred, overwhelmed by my militant spirit, and that you will soon be wholly restored to health so that I can clasp you to my heart and tell you all my thoughts,

Your ever loving son,

Karl

Please, dear Father, excuse my illegible handwriting and bad style; it is almost 4 o'clock, the candle has burnt itself out, and my eyes are dim; a real unrest has taken possession of me, I shall not be able to calm the turbulent spectres until I am with you who are dear to me.

Please give greetings from me to my sweet, wonderful Jenny. I have read her letter twelve times already, and always discover new delights in it. It is in every respect, including that of style, the most beautiful letter I can imagine being written by a woman.
WILD SONGS

I
THE FIDDLER

The Fiddler saws the strings,
His light brown hair he tosses and flings.
He carries a sabre at his side,
He wears a pleated habit wide.

"Fiddler, why that frantic sound?
Why do you gaze so wildly round?
Why leaps your blood, like the surging sea?
What drives your bow so desperately?"

"Why do I fiddle? Or the wild waves roar?
That they might pound the rocky shore,
That eye be blinded, that bosom swell,
That Soul's cry carry down to Hell."

"Fiddler, with scorn you rend your heart.
A radiant God lent you your art,
To dazzle with waves of melody,
To soar to the star-dance in the sky."

"How so! I plunge, plunge without fail
My blood-black sabre into your soul.
That art God neither wants nor wists,
It leaps to the brain from Hell's black mists.

"Till heart's bewitched, till senses reel:
With Satan I have struck my deal.
He chalks the signs, beats time for me,
I play the death march fast and free."
"I must play dark, I must play light, 
Till bowstrings break my heart outright."

The Fiddler saws the strings, 
His light brown hair he tosses and flings. 
He carries a sabre at his side, 
He wears a pleated habit wide.

II

NOCTURNAL LOVE

Frantic, he holds her near, 
Darkly looks in her eye. 
"Pain so burns you, Dear, 
And at my breath you sigh.

"Oh, you have drunk my soul. 
Mine is your glow, in truth. 
My jewel, shine your fill. 
Glow, blood of youth."

"Sweetest, so pale your face, 
So wondrous strange your words. 
See, rich in music's grace 
The lofty gliding worlds."

"Gliding, dearest, gliding, 
Glowing, stars, glowing. 
Let us go heavenwards riding, 
Our souls together flowing."

His voice is muffled, low. 
Desperate, he looks about. 
Glances of crackling flame 
His hollow eyes shoot out.

"You have drunk poison, Love. 
With me you must away. 
The sky is dark above, 
No more I see the day."
Shuddering, he pulls her close to him.  
Death in the breast doth hover.  
Pain stabs her, piercing deep within,  
And eyes are closed forever.

Written in 1837  
First published in the Athenäum.  
Zeitschrift für das gebildete Deutschland,  
January 23, 1841
DIFFERENCE
BETWEEN THE DEMOCRITEAN
AND EPICUREAN
PHILOSOPHY OF NATURE

With an Appendix
Written between 1840 and March 1841

First published in the book:

Signed: Karl Heinrich Marx, Ph. D.
To his dear fatherly friend,
LUDWIG VON WESTPHALEN,
Geheimer Regierungsrat
at Trier,
the author dedicates these
lines as a token
of filial love
You will forgive me, my dear fatherly friend, if I set your name, so dear to me, at the head of an insignificant brochure. I am too impatient to await another opportunity of giving you a small proof of my love.

May everyone who doubts of the Idea be so fortunate as I, to be able to admire an old man who has the strength of youth, who greets every forward step of the times with the enthusiasm and the prudence of truth and who, with that profoundly convincing sun-bright idealism which alone knows the true word at whose call all the spirits of the world appear, never recoiled before the deep shadows of retrograde ghosts, before the often dark clouds of the times, but rather with godly energy and manly confident gaze saw through all veils the empyreum which burns at the heart of the world. You, my fatherly friend, were always a living argumentum ad oculos\textsuperscript{a} to me, that idealism is no figment of the imagination, but a truth.

I need not pray for your physical well-being. The spirit is the great physician versed in magic, to whom you have entrusted yourself.\textsuperscript{b}

\textsuperscript{a} Visible proof.—Ed.

\textsuperscript{b} This paragraph was originally: "I hope to follow soon in person this messenger of love which I send you, and to roam again at your side through our wonderfully picturesque mountains and forests. I need not pray for your physical well-being. The spirit and nature are the great physicians versed in magic, to whom you have entrusted yourself."—On the left-hand margin of this page are the words, "This dedication should be printed in larger type."—Ed.
FOREWORD

The form of this treatise would have been on the one hand more strictly scientific, on the other hand in many of its arguments less pedantic, if its primary purpose had not been that of a doctor's dissertation. I am nevertheless constrained by external reasons to send it to the press in this form. Moreover I believe that I have solved in it a heretofore unsolved problem in the history of Greek philosophy.

The experts know that no preliminary studies that are even of the slightest use exist for the subject of this treatise. What Cicero and Plutarch have babbled has been babbled after them up to the present day. Gassendi, who freed Epicurus from the interdict which the Fathers of the Church and the whole Middle Ages, the period of realised unreason, had placed upon him, presents in his expositions only one interesting element. He seeks to accommodate his Catholic conscience to his pagan knowledge and Epicurus to the Church, which certainly was wasted effort. It is as though one wanted to throw the habit of a Christian nun over the bright and flourishing body of the Greek Lais. It is rather that Gassendi learns philosophy from Epicurus than that he could teach us about Epicurus' philosophy.

This treatise is to be regarded only as the preliminary to a larger work in which I shall present in detail the cycle of Epicurean, Stoic and Sceptic philosophy in their relation to the whole of Greek speculation. The shortcomings of this treatise, in form and the like, will be eliminated in that later work.

To be sure, Hegel has on the whole correctly defined the general aspects of the above-mentioned systems. But in the admirably great and bold plan of his history of philosophy, from which alone
the history of philosophy can in general be dated, it was impossible, on the one hand, to go into detail, and on the other hand, the giant thinker was hindered by his view of what he called speculative thought *par excellence* from recognising in these systems their great importance for the history of Greek philosophy and for the Greek mind in general. These systems are the key to the true history of Greek philosophy. A more profound indication of their connection with Greek life can be found in the essay of my friend Köppen, *Friedrich der Grosse und seine Widersacher*.17

If a critique of Plutarch’s polemic against Epicurus’ theology has been added as an appendix, this is because this polemic is by no means isolated, but rather representative of an *espèce*, in that it most strikingly presents in itself the relation of the theologising intellect to philosophy.

The critique does not touch, among other things, on the general falsity of Plutarch’s standpoint when he brings philosophy before the forum of religion. In this respect it will be enough to cite, in place of all argument, a passage from David Hume:

"... 'Tis certainly a kind of indignity to philosophy, whose sovereign authority ought everywhere to be acknowledged, to oblige her on every occasion to make apologies for her conclusions and justify herself to every particular art and science which may be offended at her. *This puts one in mind of a king arraign’d for high treason against his subjects.*"18

Philosophy, as long as a drop of blood shall pulse in its world-subduing and absolutely free heart, will never grow tired of answering its adversaries with the cry of Epicurus:

'Ασεβής δε, οὗ ο τῶν τῶν πολλῶν θεοὺς ἀναίρων, ἀλλ’ ο τάς τῶν πολλῶν δόξας θεοὺς προσάπτων. c19

Philosophy makes no secret of it. The confession of Prometheus:

ἀπλῷ λόγῳ, τῶν πάντας ἐγχαίρω θεοὺς, d

is its own confession, its own aphorism against all heavenly and earthly gods who do not acknowledge human self-consciousness as the highest divinity. It will have none other beside.

But to those poor March hares who rejoice over the apparently

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* a Species, type.—*Ed.*

* b "The" corrected by Marx from "this".—*Ed.*

* c Not the man who denies the gods worshipped by the multitude, but he who affirms of the gods what the multitude believes about them, is truly impious.—*Ed.*

* d In simple words, I hate the pack of gods (Aeschylus, *Prometheus Bound*).—*Ed.*
worsened civil position of philosophy, it responds again, as Prometheus replied to the servant of the gods, Hermes:

της σης λατρείας την ἐμὴν δυσπραξίαν,
σαφώς ἐπίστασ', οὐχ ἄν ἀλλάξαμ' ἐγὼ.
κρείσσον γὰρ οίμαι τῇδε λατρεύειν πέτρα
ἥ πατρὶ φύναι Ζηνὶ πιστὸν ἄγγελον.  

Prometheus is the most eminent saint and martyr in the philosophical calendar.

Berlin, March 1841

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a Be sure of this, I would not change my state
Of evil fortune for your servitude.
Better to be the servant of this rock
Than to be faithful boy to Father Zeus.

(Ibid.)—Ed.
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\(^{a}\) Atomoi archai, indivisible principles; atoma stoicheia, indivisible elements.— Ed.
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I. THE SUBJECT OF THE TREATISE

Greek philosophy seems to have met with something with which a good tragedy is not supposed to meet, namely, a dull ending. The objective history of philosophy in Greece seems to come to an end with Aristotle, Greek philosophy's Alexander of Macedon, and even the manly-strong Stoics did not succeed in what the Spartans did accomplish in their temples, the chaining of Athena to Heracles so that she could not flee.

Epicureans, Stoics and Sceptics are regarded as an almost improper addition bearing no relation to its powerful premises. Epicurean philosophy is taken as a syncretic combination of Democritean physics and Cyrenaic morality; Stoicism as a compound of Heraclitean speculation on nature and the Cynical-ethical view of the world, together with some Aristotelian logic; and finally Scepticism as the necessary evil confronting these dogmatisms. These philosophies are thus unconsciously linked to the Alexandrian philosophy by being made into a one-sided and tendentious eclecticism. The Alexandrian philosophy is finally regarded entirely as exaltation and derangement—a confusion in which at most the universality of the intention can be recognised.

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a After “ending”, Marx erased “an incoherent finale”.—Ed.
b Corrected by Marx from “after”.—Ed.
c The sentence “The objective history ... succeed” was originally: “With Aristotle, Greek philosophy's Alexander of Macedon, the owl of Minerva seems to lower its wings, and even the manly-strong Stoics seem not to have succeeded....”—Ed.
d Corrected by Marx from “Minerva”.—Ed.
e Prämisse (premises) corrected by Marx from Antezedentien (predecessors).—Ed.
To be sure, it is a commonplace[a] that birth, flowering and decline constitute the iron circle in which everything human is enclosed, through which it must pass. Thus it would not have been surprising if Greek philosophy, after having reached its zenith in Aristotle, should then have withered. But the death of the hero resembles the setting of the sun, not the bursting of an inflated frog.

And then: birth, flowering and decline are very general, very vague notions under which, to be sure, everything can be arranged, but through which nothing can be understood. Decay itself is prefigured in the living; its shape should therefore be just as much grasped in its specific characteristic as the shape of life.

Finally, when we glance at history, are Epicureanism, Stoicism and Scepticism particular phenomena? Are they not the prototypes of the Roman mind, the shape in which Greece wandered to Rome? Is not their essence so full of character, so intense and eternal that the modern world itself has to admit them to full spiritual citizenship?

I lay stress on this only in order to call to mind the historical importance of these systems. Here, however, we are not at all concerned with their significance for culture in general, but with their connection with the older Greek philosophy.

Should not this relationship urge us at least to an inquiry, to see Greek philosophy ending up with two different groups of eclectic systems, one of them the cycle of Epicurean, Stoic and Sceptic philosophy, the other being classified under the collective name of Alexandrian speculation? Furthermore, is it not remarkable that after the Platonic and Aristotelian philosophies, which are universal in range, there appear new systems which do not lean on these rich intellectual forms, but look farther back and have recourse to the simplest schools—to the philosophers of nature in regard to physics, to the Socratic school in regard to ethics? Moreover, what is the reason why the systems that follow after Aristotle find their foundations as it were ready made in the past, why Democritus is linked to the Cyrenaics and Heraclitus to the Cynics? Is it an accident that with the Epicureans, Stoics and Sceptics all moments of self-consciousness are represented completely, but every moment as a particular existence? Is it an accident that these systems in their totality[b] form the complete structure of self-consciousness? And finally, the character with which Greek philosophy mythically

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[a] Corrected by Marx from "not to be denied".—Ed.
[b] Marx erased after "totality" the word gleichsam, "so to say", or "as it were".—Ed.
begins in the seven wise men, and which is, so to say as its central point, embodied in Socrates as its demiurge—I mean the character of the wise man, of the *sophos* (σοφός)—is it an accident that it is asserted in those systems as the reality of true science?

It seems to me that though the earlier systems are more significant and interesting for the content, the post-Aristotelian ones, and primarily the cycle of the Epicurean, Stoic and Sceptical schools, are more significant and interesting for the subjective form, the character of Greek philosophy. But it is precisely the subjective form, the spiritual carrier of the philosophical systems, which has until now been almost entirely ignored in favour of their metaphysical characteristics.

I shall save for a more extensive discussion the presentation of the Epicurean, Stoic and Sceptical philosophies as a whole and in their total relationship to earlier and later Greek speculation.

Let it suffice here to develop this relationship as it were by an example, and only in one aspect, namely, their relationship to earlier speculation.

As such an example I select the relationship between the Epicurean and the Democritean philosophy of nature. I do not believe that it is the most convenient point of contact. Indeed, on the one hand it is an old and entrenched prejudice to identify Democritean and Epicurean physics, so that Epicurus' modifications are seen as only arbitrary vagaries. On the other hand I am forced to go into what seem to be microscopic examinations as far as details are concerned. But precisely because this prejudice is as old as the history of philosophy, because the differences are so concealed that they can be discovered as it were only with a microscope, it will be all the more important if, despite the interdependence of Democritean and Epicurean physics, an essential difference extending to the smallest details can be demonstrated. What can be demonstrated in the small can even more easily be shown where the relations are considered in larger dimensions, while conversely very general considerations leave doubt whether the result will hold when applied to details.

II. OPINIONS ON THE RELATIONSHIP BETWEEN DEMOCRITIAN AND EPICUREAN PHYSICS

The way in which my general outlook is related to earlier points of view will become quite obvious if a brief review is made of the opinions held by the ancient authors concerning the relationship between Democritean and Epicurean physics.
Posidonius the Stoic, Nicolaus and Sotion reproach Epicurus for having presented the Democritean doctrine of atoms and Aristippus’ teaching on pleasure as his own. Cotta the Academician asks in Cicero: “What is there in Epicurus’ physics which does not belong to Democritus? True, he modifies some details, but most of it he repeats after him.” Cicero himself says similarly:

“In physics, where he is the most pretentious, Epicurus is a perfect stranger. Most of it belongs to Democritus; where he deviates from him, where he endeavours to improve, he spoils and worsens it.”

Although many authors reproach Epicurus for aspersions against Democritus, Leonteus, according to Plutarch, affirms on the contrary that Epicurus honoured Democritus because the latter had adhered to the true doctrine before him, because he had discovered the principles of nature earlier. In the essay De placitis philosophorum Epicurus is called one who philosophises after the manner of Democritus. Plutarch in his Colotes goes further. Successively comparing Epicurus with Democritus, Empedocles, Parmenides, Plato, Socrates, Stilpo, the Cyrenaics and the Academicians, he seeks to prove that “Epicurus appropriated from the whole of Greek philosophy the false and did not understand the true”. Likewise the treatise De eo, quod secundum Epicurum non beate vivi possit teems with inimical insinuations of a similar kind.

In the Fathers of the Church we find this unfavourable opinion, held by the more ancient authors, maintained. In the note I quote only one passage from Clement of Alexandria, a Father of the Church who deserves to be prominently mentioned with regard to Epicurus, since he reinterprets the warning of the apostle Paul against philosophy in general into a warning against Epicurean philosophy, as one which did not even once spin fantasies concerning providence and the like. But how common was the tendency to accuse Epicurus of plagiarism is shown most strikingly by Sextus Empiricus, who wishes to turn some quite inappropriate passages from Homer and Epicharmus into principal sources of Epicurean philosophy.

It is well known that the more recent writers by and large make Epicurus, insofar as he was a philosopher of nature, a mere plagiarist of Democritus. The following statement of Leibniz may here represent their opinion in general:

“Nous ne savons presque de ce grand homme” (Démocrite) “que ce qu’Epicure en a emprunté, qui n’était pas capable d’en prendre toujours le meilleur.”

"Of this great man" (Democritus) “we scarcely know anything but what Epicurus borrowed from him, and Epicurus was not capable of always taking the best.” — Ed.
Thus while Cicero says that Epicurus worsened the Democritean doctrine, at the same time crediting him at least with the will to improve it and with having an eye for its defects, while Plutarch ascribes to him inconsistency and a predisposition toward the inferior, hence also casts suspicion on his intentions, Leibniz denies him even the ability to make excerpts from Democritus skillfully.

But all agree that Epicurus borrowed his physics from Democritus.

III. DIFFICULTIES CONCERNING THE IDENTITY OF THE DEMOCRITEMEAN AND EPICUREAN PHILOSOPHY OF NATURE

Apart from historical testimony, there is much other evidence for the identity of Democritean and Epicurean physics. The principles—atoms and the void—are indisputably the same. Only in isolated cases does there seem to be arbitrary, hence unessential, difference.

However, a curious and insoluble riddle remains. Two philosophers teach exactly the same science, in exactly the same way, but—how inconsistent!—they stand diametrically opposed in all that concerns truth, certainty, application of this science, and all that refers to the relationship between thought and reality in general. I say that they stand diametrically opposed, and I shall now try to prove it.

A. The opinion of Democritus concerning the truth and certainty of human knowledge seems hard to ascertain. Contradictory passages are to be found, or rather it is not the passages, but Democritus' views that contradict each other. For Trendelenburg's assertion in his commentary to Aristotelean psychology, that only later authors, but not Aristotle, knew of such contradictions, is factually incorrect. Indeed, in Aristotle's Psychology it is stated: "Democritus posits soul and mind [Verstand] as one and the same, since the phenomenon is the true thing." But in his Metaphysics he writes: "Democritus asserts that nothing is true or it is concealed from us." A Are not these passages of Aristotle contradictory? If the phenomenon is the true thing, how can the true thing be concealed? The concealment begins only when phenomenon and truth separate. But Diogenes Laertius reports that Democritus was

a Corrected by Marx from "Physiology".—Ed.
b This sentence and the one before were inserted by Marx.—Ed.
counted among the Sceptics. His saying is quoted: “In reality we know nothing, for truth lies at the deep bottom of the well.”  

Similar statements are found in Sextus Empiricus.

This sceptical, uncertain and internally self-contradictory view held by Democritus is only further developed in the way in which the relationship between the atom and the world which is apparent to the senses is determined.

Sensuous appearance, on the one hand, does not belong to the atoms themselves. It is not objective appearance, but subjective semblance [Schein]. “The true principles are the atoms and the void, everything else is opinion, semblance.”  

“Cold exists only according to opinion, heat exists only according to opinion, but in reality there are only the atoms and the void.” Unity therefore does not truly result from the many atoms, but rather “through the combination of atoms each thing appears to become a unity”. The principles can therefore be perceived only through reason, since they are inaccessible to the sensuous eye if only because of their smallness. For this reason they are even called ideas. The sensuous appearance is, on the other hand, the only true object, and the aisthesis (αἰσθήσις) is the phronesis (φρονήσις); this true thing however is the changing, the unstable, the phenomenon. But to say that the phenomenon is the true thing is contradictory. Thus now the one, now the other side is made the subjective and the objective. The contradiction therefore seems to be held apart, being divided between two worlds. Consequently, Democritus makes sensuous reality into subjective semblance; but the antinomy, banned from the world of objects, now exists in his own self-consciousness, where the concept of the atom and sensuous perception face each other as enemies.

Thus Democritus does not escape the antinomy. This is not yet the place to explain it. It is enough that we cannot deny its existence.

Now let us listen to Epicurus.

The wise man, he says, takes a dogmatic, not a sceptical position. Yes, exactly this makes him superior to all the others, that he knows with conviction. “All senses are heralds of the true.” “Nor is there anything which can refute sensations, neither like can refute like, because of their equal validity, nor can unlike refute unlike, because they do not pass judgment on the same thing, nor the concept, because the concept depends on the sensuous

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\(A\) aisthesis—sensuous perception, \(p\) horonesis—reason, that which is rational. — Ed.
perceptions," as it says in the *Canon*. But while Democritus turns the *sensuous world* into *subjective semblance*, Epicurus turns it into *objective appearance*. And here he differs quite consciously, since he claims that he shares the *same principles but* that he does *not* reduce the sensuous qualities to things of *mere opinion*.14)

Since therefore sensation was in fact Epicurus' standard, since objective appearance corresponds to it: then we can only regard as a correct conclusion that at which Cicero shrugs his shoulder:

"The sun seems large to Democritus, because he is a man of science well versed in geometry; to Epicurus it seems to be about two feet large, for he pronounces it to *be* as large as it *seems*."15)

B. *This difference in the theoretical judgments* of Democritus and Epicurus concerning the certainty of science and the truth of its objects *manifests* itself in the *disparate scientific energy* and *practice* of these men.

Democritus, for whom the principle does not enter into the appearance, remains without reality and existence, is faced on the other hand with the *world of sensation* as the real world, full of content. True, this world is subjective semblance, but just because of this it is torn away from the principle, left in its own independent reality. At the same time it is the unique real object and *as such* has value and significance. Democritus is therefore driven into *empirical observation*. Dissatisfied with philosophy, he throws himself into the arms of *positive knowledge*. We have already seen that Cicero calls him a *vir eruditus*.a He is versed in physics, ethics, mathematics, in the encyclopedic disciplines, in every art.16) The catalogue alone of his books given by Diogenes Laertius bears witness to his erudition.17) But since it is the characteristic trait of erudition to expand in breadth and to collect and to search on the outside, we see Democritus *wandering through half the world* in order to acquire experiences, knowledge and observations.

"I have among my contemporaries," he prides himself, "wandered through the largest part of the earth, investigating the remotest things. I have seen most climates and lands, and I have heard most learned men, and in linear composition with demonstration no one surpassed me, not even the so-called Arsipedonaptis of the Egyptians."18)

Demetrius in the *Homonymois* (δυνομοίοις)b and Antisthenes in the *Diadochais* (διάδοχαις)c report that he travelled to Egypt to the priests in order to learn geometry, and to the Chaldeans in Persia, and

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a Man of science.—*Ed.*
b *Men of the Same Name.—Ed.*
c *Successions of Philosophers.—Ed.*
that he reached the Red Sea. Some maintain that he also met the gymnosophists\(^{20}\) in India and set foot in Ethiopia.\(^{19}\) On the one hand it is the \textit{lust for knowledge} that leaves him no rest; but it is at the same time \textit{dissatisfaction with true, i.e., philosophical, knowledge} that drives him far abroad. The knowledge which he considers true is without content, the knowledge that gives him content is without truth. It could be a fable, but a true fable, that anecdote of the ancients, since it gives a picture of the contradictory elements in his being. Democritus is supposed to have blinded himself so that the \textit{sensuous light of the eye} would not darken the \textit{sharpness of intellect}.\(^{20}\) This is the same man who, according to Cicero, wandered through half the world.\(^{a}\) But he did not find what he was looking for.

An opposite figure appears to us in Epicurus. Epicurus is \textit{satisfied} and \textit{blissful in philosophy}.

"You must," he says, "serve philosophy so that true freedom will be your lot. He who has subordinated and surrendered himself to it does not need to wait, he is emancipated at once. For to serve philosophy is freedom itself."\(^{21}\) Consequently he teaches: "Let no one when young delay to study philosophy, nor when he is old grow weary of his study. For no one can come too early or too late to secure the health of his soul. And the man who says that the age for philosophy has either not yet come or has gone by is like the man who says that the age for happiness is not yet come to him, or has passed away."\(^{22}\)

While Democritus, dissatisfied with philosophy, throws himself into the arms of empirical knowledge, \textit{Epicurus has nothing but contempt for the positive sciences}, since in his opinion they contribute nothing to \textit{true perfection}.\(^{23}\) He is called an \textit{enemy of science}, a scorner of grammar.\(^{24}\) He is even accused of ignorance. "But," says an Epicurean in Cicero, "it was not Epicurus who was without erudition, but those are ignorant who believe that what is shameful for a boy not to know ought still to be recited by the old man."\(^{25}\)

But while Democritus seeks to learn from \textit{Egyptian priests, Persian Chaldeans} and \textit{Indian gymnosophists}, \textit{Epicurus prides himself on not having had a teacher, on being self-taught}.\(^{26}\) There are some people, he says according to Seneca, who struggle for truth without any assistance. Among these people he has himself traced out his path. And it is they, the self-taught, whom he praises most. The others, according to him, are second-rate minds.\(^{27}\) While Democritus is driven into all parts of the world, Epicurus leaves his garden in Athens scarcely two or three times and travels to

\(^{a}\) "Half the world" corrected from "the whole of infinity".—\textit{Ed.}
Ionia, not to engage in studies, but to visit friends. Finally, while Democritus, despairing of acquiring knowledge, blinds himself, Epicurus, feeling the hour of death approaching, takes a warm bath, calls for pure wine and recommends to his friends that they be faithful to philosophy.

C. The differences that we have just set forth should not be attributed to the accidental individuality of the two philosophers; they embody two opposite tendencies. We see as a difference of practical energy that which is expressed in the passages above as a difference of theoretical consciousness.

We consider finally the form of reflection which expresses the relation of thought to being, their mutual relationship. In the general relationship which the philosopher sees between the world and thought, he merely makes objective for himself the relation of his own particular consciousness to the real world.

Now Democritus uses necessity as a form of reflection of reality. Aristotle says of him that he traces everything back to necessity. Diogenes Laertius reports that the vortex of atoms, the origin of all, is the Democritean necessity. More satisfactory explanations are given by the author of De placitis philosophorum:

Necessity is, according to Democritus, fate and law, providence and the creator of the world. But the substance of this necessity is the antitype and the movement and impulse of matter.

A similar passage is to be found in the Physical Selections of Stobaeus and in the sixth book of the Praeparatio evangelica of Eusebius. In the Ethical Selections of Stobaeus the following aphorism of Democritus is preserved—it is almost exactly repeated in the 14th book of Eusebius: human beings like to create for themselves the illusion of chance—a manifestation of their own perplexity, since chance [Zufall] is incompatible with sound thinking. Simplicius similarly attributes to Democritus a passage in which Aristotle speaks of the ancient doctrine that does away with chance.

Contrast this with Epicurus:

“Necessity, introduced by some as the absolute ruler, does not exist, but some things are accidental, others depend on our arbitrary will. Necessity cannot be persuaded, but chance is unstable. It would be better to follow the myth about the gods

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a Before "Democritus" Marx erased "the widely travelled".—Ed.

b "Introduced" (eingeführt) corrected by Marx from "played up" (aufgeführ).—Ed.
than to be a slave to the heimarmene (ἐλευθερία) of the physicists. For the former leaves hope for mercy if we do honour to the gods, while the latter is inexorable necessity. But it is chance, which must be accepted, not God, as the multitude believe.”

“...It is a misfortune to live in necessity, but to live in necessity is not a necessity. On all sides many short and easy paths to freedom are open. Let us therefore thank God that no man can be kept in life. It is permitted to subdue necessity itself.”

The Epicurean Velleius in Cicero says something similar about Stoic philosophy:

“What are we to think of a philosophy in which, as to ignorant old women, everything seems to occur through fate? ... by Epicurus we have been redeemed, set free.”

Thus Epicurus even denies disjunctive judgment so as not to have to acknowledge any concept of necessity.

True, it is claimed that Democritus also used the concept of chance, but of the two passages on this matter which can be found in Simplicius the one renders the other suspect, because it shows clearly that it was not Democritus who used the category of chance, but Simplicius who ascribed it to him as a consequence. For he says: Democritus assigns, generally speaking, no cause for the creation of the world, he seems therefore to make chance the cause. Here, however, we are concerned not with the determination of the content, but with the form used consciously by Democritus. The situation is similar in regard to the report by Eusebius that Democritus made chance the ruler of the universal and divine and claimed that here it is through chance that everything happens, whereas he excluded chance from human life and empirical nature and called its supporters foolish.

In part, we see in these statements only a desire of the Christian bishop Dionysius for conclusion-forcing. In part, where the universal and divine begin, the Democritean concept of necessity ceases to differ from chance.

Hence, this much is historically certain: Democritus makes use of necessity, Epicurus of chance. And each of them rejects the opposite view with polemical irritation.

The principal consequence of this difference appears in the way individual physical phenomena are explained.

Necessity appears in finite nature as relative necessity, as determinism. Relative necessity can only be deduced from real possibility, i.e., it is a network of conditions, reasons, causes, etc., by means of which this necessity reveals itself. Real possibility is the explica-

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a What has been decreed, destiny.—Ed.
b After “is” Marx erased gleichsam, “as it were”.—Ed.
tion of relative necessity. And we find it used by Democritus. We cite some passages from Simplicius.

If somebody is thirsty and drinks and feels better, Democritus will not assign chance as the cause, but thirst. For, even though he seems to use chance in regard to the creation of the world, yet he maintains that chance is not the cause of any particular event, but on the contrary leads back to other causes. Thus, for example, digging is the cause of a treasure being found, or growing the cause of the olive tree.45)

The enthusiasm and the seriousness with which Democritus introduces this manner of explanation into the observation of nature, the importance he attaches to the striving to ascertain causes, are naively a expressed in his avowal:

“I would rather discover a new aetiology than acquire the Persian crown.”46)

Once again Epicurus stands directly opposed to Democritus. Chance, for him, is a reality which has only the value of possibility. Abstract possibility, however, is the direct antipode of real possibility. The latter is restricted within sharp boundaries, as is the intellect; the former is unbounded, as is the imagination. Real possibility seeks to explain the necessity and reality of its object; abstract possibility is not interested in the object which is explained, but in the subject which does the explaining. The object need only be possible, conceivable. That which is abstractly possible, which can be conceived, constitutes no obstacle to the thinking subject, no limit, no stumbling-block. Whether this possibility is also real is irrelevant, since here the interest does not extend to the object as object.

Épicurus therefore proceeds with a boundless nonchalance in the explanation of separate physical phenomena.

More light will be thrown upon this fact by the letter to Pythocles, later to be considered. Suffice it here to draw attention to Epicurus' attitude to the opinions of earlier physicists. Where the author of De placitis philosophorum and Stobaeus quote the different views of the philosophers concerning the substance of the stars, the size and shape of the sun and similar matters, it is always said of Epicurus: He rejects none of these opinions, all could be right, he adheres to the possible.47) Yes, Epicurus polemises even against the rationally determining, and for precisely this reason one-sided, method of explanation by real possibility.

Thus Seneca says in his Quaestiones naturales: Epicurus maintains

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a After “naively” Marx erased “also”.—Ed.
that all these causes are possible, and then attempts in addition still other explanations. He *blames* those who claim that any particular one of them occurs, because it is rash to judge apodictically about that which can only be deduced from conjectures.\(^{48}\)

One can see that there is no interest in investigating the real causes of objects. All that matters is the tranquillity of the explaining subject. Since everything possible is admitted as possible, which corresponds to the character of abstract possibility, the *chance of being* is clearly transferred only into the *chance of thought*. The only rule which Epicurus prescribes, namely, that "the explanation should *not contradict* sensation", is self-evident; for to be abstractly possible consists precisely in being free from contradiction, which therefore must be avoided.\(^{49}\) And Epicurus confesses finally that his method of explaining aims only at the ataraxy\(^{21}\) of self-consciousness, *not at knowledge of nature in and for itself*.\(^{50}\)

It requires no further clarification to show how in this matter, too, Epicurus differs from Democritus.

We thus see that the two men are opposed to each other at every single step. The one is a sceptic, the other a dogmatist; the one considers the sensuous world as subjective semblance, the other as objective appearance. He who considers the sensuous world as subjective semblance applies himself to empirical natural science and to positive knowledge, and represents the unrest of observation, experimenting, learning everywhere, ranging over the wide, wide world. The other, who considers the phenomenal world to be real, scorns empiricism; embodied in him are the serenity of thought satisfied in itself, the self-sufficiency that draws its knowledge *ex principio interno*.\(^{a}\) But the contradiction goes still farther. The *sceptic* and *empiricist*, who holds sensuous nature to be subjective semblance, considers it from the point of view of *necessity* and endeavours to explain and to understand the real existence of things. The *philosopher* and *dogmatist*, on the other hand, who considers appearance to be real, sees everywhere only *chance*, and his method of explanation tends rather to negate all objective reality of nature. There seems to be a certain absurdity in these contradictions.

It hardly seems still possible to presume that these men, who contradict each other on all points, will adhere to one and the same doctrine. And yet they seem to be chained to each other.

The task of the next section is to comprehend their relationship in general.\(^{22}\)

\(^{a}\) From an inner principle.—*Ed.*
Part Two

ON THE DIFFERENCE BETWEEN DEMOCRITIAN
AND EPICUREAN PHYSICS IN DETAIL

Chapter One

THE DECLINATION OF THE ATOM
FROM THE STRAIGHT LINE

Epicurus assumes a *threefold* motion of the atoms in the void.¹

One motion is the *fall in a straight line*, the second originates in the *deviation* of the atom *from the straight line*, and the third is established through the *repulsion of the many atoms*. Both Democritus and Epicurus accept the first and the third motion. The *declination of the atom* from the straight line differentiates the one from the other.²

This motion of declination³ has often been made the subject of a joke. *Cicero* more than any other is inexhaustible when he touches on this theme. Thus we read in him, among other things:

“Epicurus maintains that the atoms are thrust downwards in a straight line by their weight; this motion is said to be the natural motion of bodies. But then it occurred to him that if all atoms were thrust downwards, no atom could ever meet another one. Epicurus therefore resorted to a lie. He said that the atom makes a very tiny swerve, which is, of course, entirely impossible. From this arose complexities, combinations and adhesions of the atoms with one another, and out of this came the world, all parts of it and its contents. Besides all this being a puerile invention, he does not even achieve what he desires.”³

We find another version in the first book of Cicero's treatise *On the Nature of the Gods*:

“Since Epicurus saw that, if the atoms travelled downwards by their own weight, nothing would be within our control, for their motion would be determined and necessary, he invented a means for escaping this necessity, a means which had escaped the notice of Democritus. He says that the atom, although thrust downwards by its weight and gravity, makes a very slight swerve. To assert this is more disgraceful than to be incapable of defending what he wants.”⁴

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¹ Corrected by Marx from “last motion”. — *Ed.*
Pierre Bayle expresses a similar opinion:

“Avant lui” (c.-à-d. Epicure) “on n’avait admis dans les atomes que le mouvement de pesanteur, et celui de réflexion. [...] Epicure supposa que même au milieu du vide, les atomes déclinaient un peu de la ligne droite, et de là venait la liberté, disait-il... Remarquons en passant que ce ne fut [pas] le seul motif qui le porta à inventer ce mouvement de déclinaison, il le fit servir aussi à expliquer la rencontre des atomes; car il vit bien qu’en supposant qu’ils se mouvaient [tous] avec une égale vitesse par des lignes droites qui tendaient toutes de haut en bas, il ne ferait jamais comprendre qu’ils eussent pu se rencontrer, et qu’ainsi la production du monde aurait été impossible. Il fallut donc [...] qu’ils s’écartaient de la ligne droite.” a5)

For the present I leave the validity of these reflections an open question. This much everyone will notice in passing, that the most recent critic of Epicurus, Schaubach, has misunderstood Cicero when he says:

“The atoms are all thrust downwards by gravity, hence parallel, owing to physical causes, but through mutual repulsion they acquire another motion, according to Cicero (De natura deorum, I, xxv [, 69]) an oblique motion due to accidental causes, and indeed from all eternity.” b6)

In the first place, Cicero in the quoted passage does not make the repulsion the reason for the oblique direction, but rather the oblique direction the reason for the repulsion. In the second place, he does not speak of accidental causes, but rather criticises the fact that no causes at all are mentioned, as it would be in and for itself contradictory to assume repulsion and at the same time accidental causes as the reason for the oblique direction. At best one could then still speak of accidental causes of the repulsion, but not of accidental causes of the oblique direction.

For the rest, one peculiarity in Cicero’s and Bayle’s reflections is too obvious not to be stressed immediately. They foist upon Epicurus motives of which the one nullifies the other. Epicurus is supposed to have assumed a declination of the atoms in order to explain the repulsion on one occasion, and on another freedom. But if the atoms do not meet without declination, then declination as an explanation of freedom is superfluous; for the opposite of

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a "Before him” (i.e., Epicurus) “only the motion of weight and that of reflection were conceded to the atom... Epicurus supposed that even in the midst of the void the atoms declined slightly from the straight line, and from this, he said, arose freedom.... It must be noted, in passing, that this was not the only motive that led him to invent this motion of declination. He also used it to explain the meeting of atoms; for he saw clearly that supposing they [all] move with equal speed downwards along straight lines, he would never be able to explain that they could meet, and that thus the creation of the world would have been impossible. It was necessary, then, that they should deviate from the straight line.” — Ed.
freedom begins, as we see in Lucretius, only with the deterministic and forced meeting of atoms. But if the atoms meet without declination, then this is superfluous for explaining repulsion. I maintain that this contradiction arises when the causes for the declination of the atom from the straight line are understood superficially and disconnectedly as they are by Cicero and Bayle. We shall find in Lucretius, the only one in general of all the ancients who has understood Epicurean physics, a more profound exposition.

We now shall consider the declination itself.

Just as the point is negated [aufgehoben] in the line, so is every falling body negated in the straight line it describes. Its specific quality does not matter here at all. A falling apple describes a perpendicular line just as a piece of iron does. Every body, insofar as we are concerned with the motion of falling, is therefore nothing but a moving point, and indeed a point without independence, which in a certain mode of being—the straight line which it describes—surrenders its individuality [Einzelheit]. Aristotle therefore is correct when he objects against the Pythagoreans: “You say that the motion of the line is the surface, that of the point the line; then the motions of the monads will also be lines.” The consequence of this for the monads as well as for the atoms would therefore be—since they are in constant motion—that neither monads nor atoms exist, but rather disappear in the straight line; for the solidity of the atom does not even enter into the picture, insofar as it is only considered as something falling in a straight line. To begin with, if the void is imagined as spatial void, then the atom is the immediate negation of abstract space, hence a spatial point. The solidity, the intensity, which maintains itself in itself against the incohesion of space, can only be added by virtue of a principle which negates space in its entire domain, a principle such as time is in real nature. Moreover, if this itself is not admitted, the atom, insofar as its motion is a straight line, is determined only by space and is prescribed a relative being and a purely material existence. But we have seen that one moment in the concept of the atom is that of being pure form, negation of all relativity, of all relation to another mode of being. We have noted at the same time that Epicurus objectifies for himself both moments which, although they contradict one another, are nevertheless inherent in the concept of the atom.

How then can Epicurus give reality to the pure form-determination of the atom, the concept of pure individuality, negating any mode of being determined by another being?
Since he is moving in the domain of immediate being, all determinations are immediate. Opposite determinations are therefore opposed to one another as immediate realities.

But the relative existence which confronts the atom, the mode of being which it has to negate, is the straight line. The immediate negation of this motion is another motion, which, therefore, spatially conceived, is the declination from the straight line.

The atoms are purely self-sufficient bodies or rather bodies conceived in absolute self-sufficiency, like the heavenly bodies. Hence, again like the heavenly bodies, they move not in straight, but in oblique lines. The motion of falling is the motion of non-self-sufficiency.

If Epicurus therefore represents the materiality of the atom in terms of its motion along a straight line, he has given reality to its form-determination in the declination from the straight line, and these opposed determinations are represented as directly opposed motions.

Lucretius therefore is correct when he maintains that the declination breaks the fati foedera, and, since he applies this immediately to consciousness, it can be said of the atom that the declination is that something in its breast that can fight back and resist.

But when Cicero reproaches Epicurus that

"he does not even attain the goal for which he made all this up — for if all atoms declined, none of them would ever combine, or some would deviate, others would be driven straight ahead by their motion. So it would be necessary as it were to give the atoms definite assignments beforehand: which had to move straight ahead and which obliquely";

this objection has the justification that the two moments inherent in the concept of the atom are represented as directly different motions, and therefore must be allotted to different individuals: an inconsistency, but a consistent one, since the domain of the atom is immediacy.

Epicurus feels this inherent contradiction quite well. He therefore endeavours to represent the declination as being as imperceptible as possible to the senses; it takes place

Nec regione loci certa, nec tempore certo,

it occurs in the smallest possible space.
Moreover Cicero,\(^{15}\) and, according to Plutarch, several ancient authors,\(^{16}\) reproach Epicurus for saying that the declination of the atom occurs *without cause*. Nothing more disgraceful, says Cicero, can happen to a physicist.\(^{17}\) But, in the first place, a physical cause such as Cicero wants would throw the declination of the atom back into the domain of determinism, out of which it was precisely to be lifted. And then, the atom is by no means complete before it has been submitted to the determination of declination. To inquire after the cause of this determination means therefore to inquire after the cause that makes the atom a principle—a clearly meaningless inquiry to anyone for whom the atom is the cause of everything, hence without cause itself.

Finally, Bayle,\(^{18}\) supported by the authority of Augustine,\(^{19}\) who states that Democritus ascribed to the atom a spiritual principle—an authority, by the way, who in contrast to Aristotle and the other ancients is without any importance—reproaches Epicurus for having thought out the concept of declination instead of this spiritual principle. But, on the contrary, merely a word would have been gained with this “soul of the atom”, whereas the declination represents the real soul of the atom, the concept of abstract individuality.

Before we consider the consequence of the declination of the atom from the straight line, we must draw attention to another, most important element, which up to now has been entirely overlooked.

The declination of the atom from the straight line is, namely, not a particular determination which appears accidentally in Epicurean physics. On the contrary, the law which it expresses goes through the whole Epicurean philosophy, in such a way, however, that, as goes without saying, the determination of its appearance depends on the domain in which it is applied.

As a matter of fact, abstract individuality can make its concept, its form-determination, the pure being-for-itself, the independence from immediate being, the negation of all relativity, effective only by *abstracting from the being that confronts it*; for in order truly to overcome it, abstract individuality had to idealise it, a thing only generality can accomplish.

Thus, while the atom frees itself from its relative existence, the straight line, by abstracting from it, by swerving away from it; so the entire Epicurean philosophy swerves away from the restrictive mode of being wherever the concept of abstract individuality, self-sufficiency and negation of all relation to other things must be represented in its existence.
The purpose of action is to be found therefore in abstracting, swerving away from pain and confusion, in ataraxy.\textsuperscript{20) Hence the good is the flight from evil,\textsuperscript{21) pleasure the swerving away from suffering.\textsuperscript{22) Finally, where abstract individuality appears in its highest freedom and independence, in its totality, there it follows that the being which is swerved away from, is \textit{all being, for this reason, the gods swerve away from the world, do not bother with it and live outside it.}\textsuperscript{23) These gods of Epicurus have often been ridiculed, these gods who, like human beings, dwell in the intermundia\textsuperscript{a} of the real world, have no body but a quasi-body, no blood but quasi-blood,\textsuperscript{24) and, content to abide in blissful peace, lend no ear to any supplication, are unconcerned with us and the world, are honoured because of their beauty, their majesty and their superior nature, and not for any gain.

And yet these gods are no fiction of Epicurus. They did exist. \textit{They are the plastic gods of Greek art.}\textsuperscript{25) Cicero, the Roman, rightly scoffs at them,\textsuperscript{25) but Plutarch, the Greek, has forgotten the whole Greek outlook when he claims that although this doctrine of the gods does away with fear and superstition, it produces no joy or favour in the gods, but instead bestows on us that relation to them that we have to the Hyrcanian\textsuperscript{24) fish, from which we expect neither harm nor advantage.}\textsuperscript{26) Theoretical calm is one of the chief characteristics of the Greek gods. As Aristotle says:

"What is best has no need of action, for it is its own end."\textsuperscript{27)}}

We now consider the \textit{consequence} that follows directly from the declination of the atom. In it is expressed the atom's negation of all motion and relation by which it is determined as a particular mode of being by another being. This is represented in such a way that the atom abstracts from the opposing being and withdraws itself from it. But what is contained herein, namely, \textit{its negation of all relation to something else, must be realised, positively established. This can only be done if the being to which it relates itself is none other than itself, hence equally an atom, and, since it itself is directly determined, many atoms. The repulsion of the many atoms is therefore the necessary realisation of the \textit{lex atomi},\textsuperscript{b} as Lucretius calls the declination. But since here every determination is established as a particular being, repulsion is added as a third motion to the former ones. Lucretius is therefore correct when he says that, if

\textsuperscript{a} The spaces between the worlds (literally: inter-worlds).—\textit{Ed.}  
\textsuperscript{b} Law of the atom.—\textit{Ed.}
the atoms were not to decline, neither their repulsion nor their meeting would have taken place, and the world would never have been created.\textsuperscript{28} For atoms are \textit{their own sole object and can only be related to themselves}, hence speaking in spatial terms, they can only \textit{meet}, because every relative existence of these atoms by which they would be related to other beings is negated. And this relative existence is, as we have seen, their original motion, that of falling in a straight line. Hence they meet only by virtue of their declination from the straight line. It has nothing to do with merely material fragmentation.\textsuperscript{29}

And in truth: the immediately existing individuality is only realised conceptually, inasmuch as it relates to something else which actually is itself—even when the other thing confronts it in the form of immediate existence. Thus man ceases to be a product of nature only when the other being to which he relates himself is not a different existence but is itself an individual human being, even if it is not yet the mind [\textit{Geist}]. But for man as man to become his own real object, he must have crushed within himself his relative being, the power of desire and of mere nature. \textit{Repulsion is the first form of self-consciousness}, it corresponds therefore to that self-consciousness which conceives itself as immediate-being, as abstractly individual.

The concept of the atom is therefore realised in repulsion, inasmuch as it is abstract form, but no less also the opposite, inasmuch as it is abstract matter; for that to which it relates itself consists, to be true, of atoms, but other atoms. \textit{But when I relate myself to myself as to something which is directly another, then my relationship is a material one.} This is the most extreme degree of externality that can be conceived. In the repulsion of the atoms, therefore, their materiality, which was posited in the fall in a straight line, and the form-determination, which was established in the declination, are united synthetically.

\textit{Democritus}, in contrast to Epicurus, transforms into an enforced motion, into an act of blind necessity, that which to Epicurus is the realisation of the concept of the atom. We have already seen above that he considers the vortex (\textit{δίνη}) resulting from the repulsion and collision of the atoms to be the substance of necessity. He therefore sees in the repulsion only the material side, the fragmentation, the change, and not the ideal side, according to which all relation to something else is negated and motion is established as self-determination. This can be clearly seen from the fact that he conceives one and the same body divided through empty space into many parts quite sensuously, like gold broken...
up into pieces. Thus he scarcely conceived of the One as the concept of the atom.

Aristotle correctly argues against him:

“Hence Leucippus and Democritus, who assert that the primary bodies always moved in the void and in the infinite, should say what kind of motion this is, and what is the motion natural to them. For if each of the elements is forcibly moved by the other, then it is still necessary that each should have also a natural motion, outside which is the enforced one. And this first motion must not be enforced but natural. Otherwise the procedure goes on to infinity.”

The Epicurean declination of the atom thus changed the whole inner structure of the domain of the atoms, since through it the form-determination is validated and the contradiction inherent in the concept of the atom is realised. Epicurus was therefore the first to grasp the essence of the repulsion—even if only in sensuous form, whereas Democritus only knew of its material existence.

Hence we find also more concrete forms of the repulsion applied by Epicurus. In the political domain there is the covenant, in the social domain friendship, which is praised as the highest good.

Chapter Two

THE QUALITIES OF THE ATOM

It contradicts the concept of the atom that the atom should have properties, because, as Epicurus says, every property is variable but the atoms do not change. Nevertheless it is a necessary consequence to attribute properties to atoms. Indeed, the many atoms of repulsion separated by sensuous space must necessarily be immediately different from one another and from their pure essence, i.e., they must possess qualities.

In the following analysis I therefore take no account of the assertion made by Schneider and Nürnberger that “Epicurus attributed no qualities to the atoms, paragraphs 44 and 54 of the letter to Herodotus in Diogenes Laertius have been interpolated”. If this were truly so, how is one to invalidate the evidence of Lucretius, Plutarch, and indeed of all other authors who speak of Epicurus? Moreover, Diogenes Laertius mentions the qualities of the atom not in two, but in ten paragraphs: Nos. 42, 43, 44, 54, 55, 56, 57, 58, 59 and 61. The grounds these critics give for their conten-

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a This paragraph was added by Marx in the manuscript.—Ed.
tion—that "they did not know how to reconcile the qualities of the atom with its concept"—are very shallow.25 Spinoza says that ignorance is no argument.a If one was to delete the passages in the ancients which he does not understand, how quickly would we have a tabula rasa?

Through the qualities the atom acquires an existence which contradicts its concept; it is assumed as an externalised being different from its essence. It is this contradiction which mainly interests Epicurus. Hence, as soon as he posits a property and thus draws the consequence of the material nature of the atom, he counter-poses at the same time determinations which again destroy this property in its own sphere and validate instead the concept of the atom. He therefore determines all properties in such a way that they contradict themselves. Democritus, on the other hand, nowhere considers the properties in relation to the atom itself, nor does he objectify the contradiction between concept and existence which is inherent in them. His whole interest lies rather in representing the qualities in relation to concrete nature, which is to be formed out of them. To him they are merely hypotheses to explain the plurality which makes its appearance. It follows that the concept of the atom has nothing to do with them.

In order to prove our assertion it is first of all necessary to elucidate the sources which here seem to contradict one another.

In the treatise De placitis philosophorum we read:

"Epicurus asserts that the atoms have three qualities: size, shape, weight. Democritus only assumed two: size and shape. Epicurus added weight as the third."2)

The same passage is repeated word for word in the Praeparatio evangelica of Eusebius.3)

It is confirmed by the testimony of Simplicius4) and Philoponus,5) according to whom Democritus attributed to the atoms only difference in size and shape. Directly contrary stands Aristotle who, in the book De generatione et corruptione, attributes to the atoms of Democritus difference in weight.6) In another passage (in the first book of De caelo) Aristotle leaves undecided the question of whether or not Democritus ascribed weight to the atoms, for he says:

"Thus none of the bodies will be absolutely light if they all have weight; but if all have lightness, none will be heavy."7)

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a B. Spinoza, Ethics, Part I, Prop. 36, Appendix.—Ed.
b An empty slate.—Ed.
In his *Geschichte der alten Philosophie*, Ritter, basing himself on the authority of Aristotle, rejects the assertions of Plutarch, Eusebius and Stobaeus. He does not consider the testimony of Simplicius and Philoponus.

Let us see whether these passages are really so contradictory. In the passage cited, Aristotle does not speak of the qualities of the atom *ex professo*. On the other hand, we read in the eighth book of the *Metaphysics*:

"Democritus assumes three differences between atoms. For the underlying body is one and the same with respect to matter, but it differs in *rhýmos* (ῥυθμός), meaning shape, in *tropē* (τροπή), meaning position, or in *diathige* (διαθήγη), meaning arrangement."\(^9\)

This much can be immediately concluded from this passage. Weight is not mentioned as a property of the Democritean atoms. The fragmented pieces of matter, kept apart by the void, must have special forms, and these are quite externally perceived from the observation of space. This emerges even more clearly from the following passage of Aristotle:

"Leucippus and his companion Democritus hold that the elements are the full and the void.... These are the basis of being as matter. Just as those who assume only one fundamental substance generate all other things by its affections, assuming rarity and density as the principles of qualities—in the same way Leucippus and Democritus also teach that the differences between the atoms are the causes of the other things, for the underlying being differs only by *rhýmos*, *diathige* and *tropē*.... That is, A differs from N in shape, AN from NA in arrangement, Z from N in position."\(^10\)

It is evident from this quotation that Democritus considers the properties of the atom only in relation to the formation of the differences in the world of appearances, and not in relation to the atom itself. It follows further that Democritus does not single out weight as an essential property of the atoms. For him weight is taken for granted, since everything corporeal has weight. In the same way, according to him, even size is not a basic quality. It is an accidental determination which is already given to the atoms together with figure. Only the diversity of the figures is of interest to Democritus, since nothing more is contained in shape, position and arrangement. Size, shape and weight, by being combined as they are by Epicurus, are differences which the atom in itself possesses. Shape, position and arrangement are differences which the atom possesses in relation to something else. Whereas we find

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\(^9\) Professionally, as a man who knows his field of study.—*Ed.*

\(^b\) The following sentence was erased by Marx: "Democritus does not posit the *difference* contradiction between the quality of the atom and its concept."—*Ed.*
in Democritus mere hypothetical determinations to explain the world of appearances, in Epicurus the consequence of the principle itself will be presented to us. We shall therefore discuss in detail his determinations of the properties of the atom.

First of all, the atoms have size. And then again, size is also negated. That is to say, they do not have every size; but only some differences in size among them must be admitted. Indeed, only the negation of the large can be ascribed to them, the small—also not the minimum, for this would be merely a spatial determination, but the infinitely small, which expresses the contradiction. Rosinius, in his notes on the fragments of Epicurus; therefore translates one passage incorrectly and completely ignores the other, when he says:

"Hujusmodi autem tenuitatem atomorum incredibili parvitate arguebat Epicurus, utpotè quas nulla magnitudine praeditas ajebat, teste Laertio, X, 44." 

Now I shall not concern myself with the fact that, according to Eusebius, Epicurus was the first to ascribe infinite smallness to the atoms, whereas Democritus also assumed atoms of the largest size—Stobaeus says even as large as the world.

This, on the one hand, contradicts the testimony of Aristotle. On the other hand, Eusebius, or rather the Alexandrian bishop Dionysius, from whom he takes excerpts, contradicts himself; for in the same book we read that Democritus assumed as the principles of nature indivisible bodies perceptible through reason. This much at least is clear: Democritus was not aware of the contradiction; he did not pay attention to it, whereas it was the chief interest of Epicurus.

The second property of the Epicurean atoms is shape. But this determination also contradicts the concept of the atom, and its opposite must be assumed. Abstract individuality is abstract identity-to-itself and therefore without shape. The differences in the shape of the atoms cannot, therefore, be determined, although they are not absolutely infinite. It is rather by a definite and finite number of shapes that the atoms are differentiated from one another. From this it is obvious that there are not as many different figures as there are atoms, while Democritus assumes an infinite number of figures. If every atom had a particular shape, then there would have to be atoms of infinite size; for they would have an infinite difference, the difference from all the others,

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a "In this way Epicurus tried to make plausible the tenuity of the atoms of incredible smallness, by saying, according to Laertius, X, 44, that they have no size."—Ed.
in themselves \(an\) \(sich\), like the monads of Leibniz. This leads to the inversion of Leibniz's assertion that no two things are identical, and there are infinitely many atoms of the same shape.\(^{28}\) This obviously negates again the determination of the shape, because a shape which no longer differs from another is not shape.

Finally,\(^{b}\) it is highly important that Epicurus makes weight the third quality,\(^{29}\) for in the centre of gravity matter possesses the ideal individuality which forms a principal determination of the atom. Hence, once the atoms are brought into the realm of presentation, they must also have weight.

But weight also directly contradicts the concept of the atom, because it is the individuality of matter as an ideal point which lies outside matter. But the atom is itself this individuality, as it were the centre of gravity presented as an individual existence. Weight therefore exists for Epicurus only as different weight, and the atoms are themselves substantial centres of gravity like the heavenly bodies. If this is applied to the concrete, then the obvious result is the fact which old Brucker finds so amazing\(^{30}\) and of which Lucretius assures us,\(^{31}\) namely, that the earth has no centre towards which everything strives, and that there are no antipodes. Furthermore since weight belongs only to that atom which is different from the other, hence externalised and endowed with properties, then it is clear that where the atoms are not thought of as many in their differentiation from one another, but only in relation to the void, the determination of weight ceases to exist. The atoms, as different as they may be in mass and shape, move therefore with equal speed in empty space.\(^{32}\) Epicurus thus applies weight only in regard to repulsion and the resulting compositions. This has led to the assertion\(^{c}\) that only the conglomerations of the atoms are endowed with weight, but not the atoms themselves.\(^{33}\)

Gassendi already\(^d\) praises Epicurus because, led purely by reason, he anticipated the experimentally demonstrated fact that all bodies, although very different in weight and mass, have the same velocity when they fall from above to below.\(^{34}\)

\(^a\) Marx erased the following paragraph: "Epicurus therefore has here also objectified the contradiction, while Democritus, only considering the material side, does not show in the further determination any consequence of the principle."—\(Ed.\)

\(^b\) "Finally" added by Marx.—\(Ed.\)

\(^c\) Marx erased the words "that they can be considered as cause of it and".—\(Ed.\)

\(^d\) "Already" added by Marx.—\(Ed.\)

\(^e\) Marx erased the sentence: "We have added to this praise the explanation of the principle of Epicurus."—\(Ed.\)
The consideration of the properties of the atoms leads us therefore to the same result as the consideration of the declination, namely, that Epicurus objectifies the contradiction in the concept of the atom between essence and existence. He thus gave us the science of atomistics. In Democritus, on the other hand, there is no realisation of the principle itself. He only maintains the material side and offers hypotheses for the benefit of empirical observation.

Chapter Three

'Atomoi áρχαι and áτομα στοιχεία'

Schaubach, in his treatise on the astronomical concepts of Epicurus, to which we have already referred, makes the following assertion:

"Epicurus, as well as Aristotle, has made a distinction between principles [Anfänge] (atomoi archai, Diogenes Laertius, X, 41) and elements (atoma stoicheia, Diogenes Laertius, X, 86). The former are the atoms recognisable only through reason and do not occupy space.¹ These are called atoms not because they are the smallest bodies, but because they are indivisible in space. According to these conceptions one might think that Epicurus did not attribute any spatial properties to the atom.² But in the letter to Herodotus (Diogenes Laertius, X, 44, 54) he gives the atoms not only weight but also size and shape.... I therefore consider these atoms as belonging to the second species, those that have developed out of the former but can still be regarded again as elementary particles of the bodies."³

Let us look more closely at the passage which Schaubach cites from Diogenes Laertius. It reads: Οἶνον, δὲ τὸ πᾶν, σῶμα καὶ ἀναφής ϕύσις ἔστιν ἥ δὲ τῷ ἀτόμῳ στοιχείᾳ, καὶ πάντα τὰ τοιοῦτα.⁴

Epicurus here teaches Pythocles, to whom he is writing, that the teaching about meteors differs from all other doctrines in physics, for example, that everything is either body or void, that there are indivisible basic elements. It is obvious that there is here no reason to assume that it is a question of a second species of atoms.⁵ It may perhaps seem that the disjunction between τὸ πᾶν, σῶμα καὶ ἀναφής

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¹ Atomoi archai—indivisible principles (or beginnings), and atoma stoicheia—indivisible elements.—Ed.
² For instance such propositions that the All consists of bodies and non-corpo-real nature, or that there are indivisible elements and other such statements.—Ed.
³ Here Marx erased the sentence: "We can equally conclude (justly or unjustly) from the passage ἀρχή δὲ τοῦτον οὐκ ἔστιν, αἰτίων τῶν ἀτόμων οὐδὲν [for this there is no beginning, the atoms being the cause],⁶ that Epicurus has assumed a third kind, the atoma aitia (ἀτομα αἰτία) [atoms as cause]."—Ed.
φύσις and ὁ δὲ τὰ ἄτομα στοιχεία a establishes a difference between soma (σῶμα) b and atoma stoicheia (ἄτομα στοιχεία), so that we might say that soma stands for atoms of the first kind in contrast to the atoma stoicheia. But this is quite out of the question. Soma means the corporeal in contrast to the void, which for this reason is called asomatôn (ἄσωματον) c[5]. The term soma therefore includes the atoms as well as compound bodies. For example, in the letter to Herodotus we read: Τὸ πᾶν ἐστὶ τὸ σῶμα... ἐν ηῇ ἡν, ὁ κενὸς καὶ ὁ χώρας καὶ ἀναφη φύσιν ὁμοίωτον... Τῶν σωμάτων τὰ μὲν ἐστὶ συνχρίσεις, τὰ δὲ ἐξ ὤν αἱ συνχρίσεις τεποίηται. Ταύτα δὲ ἐστὶν ἄτομα καὶ ἀμετάβλητα... ὡσε τὰς ἀρχὰς, ἄτομους ἀναγκαῖον εἶναι σωμάτων φύσεις. d[6]

Epicurus is thus speaking in the passage cited first of the corporeal in general, in contrast to the void, and then of the corporeal in particular, the atoms.e

Schaubach’s reference to Aristotle proves just as little. True the difference between arche (ἀρχή) and stoicheion (στοιχεῖον), f which the Stoics particularly insist upon, g can indeed also be found in Aristotle, h but he nonetheless assumes the identity of the two expressions. h He even teaches explicitly that stoicheion (στοιχεῖον) denotes primarily the atom. i Leucippus and Democritus likewise call the πλῆρες καὶ κενὸς ἀρχῆς καὶ κενὸν ἀτομίκου "στοιχείου". j

In Lucretius, in Epicurus’ letters as quoted by Diogenes Laer- tius, in the Colotes of Plutarch k in Sextus Empiricus, l the properties are ascribed to the atoms themselves, and for this reason they were determined as transcending themselves [sich selbst aufhebend].

However, if it is thought an antinomy that bodies perceptible only to reason should be endowed with spatial qualities, then it is

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a “The All consisting of bodies and non-corporeal bodies” and “that there are indivisible elements” — Ed.
b Body, matter.— Ed.
c Non-corporeal, immaterial.— Ed.
d The All is body ... if there were not that which we call void, space and non-corporeal nature.... Among bodies some are compound, others the things out of which the compounds are made, and these latter are indivisible and unchangeable.... Consequently these first principles are necessarily of indivisible corporeal nature.— Ed.
e Here Marx erased the sentence: “Atoma stoicheia here has no other meaning than atomoi phýseis (ἄτομοι φύσεις) [indivisible natures], of which it is said in the last quoted passage that they are archai (ἀρχαί) [beginnings, first principles].” — Ed.
f “Beginning (first principle)” and “element”— Ed.
g Fullness and void.— Ed.
an even greater antinomy that the spatial qualities themselves can be perceived only through the intellect.\textsuperscript{14)}

Finally, Schaubach, in further support of his view, cites the following passage from Stobaeus: \textquote{Επίκουρος \ldots \tauά \ldots \piρώτα (sc.σώματα) \dε \α\piλα, \dε \dε \ε\κει\νων συγκρίματα \πά\ntα \βάρος \ε\χειν.}^6

To this passage from Stobaeus could be added the following, in which \textit{atoma stoicheia} are mentioned as a particular kind of atom: (Plutarch.) \textit{De placit. philosoph.}, I, 246 and 249, and Stob., \textit{Physical Selections}, I, p. 5.\textsuperscript{15}) For the rest it is by no means claimed in these passages that the original atoms are without size, shape and weight. On the contrary, weight alone is mentioned as a distinctive characteristic of the \textit{atomoi archai} (\acute{α}τομοι \acute{α}ργαι) and \textit{atoma stoicheia} (\acute{α}τομα \stοιχεια). But we observed already in the preceding chapter that weight is applied only in regard to repulsion and the conglomerations arising therefrom.

With the invention of the \textit{atoma stoicheia} we also gain nothing. It is just as difficult to pass from the \textit{atomoi archai} to the \textit{atoma stoicheia} as it is to ascribe properties directly to them. Nevertheless I do not deny such a differentiation entirely. I only deny that there are two different and fixed kinds of atoms. They are rather different determinations of one and the same kind.

Before discussing this difference I would like to call attention to a procedure typical of Epicurus. He likes to assume the different determinations of a concept as different independent existences. Just as his principle is the atom, so is the manner of his cognition itself atomistic. Every moment of the development is at once transformed in his hands into a fixed reality which, so to say, is separated from its relations to other things by empty space; every determination assumes the form of isolated individuality.

This procedure may be made clear by the following example.

The infinite, \textit{to apeiron} (το \acute{α}πε\ιρον), or the \textit{infinitio}, as Cicero translates it, is occasionally used by Epicurus as a particular nature; and precisely in the same passages in which we find the \textit{stoicheia} described as a fixed fundamental substance, we also find the \textit{apeiron} turned into something independent.\textsuperscript{16)}

However, according to Epicurus' own definitions, the infinite is neither a particular substance nor something outside of the atoms and the void, but rather an accidental determination of the void. We find in fact three meanings of \textit{apeiron}.

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\textsuperscript{a} Epicurus [states] that the primary (bodies) should be simple, those bodies compounded from them however should have weight.—\textit{Ed.}
First, *apeiron* expresses for Epicurus a quality common to the atoms and the void. It means in this sense the infinitude of the All, which is infinite by virtue of the infinite multiplicity of the atoms, by virtue of the infinite size of the void.¹⁷)

Secondly, *apeiria* (ἀπειρία) is the multiplicity of the atoms, so that not the atom, but the infinitely many atoms are placed in opposition to the void.¹⁸)

Finally, if we may draw from Democritus a conclusion about Epicurus, *apeiron* also means exactly the opposite, the unlimited void, which is placed in opposition to the atom determined in itself and limited by itself.¹⁹)

In all these meanings—and they are the only ones, even the only possible ones for atomistics—the infinite is a mere determination of the atoms and of the void. Nevertheless, it is singled out as a particular existence, even set up as a specific nature alongside the principles whose determination it expresses.²

Therefore, even if Epicurus himself thus fixed the determination by which the atom becomes *stoicheion* as an independent original kind of atom—which, by the way, is not the case judging by the historical superiority of one source over the other, even if Metrodorus,²⁶ the disciple of Epicurus—as it seems more probable to us—was the first to change the differentiated determination into a differentiated existence²⁰); we must ascribe to the subjective mode of atomistic consciousness the changing of separate moments into something independently existing. The granting of the form of existence to different determinations has not resulted in understanding of their difference.

For Democritus the atom means only *stoicheion*, a material substrate. The distinction between the atom as *arche* and *stoicheion*, as principle and foundation, belongs to Epicurus. Its importance will be clear from what follows.

The contradiction between existence and essence, between matter and form, which is inherent in the concept of the atom, emerges in the individual atom itself once it is endowed with qualities. Through the quality the atom is alienated from its concept, but at the same time is perfected in its construction. It is from repulsion and the ensuing conglomerations of the qualified atoms that the world of appearance now emerges.

In this transition from the world of essence to the world of appearance, the contradiction in the concept of the atom clearly...

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² Marx erased the sentence: "This example is convincing."—Ed.
reaches its harshest realisation. For the atom is conceptually the absolute, essential form of nature. This absolute form has now been degraded to absolute matter, to the formless substrate of the world of appearance.

The atoms are, it is true, the substance of nature, out of which everything emerges, into which everything dissolves; but the continuous annihilation of the world of appearance comes to no result. New appearances are formed; but the atom itself always remains at the bottom as the foundation. Thus insofar as the atom is considered as pure concept, its existence is empty space, annihilated nature. Insofar as it proceeds to reality, it sinks down to the material basis which, as the bearer of a world of manifold relations, never exists but in forms which are indifferent and external to it. This is a necessary consequence, since the atom, presupposed as abstractly individual and complete, cannot actualise itself as the idealising and pervading power of this manifold.

Abstract individuality is freedom from being, not freedom in being. It cannot shine in the light of being. This is an element in which this individuality loses its character and becomes material. For this reason the atom does not enter into the daylight of appearance, or it sinks down to the material basis when it does enter it. The atom as such only exists in the void. The death of nature has thus become its immortal substance; and Lucretius correctly exclaims:

Mortalem vitam mors [...] immortalis admit.

But the fact that Epicurus grasps the contradiction at this its highest peak and objectifies it, and therefore distinguishes the atom where it becomes the basis of appearance as stoicheion from the atom as it exists in the void as arche — this constitutes his philosophical difference from Democritus, who only objectifies the one moment. This is the same distinction which in the world of essence, in the realm of the atoms and of the void, separates Epicurus from Democritus. However, since only the atom with qualities is the complete one, since the world of appearance can only emerge from the atom which is complete and alienated from its concept, Epicurus expresses this by stating that only the qualified atom becomes stoicheion or only the atomon stoicheion is endowed with qualities.

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* When death immortal claims his mortal life (*De rerum natura*, III, 869). — Ed.
Chapter Four

TIME

Since in the atom matter, as pure relationship to itself, is exempted from all relativity and changeability, it follows immediately that time has to be excluded from the concept of the atom, the world of essence. For matter is eternal and independent only insofar as in it abstraction is made of the time moment. On this Democritus and Epicurus agree. But they differ in regard to the manner in which time, removed from the world of atoms, is now determined, whither it is transferred.

For Democritus time has neither significance nor necessity for the system. He explains time in order to negate it [aufzuheben]. It is determined as eternal, in order that—as Aristotle and Simplicius 2) state—the emergence and passing away, hence the temporal, is removed from the atoms. Time itself offers proof that not everything need have an origin, a moment of beginning.

There is something more profound to be recognised in this notion. The imagining intellect that does not grasp the independence of substance inquires into its becoming in time. It fails to grasp that by making substance temporal it also makes time substantial and thus negates its concept, because time made absolute is no longer temporal.

But this solution is unsatisfactory from another point of view. Time excluded from the world of essence is transferred into the self-consciousness of the philosophising subject but does not make any contact with the world itself.

Quite otherwise with Epicurus. Time, excluded from the world of essence, becomes for him the absolute form of appearance. That is to say, time is determined as accidents of the accidents. The accidents is the change of substance in general. The accidents of the accidents is the change as reflecting in itself, the change as change. This pure form of the world of appearance is time.3)

Composition is the merely passive form of concrete nature, time its active form. If I consider composition in terms of its being, then the atom exists beyond it, in the void, in the imagination. If I consider the atom in terms of its concept, then composition either does not exist at all or exists only in the subjective imagination. For composition is a relationship in which the atoms, independent, self-enclosed, as it were uninterested in one another, have likewise no relationship to one another. Time, in contrast, the change of the finite to the extent that change is posited as change, is just as much the real form which separates appearance from essence, and
posits it as appearance, while leading it back into essence. Composition expresses merely the materiality of the atoms as well as of nature emerging from them. Time, in contrast, is in the world of appearance what the concept of the atom is in the world of essence, namely, the abstraction, destruction and reduction of all determined being into being-for-itself.

The following consequences can be drawn from these observations. First, Epicurus makes the contradiction between matter and form the characteristic of the nature of appearance, which thus becomes the counter-image of the nature of essence, the atom. This is done by time being opposed to space, the active form of appearance to the passive form. Second, Epicurus was the first to grasp appearance as appearance, that is, as alienation of the essence, activating itself in its reality as such an alienation. On the other hand, for Democritus, who considers composition as the only form of the nature of appearance, appearance does not by itself show that it is appearance, something different from essence. Thus when appearance is considered in terms of its existence, essence becomes totally blended [konfundiert] with it; when considered in terms of its concept, essence is totally separated from existence, so that it descends to the level of subjective semblance. The composition behaves indifferently and materially towards its essential foundations. Time, on the other hand, is the fire of essence, eternally consuming appearance, and stamping it with dependence and non-essence. Finally, since according to Epicurus time is change as change, the reflection of appearance in itself, the nature of appearance is justly posited as objective, sensation is justly made the real criterion of concrete nature, although the atom, its foundation, is only perceived through reason.

Indeed, time being the abstract form of sensation, according to the atomism of Epicurean consciousness the necessity arises for it to be fixed as a nature having a separate existence within nature. The changeability of the sensuous world, its change as change, this reflection of appearance in itself which constitutes the concept of time, has its separate existence in conscious sensuousness. Human sensuousness is therefore embodied time, the existing reflection of the sensuous world in itself.

Just as this follows immediately from the definition of the concept of time in Epicurus, so it can also be quite definitely demonstrated in detail. In the letter from Epicurus to Herodotus⁴ time is so defined that it emerges when the accidentals of bodies, perceived by the senses, are thought of as accidentals. Sensuous
perception reflected in itself is thus here the source of time and time itself. Hence time cannot be defined by analogy nor can anything else be said about it, but it is necessary to keep firmly to the *Enargie* itself; for sensuous perception reflected in itself is time itself, and there is no going beyond it.

On the other hand, in *Lucretius, Sextus Empiricus* and *Stobaeus,* the accident of the accidents, change reflected in itself, is defined as time. The reflection of the accidentals in sensuous perception and their reflection in themselves are hence posited as one and the same.

Because of this interconnection between time and sensuousness, the *eidola* (*εἷδωλα*), equally found in Democritus, also acquire a more consistent status.

The *eidola* are the forms of natural bodies which, as surfaces, as it were detach themselves like skins and transfer these bodies into appearance. These forms of the things stream constantly forth from them and penetrate into the senses and in precisely this way allow the objects to appear. Thus in hearing nature hears itself, in smelling it smells itself, in seeing it sees itself. Human sensuousness is therefore the medium in which natural processes are reflected as in a focus and ignited into the light of appearance.

In *Democritus* this is an inconsistency, since appearance is only subjective; in Epicurus it is a necessary consequence, since sensuousness is the reflection of the world of appearance in itself, its embodied time.

Finally, the interconnection between sensuousness and time is revealed in such a way that *the temporal character of things and their appearance to the senses are posited as intrinsically one.* For it is precisely because bodies appear to the senses that they pass away. Indeed, the *eidola,* by constantly separating themselves from the bodies and flowing into the senses, by having their sensuous existence outside themselves as another nature, by not returning into themselves, that is, out of the diremption, dissolve and pass away.

*Therefore: just as the atom is nothing but the natural form of abstract, individual self-consciousness, so sensuous nature is only the objectified, empirical, individual self-consciousness, and this is the sensuous. Hence the senses are the only criteria in concrete nature, just as abstract reason is the only criterion in the world of the atoms.*

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* Images.— *Ed.*
Chapter Five

THE METEORS

Ingenious as Democritus’ astronomical opinions may be for his time, they present no philosophical interest. They neither go beyond the domain of empirical reflection, nor have they any more definite intrinsic connection with the atomic doctrine.

By contrast, Epicurus’ theory of the celestial bodies and the processes connected with them, or his theory of meteors (in this one term he includes it all), stands in opposition not only to Democritus, but to the opinion of Greek philosophy as a whole. Worship of the celestial bodies is a cult practised by all Greek philosophers. The system of the celestial bodies is the first naive and nature-determined existence of true reason [Vernunft]. The same position is taken by Greek self-consciousness in the domain of the mind [Geist]. It is the solar system of the mind. The Greek philosophers therefore worshipped their own mind in the celestial bodies.

Anaxagoras himself, who first gave a physical explanation of heaven and in this way brought it down to earth in a sense different from that of Socrates, answered, when asked for what purpose he was born: εἰς θεωρίαν ἡλίου καὶ σελήνης καὶ υδραγοῦ.¹) Xenophanes, however, looked up at heaven and said: The One is God.²) The religious attitude of the Pythagoreans, Plato and Aristotle to the heavenly bodies is well known.

Indeed, Epicurus opposes the outlook of the whole Greek people.

Aristotle says it often seems that the concept provides evidence for the phenomena and the phenomena for the concept. Thus all men have an idea of the gods and assign the highest region to the divine, barbarians as well as Hellenes, and in general all who believe in the existence of the gods, evidently connecting the immortal with the immortal, for otherwise it is impossible. Thus if the divine exists—as it actually does—then what we say about the substance of the celestial bodies is also correct. But this corresponds also to sensuous perception, insofar as human conviction is concerned. For throughout the time that has passed, according to the memories handed down from people to people, nothing seems to have changed, either in heaven as a whole, or in any part of it. Even the name seems to have been handed down from the ancients to the present time, and they assumed that which we also

¹ For the observation of the sun, the moon and the heaven.— Ed.
say. For not once, not twice, but an infinite number of times have the same views come down to us. For since the primary body is something different, apart from the earth and the fire and the air and the water, they called the highest region "ether", from θείν αἰς (θείν αἰς), giving it the by-name: eternal time. But the ancients assigned heaven and the highest region to the gods, because it alone is immortal. But the present teaching testifies that it is indestructible, ungenerated and not subject to any mortal ills. In this way our concepts correspond at the same time to intimations about God. But that there is one heaven is evident. It is a tradition handed down from our ancestors and the ancients and surviving in the form of the myths of later generations, that the heavenly bodies are gods and that the divine encompasses all nature. The rest was added in mythical form for the belief of the masses, as useful for the laws and for life. Thus the myths make the gods resemble man and some of the other living creatures, and invent similar things connected with and related to this. If we discard the additions and hold fast only to the first, namely, the belief that the primary substances are gods, then we must consider this as having been divinely revealed, and we must hold that after all sorts of art and philosophy had, in one way or another, been invented and lost again, these opinions came down to us like relics.

Epicurus, on the contrary, says:

To all this we must add that the greatest confusion of the human soul arises from the fact that men hold that the heavenly bodies are blessed and indestructible and have conflicting desires and actions, and conceive suspicion according to the myths. As to the meteors, we must believe that motion and position and eclipse and rising and setting and related phenomena do not originate in them owing to One ruling and ordering or having ordered, One who at the same time is supposed to possess all bliss and indestructibility. For actions do not accord with bliss, but they occur due to causes most closely related to weakness, fear and need. Nor is it to be supposed that some fire-like bodies endowed with bliss arbitrarily submit to these motions. If one does not agree with this, then this contradiction itself produces the greatest confusion in men's souls.

Aristotle reproached the ancients for their belief that heaven required the support of Atlas who: πρὸς ἑσπέρως τόπους ἔστηκε

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a To run always.— Ed.

b Corrected by Marx from "blamed".— Ed.
Epicurus, on the other hand, blames those who believe that man needs heaven. He finds the Atlas by whom heaven is supported in human stupidity and superstition. Stupidity and superstition also are Titans.

The letter of Epicurus to Pythocles deals entirely with the theory of the heavenly bodies, with the exception of the last section, which closes the letter with ethical precepts. And appropriately, ethical precepts are appended to the teaching on the meteors. For Epicurus this theory is a matter of conscience. Our study will therefore be based mainly on this letter to Pythocles. We shall supplement it from the letter to Herodotus, to which Epicurus himself refers in writing to Pythocles.\(^9\)

First, it must not be supposed that any other goal but ataraxy and firm assurance can be attained from knowledge of the meteors, either taken as a whole or in part, just as from the other natural sciences.\(^{10}\) Our life does not need speculation and empty hypotheses, but that we should live without confusion. Just as it is the business of the study of nature in general to investigate the foundations of what is most important: so happiness lies also in knowledge of the meteors. In and for itself the theory of setting and rising, of position and eclipse, contains no particular grounds for happiness; only terror possesses those who see these things without understanding their nature and their principal causes.\(^{11}\) So far, only the precedence which the theory of the meteors is supposed to have over other sciences has been denied; and this theory has been placed on the same level as others.

But the theory of the meteors is also specifically different in comparison both with the method of ethics and with other physical problems, for example, the existence of indivisible elements and the like, where only one explanation corresponds to the phenomena. For this is not the case with the meteors.\(^{12}\) Their origin has no simple cause, and they have more than one category of essence corresponding to the phenomena. For the study of nature cannot be pursued in accordance with empty axioms and laws.\(^{13}\) It is constantly repeated that the meteors are not to be explained haplos (\(\acute{a}\\pi\lambda\\omikron\acute{o}\zeta\)) (simply, absolutely), but pollachos (\(\pi\kappa\lambdakappa\acute{o}\zeta\zeta\)) (in many ways).

\(^{a}\) In the places of the West stands, supporting with his shoulders the pillar of heaven and earth (Aeschylus, Prometh., 348 ff.). The quotation was inserted by Marx in Greek in place of the Latin translation, which he struck out.—Ed.

\(^{b}\) " Appropriately" corrected by Marx from "not accidentally".—Ed.
This also holds for the rising and setting of the sun and the moon,¹⁴ the waxing and waning of the moon,¹⁵ the semblance of a face on the moon,¹⁶ the changes of duration of day and night,¹⁷ and other celestial phenomena.

How then is it to be explained?

Every explanation is sufficient. Only the myth must be removed. It will be removed when we observe the phenomena and draw conclusions from them concerning the invisible.¹⁸ We must hold fast to the appearance, the sensation. Hence analogy must be applied. In this way we can explain fear away and free ourselves from it, by showing the causes of meteors and other things that are always happening and causing the utmost alarm to other people.¹⁹

The great number of explanations, the multitude of possibilities, should not only tranquillise our minds and remove causes for fear, but also at the same time negate in the heavenly bodies their very unity, the absolute law that is always equal to itself. These heavenly bodies may behave sometimes in one way, sometimes in another; this possibility conforming to no law is the characteristic of their reality; everything in them is declared to be impermanent and unstable.²⁰ The multitude of the explanations should at the same time remove [aufheben] the unity of the object.

Thus while Aristotle, in agreement with other Greek philosophers, considers the heavenly bodies to be eternal and immortal, because they always behave in the same way; while he even ascribes to them an element of their own, higher and not subjected to the force of gravity; Epicurus in contrast claims the direct opposite. He reasons that the theory of the meteors is specifically distinguished from all other physical doctrine in this respect, that in the meteors everything occurs in a multiple and unregulated way, that everything in them is to be explained by a manifold of indefinitely many causes. Yes, in wrath and passionate violence he rejects the opposite opinion, and declares that those who adhere to only one method of explanation to the exclusion of all others, those who accept something Unique, hence Eternal and Divine in the meteors, fall victim to idle explanation-making and to the slavish artifices of the astrologers; they overstep the bounds of the study of nature and throw themselves into the arms of myth; they try to achieve the impossible, and exert themselves over absurdities; they do not even realise where ataraxy itself becomes endangered. Their chatter is to be despised.²¹ We must avoid the prejudice that investigation into these subjects cannot be sufficiently thorough and subtle if it aims only at our own ataraxy.
and bliss.\textsuperscript{22)} On the contrary, it is an absolute law that nothing that can disturb ataraxy, that can cause danger, can belong to an indestructible and eternal nature. Consciousness must understand that this is an absolute law.\textsuperscript{23)}

Hence Epicurus concludes: \textit{Since eternity of the heavenly bodies would disturb the ataraxy of self-consciousness, it is a necessary, a stringent consequence that they are not eternal.}

But how can we understand this peculiar view of Epicurus?

All authors who have written on Epicurean philosophy have presented this teaching as incompatible with all the rest of physics, with the atomic doctrine. The fight against the Stoics, against superstition, against astrology is taken as sufficient grounds.

And we have seen that Epicurus himself distinguishes the method applied in the theory of the meteors from the method of the rest of physics. But in which definition of his principle can the necessity of this distinction be found? How does the idea occur to him?

And he fights not only against astrology, but also against astronomy itself, against eternal law and rationality in the heavenly system. Finally, opposition to the Stoics explains nothing. Their superstition and their whole point of view had already been refuted when the heavenly bodies were declared to be accidental complexes of atoms and their processes accidental motions of the atoms. Thereby their eternal nature was destroyed, a consequence which Democritus was content to draw from these premises.\textsuperscript{24)} In fact, their very being was disposed of \textit{[aufgehoben]}.\textsuperscript{25)} The atomist therefore was in no need of a new method.

But this is not yet the full difficulty. An even more perplexing antinomy appears.

The atom is matter in the form of independence, of individuality, as it were the representative of weight. But the heavenly bodies are the supreme realisation of weight. In them all antinomies between form and matter, between concept and existence, which constituted the development of the atom, are resolved; in them all required determinations are realised. The heavenly bodies are eternal and unchangeable; they have their centre of gravity in, not outside, themselves. Their only action is motion, and, separated by empty space, they swerve from the straight line, and form a system of repulsion and attraction while at the same time preserving their own independence and also, finally, generating time out of themselves as the form of their appearance. \textit{The heavenly bodies are therefore the atoms become real.} In them matter has received in itself individuality. Here Epicurus must therefore have glimpsed
the highest existence of his principle, the peak and culminating point of his system. He asserted that he assumed the atom so that nature would be provided with immortal foundations. He alleged that he was concerned with the substantial individuality of matter. But when he comes upon the reality of his nature (and he knows no other nature but the mechanical), when he comes upon independent, indestructible matter in the heavenly bodies whose eternity and unchangeability were proved by the belief of the people, the judgment of philosophy, the evidence of the senses: then his one and only desire is to pull it down into earthly transience. He turns vehemently against those who worship an independent nature containing in itself the quality of individuality. This is his most glaring contradiction.

Hence Epicurus feels that here his previous categories break down, that the method of his theory\(^a\) becomes different. And the \textit{profoundest knowledge} achieved by his system, its most thorough consistency, is that he is aware of this and expresses it consciously.

Indeed, we have seen how the whole Epicurean philosophy of nature is pervaded with the contradiction between essence and existence, between form and matter. \textit{But this contradiction is resolved in the heavenly bodies}, the conflicting moments are reconciled. In the celestial system matter has received form into itself, has taken up the individuality into itself and has thus achieved its independence. \textit{But at this point it ceases to be affirmation of abstract self-consciousness}. In the world of the atoms, as in the world of appearance, form struggled against matter; the one determination transcended the other and precisely \textit{in this contradiction abstract-individual self-consciousness felt its nature objectified}. The abstract form, which, in the shape of matter, fought against abstract matter, was \textit{this self-consciousness itself}. But now, when matter has reconciled itself with the form and has been rendered self-sufficient, individual self-consciousness emerges from its pupation, proclaims itself the true principle and opposes nature, which has become independent.

All this can also be expressed from another point of view in the following way: \textit{Matter}, having received into itself individuality, form, as is the case with the heavenly bodies, \textit{has ceased to be abstract individuality}; \textit{it has become concrete individuality, universality}. In the meteors, therefore, abstract-individual self-consciousness is met by

\(^a\) "Method of his theory" was corrected by Marx from "theory of his method."—Ed.
its contradiction, shining in its materialised form, the universal which has become existence and nature. Hence it recognises in the meteors its deadly enemy, and it ascribes to them, as Epicurus does, all the anxiety and confusion of men. Indeed, the anxiety and dissolution of the abstract-individual is precisely the universal. Here therefore Epicurus' true principle, abstract-individual self-consciousness, can no longer be concealed. It steps out from its hiding place and, freed from material mummerly, it seeks to destroy the reality of nature which has become independent by an explanation according to abstract possibility: what is possible may also be otherwise, the opposite of what is possible is also possible. Hence the polemic against those who explain the heavenly bodies haplos (ἀπλον),\(^a\) that is, in one particular way, for the One is the Necessary and that which is Independent-in-itself.

Thus as long as nature as atom and appearance expresses individual self-consciousness and its contradiction, the subjectivity of self-consciousness appears only in the form of matter itself. Where, on the other hand, it becomes independent, it reflects itself in itself, confronts matter in its own shape as independent form.

It could have been said from the beginning that where Epicurus' principle becomes reality it will cease to have reality for him. For if individual self-consciousness were posited in reality under the determination of nature, or nature under the determination of individual consciousness, then its determination, that is, its existence, would have ceased, because only the universal in free distinction from itself can know at the same time its own affirmation.

In the theory of meteors therefore appears the soul of the Epicurean philosophy of nature. Nothing is eternal which destroys the ataraxy of individual self-consciousness. The heavenly bodies disturb its ataraxy, its equanimity with itself, because they are the existing universality, because in them nature has become independent.

Thus the principle of Epicurean philosophy is not the gastrology of Archestratus as Chrysippus believes,\(^{26}\) but the absoluteness and freedom of self-consciousness—even if self-consciousness is only conceived in the form of individuality.

If abstract-individual self-consciousness is posited as an absolute principle, then, indeed, all true and real science is done away with [aufgehoben] inasmuch as individuality does not rule within the nature of things themselves. But then, too, everything collapses

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\(^a\) Simply, absolutely.— Ed.
that is transcendentally related to human consciousness and therefore belongs to the imagining mind. On the other hand, if that self-consciousness which knows itself only in the form of abstract universality is raised to an absolute principle, then the door is opened wide to superstitious and unfree mysticism. Stoic philosophy provides the historic proof of this. Abstract-universal self-consciousness has, indeed, the intrinsic urge to affirm itself in the things themselves in which it can only affirm itself by negating them.

Epicurus is therefore the greatest representative of Greek Enlightenment, and he deserves the praise of Lucretius27:

Humana ante oculos foede cum vita iaceret
In terris oppressa gravi sub religione
Quae caput a caeli regionibus ostendebat
Horribili super aspectu mortalibus instans,
Primum Graius homo mortalis tollere contra.
Est oculos ausus primusque obsistere contra,
Quem neque fama deum nec fulmina nec mimitanti
Murmure compressit caelum...........
Quare religio pedibus subjicta vicissim
Obteritur, nos exaequat victoria caelo.2

The difference between Democritean and Epicurean philosophy of nature which we established at the end of the general section has been elaborated and confirmed in all domains of nature. In Epicurus, therefore, atomistics with all its contradictions has been carried through and completed as the natural science of self-consciousness. This self-consciousness under the form of abstract individuality is an absolute principle. Epicurus has thus carried atomistics to its final conclusion, which is its dissolution and conscious opposition to the universal. For Democritus, on the other hand, the atom is only the general objective expression of the empirical investigation of nature as a whole. Hence the atom remains for him a pure and abstract category, a hypothesis, the result of experience, not its active [energisches] principle. This hypothesis remains therefore without realisation, just as it plays no further part in determining the real investigation of nature.

a When human life lay grovelling in all men's sight, crushed to the earth under the dead weight of religion whose grim features loured menacingly upon mortals from the four quarters of the sky, a man of Greece was first to raise mortal eyes in defiance, first to stand erect and brave the challenge. Fables of the gods did not crush him, nor the lightning flash and growling menace of the sky.... Therefore religion in its turn lies crushed beneath his feet, and we by his triumph are lifted level with the skies.— Ed.
[II. INDIVIDUAL IMMORTALITY]

[1. On Religious Feudalism. The Hell of the Populace]

The study is again divided into the relation ton adikon kai poneron (τῶν ἀδίκων καὶ πονηρῶν),\(^a\) then of the pollon kai idioion (πολλῶν καὶ ἱδιωτῶν),\(^b\) and finally of the epikeion kai noun echonton (ἐπεικείων καὶ νοῦν ἑχοντων)\(^c\) (l. c. 1104)\(^28\) to the doctrine of the continued existence of the soul. Already this division into fixed qualitative distinctions shows how little Plutarch understands Epicurus, who, as a philosopher, investigates the essential relationship of the human soul in general.

Then he brings fear up again as the means to reform the evil-doers and thus justifies the terrors of the underworld for the sensuous consciousness. We have already considered this objection of his. Since in fear, and specifically in an inner fear that cannot be extinguished, man is determined as an animal, we do not care at all how an animal is kept in restraint.

Now we proceed to the view of the polloi (πολλοί),\(^d\) although it turns out at the end that few people are not included in this term; although, to tell the truth, all people, deo legein pantas (δέω λέγειν πάντας),\(^e\) vow allegiance to this banner.

\(^a\) Of the evil-doers and rascals.— Ed.
\(^b\) Masses and uncivilised.— Ed.
\(^c\) Decent and intelligent ones.— Ed.
\(^d\) Multitude.— Ed.
\(^e\) I had almost said all men.— Ed.
There is really no qualitative difference between this and the previous category. What in the first case appeared in the shape of animal fear, appears here in the shape of human fear, the form of sentiment. The content remains the same.

We are told that the desire of being is the oldest love; to be sure, the most abstract and hence oldest love is the love of self, the
love of one's particular being. But that was expressing this fact too bluntly, and so it is retracted and an ennobling halo is cast around it by the semblance of sentiment.

Thus he who loses wife and children would rather that they were somewhere, even under bad conditions, than that they had totally ceased to exist. If the issue were only love, then the wife and the child of the individual would be preserved in the greatest purity in his heart, a state of being far superior to that of empirical existence. But the facts are otherwise. Wife and child as such are only in empirical existence insofar as the individual to whom they belong exists empirically himself. That the individual therefore prefers to know that they are somewhere in sensuous space, even under bad conditions, rather than nowhere, only means that he wants to preserve the consciousness of his own empirical existence. The mantle of love was only a shadow. The naked empirical Ego, the love of self, the oldest love, is the core and has not rejuvenated itself into a more concrete, more ideal shape.

Plutarch believes that the word “change” has a more pleasing sound than “total cessation”. But the change is not supposed to be a qualitative one, the individual Ego in its individual being is supposed to persist, the word therefore is only the sensuous image of what the word stands for and has to stand for its opposite. The thing is not supposed to be changed, only placed in a dark spot. The qualitative leap—and every qualitative distinction is a leap, without such leaping no ideality—is then obscured by the interposition of a fantastic distance.

Plutarch also thinks that this consciousness....

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a Here the manuscript breaks off.—Ed.
**Part One**

**DIFFERENCE BETWEEN THE DEMOCRITIAN AND EPICUREAN PHILOSOPHY OF NATURE IN GENERAL**

II. OPINIONS ON THE RELATIONSHIP BETWEEN DEMOCRITIAN AND EPICUREAN PHYSICS

1) **Diogenes Laertius**, X, 4. They are followed by Posidonius the Stoic and his school, and Nicolaus and Sotion ... [allege that] he (Epicurus) put forward as his own the doctrines of Democritus about atoms and of Aristippus about pleasure.\(^a\)

2) **Cicero**, *On the Nature of the Gods*, I, xxvi [73]. What is there in Epicurus' natural philosophy that does not come from Democritus? Since even if he *introduced some alterations* ... yet most of his system is the same....

3) **Ibid.**, *On the Highest Goods and Evils*, I, vi [21]. Thus where Epicurus alters the doctrines of Democritus, he alters them for the worse; while for those ideas which he adopts, the credit belongs entirely to Democritus....

4) **Plutarch**, *Reply to Colotes* (published by Xylander), 1108. Leonteus ... writes ... that Democritus was honoured by Epicurus for having reached the correct approach to knowledge before him ... because Democritus had first hit upon the first principles of natural philosophy. Comp. *ibid.*, 1111.

5) **Ibid.**, *On the Sentiments of the Philosophers*, V, 235, published by Tauchnitz. Epicurus, the son of Neocles, from Athens, who philosophised according to Democritus....

6) **Ibid., Reply to Colotes**, 1111, 1112, 1114, 1115, 1117, 1119, 1120 seqq.

7) **Clement of Alexandria**, *The Miscellanies*, VI, p. 629, Cologne edition [2]. Epicurus also has pilfered his leading dogmas from Democritus.

8) **Ibid.**, p. 295 [I, 11], "Beware lest any man desiopl you through philosophy and vain deceit, after the tradition of men, after the elements of the world and

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\(^a\) The translation of Latin and Greek texts follows, when possible, that of the Loeb Classical Library. The translation differs in details from the text in the dissertation, which is the English translation of Marx's text, and therefore also of Marx's German translation of the Latin and Greek texts.— *Ed.*
not after Christ” [Col. ii, 8], branding not all philosophy, but the Epicurean, which Paul mentions in the Acts of the Apostles [Acts xvii, 18], which abolishes providence ... and whatever other philosophy honours the elements, but places not over them the efficient cause, nor apprehends the Creator.

9) Sextus Empiricus, Against the Professors (Geneva edition) [I, 273]. Epicurus has been detected as guilty of having filched the best of his dogmas from the poets. For he has been shown to have taken his definition of the intensity of pleasures,—that it is “the removal of everything painful”—from this one verse:

“When they had now put aside all longing for drinking and eating.”

And as to death, that “it is nothing to us”, Epicharmus had already pointed this out to him when he said,

“To die or to be dead concerns me not.”

So, too, he stole the notion that dead bodies have no feeling from Homer, where he writes,

“Tis dumb clay that he beats with abuse in his violent fury.”


11) Plutarch, Reply to Colotes, 1111. Democritus is therefore to be censured not for admitting the consequences that flow from his principles, but for setting up principles that lead to these consequences.... If “does not say” means “does not admit it is so”, he is following his familiar practice; thus he (Epicurus) does away with providence but says he has left us with piety; he chooses friends for the pleasure he gets, but says that he assumes the greatest pains on their behalf; and he says that while he posits an infinite universe he does not eliminate “up” and “down”.

III. DIFFICULTIES CONCERNING THE IDENTITY OF THE DEMOCRITIAN AND EPICUREAN PHILOSOPHY OF NATURE

1) Aristotle, On the Soul, I, p. 8 (published by Trendelenburg) [2, 404a, 27-29]. Democritus roundly identifies soul and mind, for he identifies what appears with what is true.

2) Id., Metaphysics, IV, 5 [1009b, 11-18]. And this is why Democritus, at any rate, says that either there is no truth or to us at least it is not evident. And in general it is because they [i.e., these thinkers] suppose knowledge to be sensation, and this to be a physical alteration, that they say that what appears to our senses must be true; for it is for these reasons that both Empedocles and Democritus and, one may almost say, all the others have fallen victims to opinions of this sort. For Empedocles says that when men change their condition they change their knowledge.

By the way, the contradiction is expressed in this passage of the Metaphysics itself.:

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a Homer, Iliad, I, 469.—Ed.
b Ibid., XXIV, 54.—Ed.
c Marx wrote this sentence with a corresponding reference in the left margin of the page.—Ed.
5) Diogenes Laeretus, IX, 72. Furthermore, they find Xenophanes, Zeno of Elea, and Democritus to be sceptics. Democritus [says:] “Of a truth we know nothing, for truth is in a well.”


5) Diogenes Laeretus, IX, 44. His (Democritus') opinions are these: The first principles of the universe are atoms and empty space; everything else is merely thought to exist.

6) Ibid., IX, 72. Democritus rejects qualities, saying: “Opinion says hot or cold, but the reality is atoms and empty space.”

7) Simplicius, Scholia to Aristotle (collected by Brandis), p. 488. ... yet he (Democritus) does not really allow one being to be formed out of them, for it is quite foolish, he says, that two or more become one.

P. 514. [...] and therefore they (Democritus and Leucippus) said that neither the one becomes many nor do the many become the truly inseparable one but through the combination of atoms each thing appears to become a unity.

8) Plutarch, Reply to Colotes, 1111. The atoms, which he (Democritus) calls "ideas".

9) Comp. Aristotle, l. c.

10) Diogenes Laeretus, X, 121. He [the wise man] will be a dogmatist but not a mere sceptic.

11) Plutarch, Reply to Colotes, 1117. For it is one of Epicurus' tenets that none but the sage is unalterably convinced of anything.

12) Cicero, One the Nature of the Gods, I, xxv [70]. He (Epicurus) therefore said that all the senses give a true report.


(Plutarch.) On the Sentiments of the Philosophers, IV, p. 287 [8]. Epicurus holds that every impression and every phantasy is true.

13) Diogenes Laeretus, X, 31. Now in The Canon Epicurus affirms that our sensations and preconceptions and our feelings are the standards of truth.... 32. Nor is there anything which can refute sensations or convict them of error: one sensation cannot convict another and kindred sensation, for they are equally valid; nor can one sensation refute another which is not kindred but heterogeneous, for the objects which the two senses judge are not the same; nor again can reason refute them, for reason is wholly dependent on sensation.

14) Plutarch, Reply to Colotes, l. c. [1110-1111]. He [Colotes] says that Democritus' words “colour is by convention, sweet by convention, a compound by convention”, and so the rest, “what is real are the void and the atoms”, are an attack on the senses.... I cannot deny the truth of this, but I can affirm that this view is as inseparable from Epicurus' theories as shape and weight are by their own assertion inseparable from the atom. For what does Democritus say? That entities infinite in number, indivisible and indestructible, destitute moreover of quality, and incapable of modification, move scattered about in the void; that when they draw near one another or collide or become entangled the resulting aggregate appears in the one case to be water, in others fire, a plant, or a man, but that everything really is the indivisible "forms", as he calls them [or: atoms, "ideas", as he calls them], and nothing else. For there is no generation from the non-existent, and again nothing can be generated from the existent, as the atoms are too solid to be affected and changed. From this it follows that there is no colour, since it would have to come from things colourless, and no natural entity or mind, since they
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would have to come from things without qualities.... Democritus is therefore to be censured, not for admitting the consequences that flow from his principles, but for setting up principles that lead to these consequences.... Epicurus claims to lay down the same first principles, but nevertheless does not say that "colour is by convention", and so with the qualities [sweet, bitter] and the rest.

15) Cicero, On the Highest Goods and Evils, I, vi. Democritus, being an educated man and well versed in geometry, thinks the sun is of vast size; Epicurus considers it perhaps two feet in diameter, for he pronounces it to be exactly as large as it appears. Comp. (Plutarch,) On the Sentiments of the Philosophers, II, p. 265.

16) Diogenes Laertius, IX, 37. [And truly Democritus] had trained himself both in physics and in ethics, nay more, in mathematics and the routine subjects of education, and was quite an expert in the arts.

17) Comp. Diogenes Laertius, [IX.] 46[-49].

18) Eusebius, Preparation for the Gospel, X, p. 472. And somewhere he (Democritus) says proudly about himself: "I have wandered through a larger part of the earth than any of my contemporaries, investigating the remotest things, and I have seen most climates and lands, and I have heard the most learned men, and in linear composition with demonstration no one surpassed me, not even the so-called Arsipedonapts of the Egyptians, whose guest I was when already turning eighty." For he went as far as Babylon and Persia and Egypt, where he also studied with the Egyptian priests.

19) Diogenes Laertius, IX, 35. According to Demetrius in his book on Men of the Same Name and Antisthenes in his Successions of Philosophers he (Democritus) travelled into Egypt to learn geometry from the priests, and he also went into Persia to visit the Chaldaeans as well as to the Red Sea. Some say that he associated with the gymnosophists in India and went to Aethiopia.

20) Cicero, Tusculan Disputations, V, 39. When Democritus lost his sight.... And this man believed that the sight of the eyes was an obstacle to the piercing vision of the soul, and whilst others often failed to see what lay at their feet, he ranged freely into the infinite without finding any boundary that brought him to a halt.

Id., On the Highest Goods and Evils, V, xxix [87]. It is related of Democritus that he deprived himself of eyesight; and it is certain that [he did so] in order that his mind should be distracted as little as possible from reflection.

21) Luc. Ann. Seneca, Works, II, p. 24, Amsterdam, 1672, Epistle VIII. I am still conning Epicurus.... "If you would enjoy real freedom, you must be the slave of Philosophy." The man who submits and surrenderers himself to her is not kept waiting; he is emancipated on the spot. For the very service of Philosophy is freedom.

22) Diogenes Laertius, X, 122. Let no one be slow to seek wisdom when he is young nor weary in the search thereof when he is grown old. For no age is too early or too late for the health of the soul. And to say that the season for studying philosophy has not yet come, or that it is past and gone, is like saying that the season for happiness is not yet or that it is now no more. Therefore, both old and young ought to seek wisdom, the former in order that, as age comes over him, he may be young in good things because of the grace of what has been, and the latter in order that, while he is young, he may at the same time be old, because he has no fear of the things which are to come. Comp. Clement of Alexandria, IV, 501.

23) Sextus Empiricus, Against the Professors, I, 1. The case against the mathematici [or: Professors of Arts and Sciences] has been set forth in a general way, it would seem, both by Epicurus and by the School of Pyrrho, although the
standpoints they adopt are different. Epicurus took the ground that the subjects
they taught are of no help in perfecting wisdom....

24) Ibid., p. 11 [I, 49]. And amongst them we must place Epicurus, although he
seems to be bitterly hostile to the Professors of Arts and Sciences.
Ibid., p. 54 [I, 272]. ... those accusers of grammar, Pyrrho, and Epicurus....
Comp. Plutarch, That Epicurus Actually Makes a Pleasant Life Impossible, 1094.

25) Cicero, On the Highest Goods and Evils, I, xxi [72]. No! Epicurus was not
uneducated: the real ignoramuses are those who ask us to go on studying till old
age the subjects that we ought to be ashamed not to have learnt in boyhood.

26) Diogenes Laertius, X, 13. Apollodorus in his Chronology tells us that our
philosopher (i.e., Epicurus) was a pupil of Nausiphanes and Praxiphanes; but in his
letter to Eurydicus, Epicurus himself denies it and says that he was self-taught.
Cicero, On the Nature of the Gods, I, xxvi [72]. For he (Epicurus) boasted that
he had never had a teacher. This I for my part could well believe, even if he did
not proclaim it....

27) Seneca, Epistle LII, p. 177. Epicurus remarks that certain men have worked
their way to the truth without any one’s assistance, carving out their own passage.
And he gives special praise to these, for their impulse has come from within, and
they have forged to the front by themselves. Again, he says, there are others who
need outside help, who will not proceed unless someone leads the way, but who
will follow faithfully. Of these, he says, Metrodorus was one; this type of man is
also excellent, but belongs to the second grade.

28) Diogenes Laertius, X, 10. He spent all his life in Greece, notwithstanding the
calamities which had befallen her in that age; when he did once or twice take a
trip to Ionia, it was to visit his friends there. Friends indeed came to him from all
parts and lived with him in his garden. This is stated by Apollodorus, who also says
that he purchased the garden for eighty minae.

29) Ibid., X, 15, 16. Hermippus relates that he entered a bronze bath of
lukewarm water and asked for unmixed wine, which he swallowed, and then,
having bidden his friends remember his doctrines, breathed his last.

30) Cicero, On Fate, x [22, 23]. Epicurus [thinks] that the necessity of fate can be
avoided.... Democritus preferred to accept the view that all events are caused by
necessity.

Id., On the Nature of the Gods, I, xxv [69]. He [Epicurus] therefore invented a
device to escape from determinism (the point had apparently escaped the notice of
Democritus)....

Eusebius, Preparation for the Gospel, I, pp. 23 seqq. Democritus of Abdera
[assumed] ... that all, the past as well as the present and the future, has been
determined always, since time immemorial, by necessity.

31) Aristotle, On the Generation of Animals, V, 8 [789b, 2-3]. Democritus ...
reduces to necessity all the operations of Nature.

32) Diogenes Laertius, IX, 45. All things happen by virtue of necessity, the
vortex being the cause of the creation of all things, and this he (Democritus) calls
necessity.

33) (Plutarch,) On the Sentiments of the Philosophers, p. 252 [I, 25]. Parmenides
and Democritus [say] that there is nothing in the world but what is necessary, and
that this same necessity is otherwise called fate, right, providence and the creator
of the world.
54) Stobaeus, Physical Selections, I, 8. Parmenides and Democritus [say] that everything occurs by necessity, this being fate, justice, providence [and the architect of the world]. Leucippus [says] that everything [occurs] by necessity, this being fate. For he says ... nothing originates without cause, but everything because of a cause and of necessity.

55) Eusebius, Preparation for the Gospel, VI, p. 257. ... fate, that ... for the others (i.e., Democritus) depends on these small bodies, which are carried downward and then ascend again, that conglomerate and again dissipate, that run away from each other and then come together again by necessity.

56) Stobaeus, Ethical Selections, II [4]. Men like to create for themselves the illusion of chance—an excuse for their own perplexity; since chance is incompatible with sound thinking.

57) Eusebius, Preparation for the Gospel, XIV, p. 782. ... and he (i.e., Democritus) has made chance the master and ruler of the universal and divine, and has claimed that everything happens through chance. At the same time he keeps it away from human life and has decried as stupid those who proclaim it. Indeed, at the beginning of his teachings he says: "Men like to create for themselves the illusion of chance—an excuse for their own folly; since it is natural that sound thinking is incompatible with chance; and they have said that this worst enemy of thinking rules; or rather, they accept chance instead of thinking by totally removing and abolishing sound thinking. For they do not appreciate thinking as blissful, but chance as the most reasonable."

58) Simplicius, l. c., p. 351. The expression "like the ancient doctrine that removes chance" seems to refer to Democritus....

59) Diogenes Laertius, X, 133, 134. ... Destiny, which some introduce as sovereign over all things, he laughs to scorn, affirming rather that some things happen of necessity, others by chance, others through our own agency. For he sees that necessity destroys responsibility and that chance or fortune is inconstant; whereas our own actions are free, and it is to them that praise and blame naturally attach. It was better, indeed, to accept the legends of the gods than to bow beneath the yoke of destiny which the natural philosophers have imposed. The one holds out some faint hope that we may escape if we honour the gods, while the necessity of the naturalists is deaf to all entreaties. But he holds to chance, not to a god, as the world in general [hoi polloi] does....

60) Seneca, Epistle XII, p. 42. "It is wrong to live under necessity; but no man is constrained to live under necessity.... On all sides lie many short and simple paths to freedom; and let us thank God that no man can be kept in life. We may spurn the very constraints that hold us." Epicurus ... uttered these words....

61) Cicero, On the Nature of the Gods, I, xxv [55-56]. But what value can be assigned to a philosophy (i. e., the Stoic) which thinks that everything happens by fate? It is a belief for old women, and ignorant old women at that.... But Epicurus has set us free [from superstitious terrors] and delivered us out of captivity....

62) Ibid., I, xxv [70]. He (i. e., Epicurus) does the same in his battle with the logicians. Their accepted doctrine is that in every disjunctive proposition of the form "so-and-so either is or not" one of the two alternatives must be true. Epicurus took alarm; if such a proposition as "Epicurus either will or will not be alive tomorrow"... 

a Translated by "necessity" in the text of the dissertation.—Ed.
were granted, one or the other alternative would be necessary. Accordingly he denied the necessity of a disjunctive proposition altogether.

43) *Simplicius*, l. c., p. 351. But also Democritus states, where he brings it up, that the different kinds must separate themselves from the totality, but not how and because of what reason, and seems to let them originate automatically and by chance.

*Ibid.*, p. 351. ... and since this man (i.e., Democritus) has apparently applied chance in the creation of the world....

44) Comp. *Eusebius*, l. c., XIV, [p]p. [781]-782. ... and this [said] one (i.e., Democritus), who had sought vainly and without reason for a cause, since he started from an empty principle and a faulty hypothesis, and has taken as the greatest wisdom the understanding of unreasonable [and foolish] happenings, without seeing the root and general necessity of things....

45) *Simplicius*, l. c., p. 351. ... indeed, when somebody is thirsty, he drinks cold water and feels fine again; but Democritus will probably not accept chance as the cause, but the thirst.

*Ibid.*, p. 351. ... for, even though he (Democritus) seems to use chance in regard to the creation of the world, yet he maintains that in individual cases chance is not the cause of anything, but refers us back to other causes. For instance: the cause of treasure trove is the digging or the planting of the olive tree....

Comp. *ibid*, p. 351. ... but in individual cases, he (Democritus) says, [chance] is not the cause.

46) *Eusebius*, l. c., XIV, 781. Indeed, Democritus himself is supposed to have said that he would rather discover a new causal explanation than acquire the Persian crown.

47) (*Plutarch*) *On the Sentiments of the Philosophers*, II, p. 261 [13]. Epicurus rejects none of these opinions, *a* [for he keeps to] what is possible.

*Ibid.*, II, p. 265 [21]. Epicurus says again that all the foregoing is possible.

*Ibid.*, [II, 22] Epicurus believes that all the foregoing is possible.

*Stobaeus, Physical Selections*, I, p. 54. Epicurus rejects none of these opinions, for he keeps to what is possible.

48) *Seneca, Questions of Nature*, [VI,] XX, [5,] p. 802. Epicurus asserts that all the foregoing may be causes, but he tries to introduce some additional ones. He criticises other authors for affirming too positively that some particular one of the causes is responsible, as it is difficult to pronounce anything as certain in matters in which conjecture must be resorted to.

49) Comp. Part II, Chapter 5.

*Diogenes Laertius*, X, 88. However, we must observe each fact as presented, and further separate from it all the facts presented along with it, the occurrence of which from various causes is not contradicted by facts within our experience.... All these alternatives are possible; they are contradicted by none of the facts....

50) *Diogenes Laertius*, X, 80. We must not suppose that our treatment of these matters fails of accuracy, so far as it is needful to ensure our tranquillity [ataraxy] and happiness.

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*a* Marx added here: "(i.e., opinions of the philosophers on the substance of the stars)".—*Ed.*
IV. GENERAL DIFFERENCE IN PRINCIPLE BETWEEN THE DEMOCRITIAN AND EPICUREAN PHILOSOPHY OF NATURE

1) Plutarch, in his biography of Marius, provides us with an appalling historical example of the way in which this type of morality destroys all theoretical and practical unselfishness. After describing the terrible downfall of the Cimbri, he relates that the number of corpses was so great that the Massilians were able to manure their orchards with them. Then it rained and that year was the best for wine and fruit. Now, what kind of reflections occur to our noble historian in connection with the tragical ruin of those people? Plutarch considers it a moral act of God, that he allowed a whole, great, noble people to perish and rot away in order to provide the philistines of Massilia with a bumper fruit harvest. Thus even the transformation of a people into a heap of manure offers a desirable occasion for a happy revelling in morality!

2) Also in relation to Hegel it is mere ignorance on the part of his pupils, when they explain one or the other determination of his system by his desire for accommodation and the like, hence, in one word, explain it in terms of morality. They forget that only a short time ago they were enthusiastic about all his idiosyncrasies [Einseitigkeiten], as can be clearly demonstrated from their writings.

If they were really so affected by the ready-made science they acquired that they gave themselves up to it in naive uncritical trust, then how unscrupulous is their attempt to reproach the Master for a hidden intention behind his insight! The Master, to whom the science was not something received, but something in the process of becoming, to whose uttermost periphery his own intellectual heart's blood was pulsating! On the contrary, they rendered themselves suspect of not having been serious before. And now they oppose their own former condition, and ascribe it to Hegel, forgetting however that his relation to his system was immediate, substantial, while theirs is only a reflected one.

It is quite thinkable for a philosopher to fall into one or another apparent inconsistency through some sort of accommodation; he himself may be conscious of it. But what he is not conscious of, is the possibility that this apparent accommodation has its deepest roots in an inadequacy or in an inadequate formulation of his principle itself. Suppose therefore that a philosopher has really accommodated himself, then his pupils must explain from his inner essential consciousness that which for him himself had the form of an exoteric consciousness. In this way, that which appears as progress of conscience is at the same time progress of knowledge. No
suspicion is cast upon the particular conscience of the philosopher, but his essential form of consciousness is construed, raised to a definite shape and meaning and in this way also transcended.

By the way, I consider this unphilosophical trend in a large section of Hegel's school as a phenomenon which will always accompany the transition from discipline to freedom.

It is a psychological law that the theoretical mind, once liberated in itself, turns into practical energy, and, leaving the shadowy empire of Amenthes as will, turns itself against the reality of the world existing without it. (From a philosophical point of view, however, it is important to specify these aspects better, since from the specific manner of this turn we can reason back towards the immanent determination and the universal historic character of a philosophy. We see here, as it were, its curriculum vitae narrower down to its subjective point.) But the practice of philosophy is itself theoretical. It is the critique that measures the individual existence by the essence, the particular reality by the Idea. But this immediate realisation of philosophy is in its deepest essence afflicted with contradictions, and this its essence takes form in the appearance and imprints its seal upon it.

When philosophy turns itself as will against the world of appearance, then the system is lowered to an abstract totality, that is, it has become one aspect of the world which opposes another one. Its relationship to the world is that of reflection. Inspired by the urge to realise itself, it enters into tension against the other. The inner self-contentment and completeness has been broken. What was inner light has become consuming flame turning outwards. The result is that as the world becomes philosophical, philosophy also becomes worldly, that its realisation is also its loss, that what it struggles against on the outside is its own inner deficiency, that in the very struggle it falls precisely into those defects which it fights as defects in the opposite camp, and that it can only overcome these defects by falling into them. That which opposes it and that which it fights is always the same as itself, only with factors inverted.

This is the one side, when we consider this matter purely objectively as immediate realisation of philosophy. However, it has also a subjective aspect, which is merely another form of it. This is the relationship of the philosophical system which is realised to its intellectual carriers, to the individual self-consciousnesses in which its progress appears. This relationship results in what confronts

* Course of life.— Ed.
the world in the realisation of philosophy itself, namely, in the fact that these individual self-consciousnesses always carry a double-edged demand, one edge turned against the world, the other against philosophy itself. Indeed, what in the thing itself appears as a relationship inverted in itself, appears in these self-consciousnesses as a double one, a demand and an action contradicting each other. Their liberation of the world from un-philosophy is at the same time their own liberation from the philosophy that held them in fetters as a particular system. Since they are themselves engaged merely in the act and immediate energy of development—and hence have not yet theoretically emerged from that system—they perceive only the contradiction with the plastic equality-with-self [Sich-selbst-Gleichheit] of the system and do not know that by turning against it they only realise its individual moments.

This duality of philosophical self-consciousness appears finally as a double trend, each side utterly opposed to the other. One side, the liberal party, as we may call it in general, maintains as its main determination the concept and the principle of philosophy; the other side, its non-concept, the moment of reality. This second side is positive philosophy.\(^3\) The act of the first side is critique, hence precisely that turning-towards-the-outside of philosophy; the act of the second is the attempt to philosophise, hence the turning-in-towards-itself of philosophy. This second side knows that the inadequacy is immanent in philosophy, while the first understands it as inadequacy of the world which has to be made philosophical. Each of these parties does exactly what the other one wants to do and what it itself does not want to do. The first, however, is, despite its inner contradiction, conscious of both its principle in general and its goal. In the second party the inversion [Verkehrtheit], we may well say the madness [Verrücktheit], appears as such. As to the content: only the liberal party achieves real progress, because it is the party of the concept, while positive philosophy is only able to produce demands and tendencies whose form contradicts their meaning.

That which in the first place appears as an inverted [verkehrtes] relationship and inimical trend of philosophy with respect to the world, becomes in the second place a diremption of individual self-consciousness in itself and appears finally as an external separation and duality of philosophy, as two opposed philosophical trends.

It is obvious that apart from this there also emerge a number of subordinate, querulous formations without individuality. Some of
them place themselves behind a philosophical giant of the past—but the ass is soon detected under the lion's skin; the whimpering voice of a manikin of today or yesterday blubbers in comical contrast to the majestic voice resounding through the ages—say of Aristotle, whose unwelcome organ it has appointed itself. It is as if a mute would help himself to a voice by means of a speaking-trumpet of enormous size. Or as if some Lilliputian armed with double spectacles stands on a tiny spot of the posterior of the giant and announces full of amazement to the world the astonishingly novel vista his punctum visus offers and makes himself ridiculous explaining that not in a flowing heart, but in the solid substantial ground on which he stands, has been found the point of Archimedes, pou sto (που στῶ), on which the world hinges. Thus we obtain hair-, nail-, toe-, excrement-philosophers and others, who have to represent an even worse function in the mystical world man [Weltmensch] of Swedenborg. However, all these slugs belong essentially to the two above-mentioned sides as to their element. As to these sides themselves: in another place I shall completely explain their relation, in part to each other, in part to Hegel's philosophy, as well as the particular historical moments in which this development reveals itself.

3) Diogenes Laertius, IX, 44. Nothing can come into being from that which is not, nor pass away into that which is not (Democritus).

Ibid., X, 38. To begin with, nothing comes into being out of what is non-existent. For in that case anything would have arisen out of anything....

39. And if that which disappears had been destroyed and become non-existent, everything would have perished, that into which the things were dissolved being non-existent. Moreover, the sum total of things was always as it is now, and such it will ever remain. For there is nothing into which it can change (Epicurus).

4) Aristotle, Physics, I, 4 [187, 32-35]. ...for since everything that comes into being must arise either from what is or from what is not, and it is impossible for it to arise from what is not (on this point all the physicists agree)....

5) Themistius, Scholia to Aristotle (collected by Brandis), folio 42, p. 383. Just as there is no distinction in the nothing, so there is none in the void, for the void is something non-existent and privation, says [Democritus], etc.

6) Aristotle, Metaphysics, I, 4 [985, 4-9]. Leucippus and his associate Democritus say that the full and the empty are the elements, calling the one being and the other non-being—the full and solid being being, the empty non-being (whence they say being no more is than non-being, because the solid no more is than the empty).

7) Simplicius, l.c., p. 326. Democritus also [says that there are] the Full and the Void, of which he says that the first is "what is" and the second "what is not" [...].

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a Point of view.—Ed.
Themistius, l.c., p. 383. For the void is something non-existent and privation, says Democritus.

8) Simplicius, l.c., p. 488. Democritus believes that the nature of the Eternal consists of small beings, infinite in number; he assigns to them a dwelling-place of infinite magnitude; this place he calls by the terms the Void, the Nothing, the Infinite, and each being by: that there, the solid, the being.

9) Comp. Simplicius, l.c., p. 514. The One and the Many.

10) Diogenes Laertius, l.c., 40. ... and if there were no space (which we call also Void and place and intangible nature)....

Stobaeus, Physical Selections, I, p. 39. Epicurus uses all names: void, place, space, one beside the other.

11) Stobaeus, Physical Selections, I, p. 27. It is called atom, not because it is the smallest....

12) Simplicius, l.c., p. 405. ... it was said by those who denied infinite divisibility—since it would be impossible for us to divide infinitely and thus convince ourselves that such division is unattainable—that bodies consist of indivisibles and can be divided as far as the indivisibles. Apart from the fact that Leucippus and Democritus consider not only impassibility as cause of the indivisibility of the primary bodies, but also their smallness and the lack of parts, Epicurus later did not suppose them to be without parts but says that they are indivisible because of impassibility. Aristotle has repeatedly examined critically the opinion of Democritus and Leucippus, and it probably was because of these criticisms, unfavourable to being-without-parts, that Epicurus (who lived later), who sympathised with the opinion of Democritus and Leucippus concerning the primary bodies, maintained that they were impassible.

13) Aristotle, On Becoming and Decaying, I, 2 [316a, 5-14]. Lack of experience diminishes our power of taking a comprehensive view of the admitted facts. Hence those who dwell in intimate association with nature and its phenomena grow more and more able to formulate, as the foundations of their theories, principles such as to admit of a wide and coherent development: while those whom devotion to abstract discussions has rendered unobservant of the facts are too ready to dogmatise on the basis of a few observations. The rival treatments of the subject now before us will serve to illustrate how great is the difference between a "scientific" and a "dialectical" method of inquiry. For, whereas the Platonists argue that there must be atomic magnitudes "because otherwise 'The Triangle' will be more than one", Democritus would appear to have been convinced by arguments appropriate to the subject, i.e., drawn from the science of nature.

14) Diogenes Laertius, IX, [40,] 7,8. Aristoxenus in his Historical Notes affirms that Plato wished to burn all the writings of Democritus that he could collect, but that Amyclas and Clinias the Pythagoreans prevented him, saying that there was no advantage in doing so, for already the books were widely circulated. And there is clear evidence for this in the fact that Plato, who mentions almost all the early philosophers, never once alludes to Democritus, not even where it would be necessary to controvert him, obviously because he knew that he would have to match himself against the prince of philosophers....

\[ \text{Ed.} \]
Part Two
ON THE DIFFERENCE BETWEEN DEMOCRITIAN
AND EPICUREAN PHYSICS IN DETAIL

Chapter One
THE DECLINATION OF THE ATOM
FROM THE STRAIGHT LINE

1) Stobaeus, Physical Selections, I, p. 33. Epicurus says ... that the atoms move sometimes vertically downwards, at other times by deviating from a straight line, but the motion upward is due to collision and recoil.


2) Cicero, On the Nature of the Gods, I, xxvi [73]. What is there in Epicurus' natural philosophy that does not come from Democritus? Since even if he introduced some alterations, for instance the swerve of the atoms of which I spoke just now....

3) Cicero, On the Highest Goods and Evils, I, vi [18-19]. He (Epicurus) believes that these same indivisible solid bodies are borne by their own weight perpendicularly downward, which he holds is the natural motion of all bodies; but thereupon this clever fellow, encountering the difficulty that if they all travelled downwards in a straight line, and, as I said, perpendicularly, no one atom would ever be able to overtake any other atom, accordingly introduced an idea of his own invention: he said that the atom makes a very tiny swerve,—the smallest divergence possible; and so are produced entanglements and combinations and cohesions of atoms with atoms, which result in the creation of the world and all its parts, and of all that is in them.

4) Cicero, On the Nature of the Gods, I, xxv [69-70]. Epicurus saw that if the atoms travelled downwards by their own weight, we should have no freedom of the will, since the motion of the atoms would be determined by necessity. He therefore invented a device to escape from determinism (the point had apparently escaped the notice of Democritus): he said that the atom while travelling vertically downward by the force of gravity makes a very slight swerve to one side. This defence discredits him more than if he had had to abandon his original position. Comp. Cicero, On Fate, x [22-23].

5) Bayle, Dictionnaire historique et critique (Historical and Critical Dictionary), art. Epicurus.

7) Lucretius, *On the Nature of Things*, II, 251 ff. Again, if all movement is always interconnected, the new rising from the old in a determinate order ... what is the source of the free will?

8) Aristotle, *On the Soul*, I, 4 [409a, 1-5]. How are we to imagine a unit [monad] being moved? By what agency? What sort of movement can be attributed to what is without parts or internal differences? If the unit is both originative of movement and itself capable of being moved, it must contain differences. Further, since they say a moving line generates a surface and a moving point a line, the movements of the psychic units must be lines.

9) Diogenes Laertius, X, 43. The atoms are in continual motion.

10) Simplicius, *on* p. 424. ... the followers of Epicurus ... [taught] eternal motion.

11) Lucretius, *On the Nature of Things*, II, 251, 253-255. ... if the atoms never swerve so as to originate some new movement that will snap the bonds of fate, the everlasting sequence of cause and effect.

12) Cicero, *On the Highest Goods and Evils*, I, vi [19-20]. ... yet he does not attain the object for the sake of which this fiction was devised. For, if all the atoms swerve, none will ever come to cohere together; or if some swerve while others travel in a straight line, by their own natural tendency, in the first place this will be tantamount to assigning to the atoms their different spheres of action, some to travel straight and some sideways...

13) Lucretius, l.c., 293.

14) Cicero, *On Fate*, x [22]. ... when the atom swerves sideways a minimal space, termed [by Epicurus] elachiston [the smallest].

15) Ibid. Also he is compelled to profess in reality, if not quite explicitly, that this swerve takes place without cause....

16) Plutarch, *On the Creation of the Soul*, VI (VI, p. 8, stereotyped edition). For they do not agree with Epicurus that the atom swerves somewhat, since he introduces a motion without cause out of the non-being.

17) Cicero, *On the Highest Goods and Evils*, I, vi [19]. The swerving is itself an arbitrary fiction (for Epicurus says the atoms swerve without a cause, yet this is a capital offence in a natural philosopher, to speak of something taking place uncaused). Then also he gratuitously deprives the atoms of what he himself declared to be the natural motion of all heavy bodies, namely, movement in a straight line downwards....

18) Bayle, l.c.

19) Augustine, Letter 56.

20) Diogenes Laertius, X, 128. For the end of all our actions is to be free from pain and fear.

21) Plutarch, *That Epicurus Actually Makes a Pleasant Life Impossible*, 1091. Epicurus too makes a similar statement to the effect that the Good is a thing that arises out of your very escape from evil....

22) Clement of Alexandria, *The Miscellanies*, II, p. 415 [21]. ...Epicurus also says that the removal of pain is pleasure....

23) Seneca, *On Benefits*, IV [4, 1], p. 699. Yes, and therefore God does not give benefits, but, free from all care and unconcerned about us, he turns his back on the world... and benefits no more concern him than injuries....
24) Cicero, *On the Nature of the Gods*, I, xxiv [68]. ... you gave us the formula just now — God has not body but a semblance of body, not blood but a kind of blood.

25) *Ibid.*, xl [112, 115-116]. Well then, what meat and drink, what harmonies of music and flowers of various colours, what delights of touch and smell will you assign to the gods, so as to keep them steeped in pleasure?... Why, what reason have you for maintaining that men owe worship to the gods, if the gods not only pay no regard to men, but care for nothing and do nothing at all? “But deity possesses an excellence and pre-eminence which must of its own nature attract the worship of the wise.” Now how can there be any excellence in a being so engrossed in the delights of his own pleasure that he always has been, is, and will continue to be entirely idle and inactive?

26) Plutarch, *That Epicurus Actually Makes a Pleasant Life Impossible*, [1100]-1101. ...their theory ... does remove a certain superstitious fear; but it allows no joy and delight to come to us from the gods. Instead, it puts us in the same state of mind with regard to the gods, of neither being alarmed nor rejoicing, that we have regarding the Hyrcanian fish. We expect nothing from them either good or evil.

27) Aristotle, *On the Heavens*, II, 12 [292, 4-6]. ...while the perfectly conditioned has no need of action, since it is itself the end....

28) Lucretius, *On the Nature of Things*, II, 221, 223-224. If it were not for this swerve, everything would fall downwards like rain-drops through the abyss of space. No collision would take place and no impact of atom on atom would be created. Thus nature would never have created anything.

29) *Ibid.*, II, 284-292. So also in the atoms ... besides weight and impact there must be a third cause of movement, the source of this inborn power of ours.... But the fact that the mind itself has no internal necessity to determine its every act and compel it to suffer in helpless passivity — this is due to the slight swerve of the atoms....

30) Aristotle, *On the Heavens*, I, 7 [275, 30-276, 1]. If the whole is not continuous, but exists, as Democritus and Leucippus think, in the form of parts separated by void, there must necessarily be one movement of all the multitude. ... but their nature is one, like many pieces of gold separated from one another.

31) *Ibid.*, III, 2 [300, 9-17]. Hence Leucippus and Democritus, who say that the primary bodies are in perpetual movement in the void or infinite, may be asked to explain the manner of their motion and the kind of movement which is natural to them. For if the various elements are constrained by one another to move as they do, each must still have a natural movement which the constrained contravenes, and the prime mover must cause motion not by constraint but naturally. If there is no ultimate natural cause of movement and each preceding term in the series is always moved by constraint, we shall have an infinite process.

32) Diogenes Laerti, X, 150. Those animals which are incapable of making covenants with one another, to the end that they may neither inflict nor suffer harm, *are without either justice or injustice*. And those tribes which either could not or would not form mutual covenants to the same end are in like case. There never was an absolute justice, but only an agreement made in reciprocal intercourse, in whatever localities, now and again, from time to time, providing against the infliction or suffering of harm.

33) a Notes 32) and 33) were later added to the text by Marx. The text of Note 33) was not inserted.— *Ed.*
Chapter Two

THE QUALITIES OF THE ATOM

1) Diogenes Laertius, X, 54. For every quality changes, but the atoms do not change.

Lucretius, On the Nature of Things, II, 861-863. They must be kept far apart from the atoms, if we wish to provide the universe with imperishable foundations on which it may rest secure. . . .

2) (Plutarch,) On the Sentiments of the Philosophers [I, 3]. Epicurus . . . affirms that . . . bodies are subject to these three accidents, shape, size and weight. Democritus [acknowledged] but two: size and shape. Epicurus added the third, to wit, weight, for he pronounced that it is necessary . . . that bodies receive their motion from that impulse which springs from weight. . . . Comp. Sextus Empiricus, Against the Professors, p. 421 [X, 240].

3) Eusebius, Preparation for the Gospel, XIV, p. 749 [14].

4) Simplicius, i.e., p. 362. . . . giving (i.e., Democritus) them (i.e., the atoms) the difference with regard to size and shape. . . .

5) Philoponus, ibid. He (Democritus) assigns a unique common nature of the body to all shapes; its parts are the atoms, which differ from each other in size and shape; for they have not only different shape but some of them are bigger, the others smaller.

6) Aristotle, On Becoming and Decaying, I, 8 [326a, 10]. . . . and yet he [Democritus] says “the more any indivisible exceeds, the heavier it is”.

7) Aristotle, On the Heavens, I, 7 [276a, 1-2, 4-7]. But each piece must, as we assert, have the same motion . . . . So that if it be weight that all possess, no body is, strictly speaking, light; and if lightness be universal, none is heavy. Moreover, whatever possesses weight or lightness will have its place either at one of the extremes or in the middle region.


9) Aristotle, Metaphysics, VIII, 2 [1042b, 11-14]. Democritus seems to think there are three kinds of difference between things [atoms]; the underlying body, the matter, is one and the same, but they differ either in rhythm, i.e. shape, or in turning, i.e. position, or in inter-contact, i.e. order.

10) Ibid., I, 4 [985b, 4-19]. Leucippus and his associate Democritus say that the full and the empty are the elements, calling the one being and the other non-being—the full and solid being being, the empty non-being (whence they say being no more is than non-being, because the solid no more is than the empty); and they make these the material causes of things. And as those who make the underlying substance one generate all other things by its modifications, supposing the rare and the dense to be the sources of modifications, in the same way these philosophers say the differences in the elements are the causes of all other qualities. These differences, they say, are three—shape and order and position. For they say the real is differentiated only by “rhythm” and “inter-contact” and “turning”; and of these rhythm is shape, inter-contact is order, and turning is position; for A differs from N in shape, AN from NA in order, and Z from N in position.
Diogenes Laertius, X, 44. ...atoms have no quality at all except shape, size and weight. ... further, that they are not of any and every size; at any rate no atom has ever been seen by our senses.

Ibid., X, 56. But to attribute any and every size to the atoms does not help to explain the differences of quality in things; moreover, in that case atoms would exist large enough to be perceived by us, which is never observed to occur; nor can we conceive how such an occurrence should be possible, i. e., that an atom should become visible.

Ibid., X, 55. Again, you should not suppose that the atoms have any and every size ... but some differences of size must be admitted.

Ibid., X, 59. On the analogy of things within our experience we have declared that the atom has size; and this, small as it is, we have merely reproduced on a larger scale.

Comp. Ibid., X, 58. Stobaeus, Physical Selections, I, p. 27.


Eusebius, Preparation for the Gospel, XIV, p. 773 (Paris ed.). But they differed in that one of them (i.e., Epicurus) assumed that all atoms were infinitely small and could therefore not be perceived, while Democritus assumed that some large atoms existed too.

Stobaeus, Physical Selections, I, 17. Democritus even says ... that an atom is possible as large as the world. Comp. (Plutarch.) On the Sentiments of the Philosophers, I, p. 235 [I, 3].

Aristotle, On Becoming and Decaying, I, 8 [324 b, 30]. ... invisible ... owing to their minuteness....

Eusebius, Preparation for the Gospel, XIV, p. 749. Democritus ... [assumed] as the principles of the things indivisible ... bodies perceptible through reason.... Comp. (Plutarch,) On the Sentiments of the Philosophers, I, p. 235 [3].

Diogenes Laertius, X, 54. Moreover, we must hold that the atoms in fact possess none of the qualities belonging to the world which come under our observation, except shape, weight, and size, and the properties necessarily conjoined with shape. Comp. § 44.

Ibid., X, 42. Furthermore, the atoms ... vary indefinitely in their shapes.

Ibid., X, 42. ... but the variety of shapes, though indefinitely larger, is not absolutely infinite.

Lucretius, On the Nature of Things, II, 513-514. ...you must acknowledge a corresponding limit to the different forms of matter.

Eusebius, Preparation for the Gospel, XIV, p. 749. Epicurus ... [says] ... that the shapes of the atoms themselves are limited, and not infinite.... Comp. (Plutarch,) On the Sentiments of the Philosophers, I.c.

Diogenes Laertius, X, 42. The like atoms of each shape are absolutely infinite.

Lucretius, On the Nature of Things, II, 525-528. Since the varieties of form are limited, the number of uniform atoms must be unlimited. Otherwise the totality of matter would be finite, which I have proved in my verses is not so.

Aristotle, On the Heavens, III, 4 [303 a, 3-5, 10-15]. There is, further, another view—that of Leucippus and Democritus of Abdera—the implications of which
are also unacceptable.... and further, they say that since the atomic bodies differ in shape, and there is an infinity of shapes, there is an infinity of simple bodies. But they have never explained in detail the shapes of the various elements, except so far as to allot the sphere to fire. Air, water and the rest....

Philoponus, i.e. They have ... not only entirely different shapes....

27) Lucretius, On the Nature of Things, II, 474-484, 491-492, 495-497. ... the number of different forms of atoms is finite. If it were not so, some of the atoms would have to be of infinite magnitude. Within the narrow limits of any single particle, there can be only a limited range of forms....

... if you wish to vary its form still further ... the arrangement will demand still other parts.... Variation in shape goes with increase in size. You cannot believe, therefore, that the atoms are distinguished by an infinity of forms....

28) Comp. Note 25).

29) Diogenes Laertius, X, 44 and 54.


31) Lucretius, On the Nature of Things, I, 1051-1052. 0, Memmius, here you must give up fully the belief that all things strive—as they say—to the middle of the world.

32) Diogenes Laertius, X, 43. The atoms move with equal speed, since the void makes way for the lightest and heaviest alike through all eternity.... 61. When they are travelling through the void and meet with no resistance, the atoms must move with equal speed. Neither will heavy atoms travel more quickly than small and light ones, so long as nothing meets them, nor will small atoms travel more quickly than large ones, provided they always find a passage suitable to their size; and provided that they meet with no obstruction.

Lucretius, On the Nature of Things, II, 235-239. But empty space can offer no resistance to any object in any quarter at any time, so as not to yield free passage as its own nature demands. Therefore, through undisturbed vacuum all bodies must travel at equal speed though impelled by unequal weights.

33) Comp. Ch. 3.

34) Feuerbach, History of the Newer Philosophy. [1833, quotations from] Gassendi, l. c., XXXIII, No. 7. Although Epicurus had perhaps never thought about this experiment, he [still] reached, led by reason, the same opinion about atoms that experiment has recently taught us. This opinion is that all bodies..., although very different in weight and bulk, have the same velocity when they fall from above to below. Thus he was of opinion that all atoms, however much they may differ in size and weight, move with an equal velocity.

Chapter Three

'Ατομοι άρχα! AND άτομα στοιχεία

1) Ametocha kevou (άμετοχα κενοῦ) [Stobaeus, Physical Selections, I, p. 306] does not at all mean "do not fill space", but "have no part of the void", it is the same as what at another place Diogenes Laertius says: "though they are without distinction of parts". In the same way we must explain this expression in (Plutarch,) On the Sentiments of the Philosophers, I, p. 236, and Simplicius, p. 405.
2) This also is a wrong consequence. That which cannot be divided in space is not therefore outside of space or without spatial relation.


4) Diogenes Laertius, X, 44.

5) Ibid., X, 67. But it is impossible to conceive anything that is incorporeal as self-existent, except empty space.

6) Ibid., X, 39, 40 and 41.

7) Ibid., VII, [Ch.] 1 [134]. There is a difference, according to them (i.e., the Stoics), between principles and elements; the former being without generation or destruction, whereas the elements are destroyed when all things are resolved into fire.

8) Aristotle, Metaphysics, IV, 1 and 3.

9) Comp. I.c.

10) Ibid., V, 3[1014a, 31-34; 1014b, 5-6]. Similarly those who speak of the elements of bodies mean the things into which bodies are ultimately divided, while they are no longer divided into other things differing in kind; ... for which reason what is small and simple and indivisible is called an element.

11) Ibid., I, 4.

12) Diogenes Laertius, X, 54.

Plutarch, Reply to Colotes, 1110. ... that this view is as inseparable from Epicurus' theories as shape and weight are by their (i.e., the Epicureans) own assertion inseparable from the atom.

13) Sextus Empiricus, Against the Professors, p. 420.

14) Eusebius, Preparation for the Gospel, XIV, p. 773. ... Epicurus ... [assumed that] they [i.e., the atoms] cannot be perceived.... P. 749. ... but they [i.e., the atoms] have their own shape perceivable by reason.

15) (Plutarch,) On the Sentiments of the Philosophers, I, p. 246 [7]. The same (Epicurus) asserts that there are four other natural beings which are immortal—of this sort are atoms, the vacuum, the infinite and the similar parts; and these last are [called] homoeomerias and likewise elements. 12. Epicurus [thinks that] bodies are not to be limited, but the first bodies are simple bodies, and all those composed of them possess weight....

Stobaeus, Physical Selections, I, p. 52. Metrodorus, the teacher of Epicurus, [says] ... that the causes, however, are the atoms and elements. P. 5. Epicurus [assumes] ... four substances essentially indestructible: the atoms, the void, the infinite and the similar parts, and these are called homoeomerias and elements.

16) Comp. I.c.

17) Cicero, On the Highest Goods and Evils, I, vi. ...that which he follows ... the atoms, the void ... infinity itself, that they [i.e., the Epicureans] call apeiria....

Diogenes Laertius, X, 41. Again, the sum of things is infinite.... Moreover, the sum of things is unlimited both by reason of the multitude of the atoms and the extent of the void.

18) Plutarch, Reply to Colotes, 1114. Now look at the sort of first principles [you people adopt] to account for generation: infinity and the void—the void incapable of action, incapable of being acted upon, bodiless; the infinite disordered, irrational, incapable of formulation, disrupting and confounding itself because of a multiplicity that defies control or limitation.
19) Simplicius, l.c., p. 488.

20) (Plutarch,) On the Sentiments of the Philosophers, p. 239 [I, 5]. But Metrodorus says ... that the number of worlds is infinite, and this can be seen from the fact that the number of causes is infinite.... But the causes are the atoms or the elements.

Stobaeus, Physical Selections, I, p. 52. Metrodorus, the teacher of Epicurus, [says] ... that the causes, however, are the atoms and elements.

21) Lucretius, On the Nature of Things, I, 820-821. For the same elements compose sky, sea and lands, rivers and sun, crops, trees and animals....

Diogenes Laertius, X, 39. Moreover, the sum total of things was always such as it is now, and such it will ever remain. For there is nothing into which it can change. For outside the sum of things there is nothing which could enter into it and bring about the change.... The whole of being consists of bodies.... 41. These elements are indivisible and unchangeable, and necessarily so, if things are not all to be destroyed and pass into non-existence, but are to be strong enough to endure when the composite bodies are broken up, because they possess a solid nature and are incapable of being anywhere or anyhow dissolved.

22) Diogenes Laertius, X, 73. ... and all things are again dissolved, some faster, some slower, some through the action of one set of causes, others through the action of others. 74. It is clear, then, that he [Epicurus] also makes the worlds perishable, as their parts are subject to change.

Lucretius, V, 109-110. May reason rather than the event itself convince you that the whole world can collapse with one ear-splitting crack!

Ibid., V, 373-375. It follows, then, that the doorway of death is not barred to sky and sun and earth and the sea's unfathomed floods. It lies tremendously open and confronts them with a yawning chasm.

23) Simplicius, l.c., p. 425.

24) Lucretius, II, 796. ...and the atoms do not emerge into the light....

Chapter Four

TIME

1) Aristotle, Physics, VIII, 1 [251b, 15-17]. ...in fact, it is just this that enables Democritus to show that all things cannot have had a becoming; for time, he says, is uncreated.

2) Simplicius, l.c., p. 426. Democritus was so strongly convinced that time is eternal, that, in order to show that not all things have an origin, he considered it evident that time has no origin.

3) Lucretius, I, 459, 462-463. Similarly, time by itself does not exist.... It must not be claimed that anyone can sense time by itself apart from the movement of things or their restful immobility.

Ibid., I, 479-482. So you may see that events cannot be said to be by themselves like matter or in the same sense as space. Rather, you should describe them as accidents of matter, or of the place in which things happen.

Sextus Empiricus, Against the Professors, p. 420. Here Epicurus calls time accident of accidents (symptoma symptomaton).
Stobaeus, Physical Selections, I, 8. Epicurus [calls time] an accident, i.e., something that accompanies motions.

4) Diogenes Laertius, X, 72. There is another thing which we must consider carefully. We must not investigate time as we do the other accidents which we investigate in a subject, namely, by referring them to the preconceptions envisaged in our minds; but we must take into account the plain fact itself, in virtue of which we speak of time as long or short, linking to it in intimate connection this attribute of duration. We need not adopt any fresh terms as preferable, but should employ the usual expression about it. Nor need we predicate anything else of time, as if this something else contained the same essence as is contained in the proper meaning of the word “time” (for this also is done by some). We must chiefly reflect upon that to which we attach this peculiar character of time, and by which we measure it. 73. No further proof is required: we have only to reflect that we attach the attribute of time to days and nights and their parts, and likewise to feelings of pleasure and pain and to neutral states, to states of movement and states of rest, conceiving a peculiar accident of these to be this very characteristic which we express by the word “time”. He [i.e., Epicurus] says this both in the second book On Nature and in the Larger Epitome.


Sextus Empiricus, Against the Professors, p. 420 [X, 238, 240, 241, 244]. ... accident of accidents.... For this reason Epicurus compels us to think that an existing body consists of non-existing bodies, since he says that we have to think of the body as a composition of size and shape, resistance and weight.... Hence there must be accidents for time to exist, but for accidents to be present themselves there must be an underlying circumstance. However, if no underlying circumstance exists, then there can be no time.... When this therefore is time, and Epicurus says that accidents are the nature [of time], then time, according to Epicurus, must be its own accident. Comp. Stobaeus, l.c.

6) Diogenes Laertius, X, 46. Again, there are outlines or films, which are of the same shape as solid bodies, but of a thinness far exceeding that of any object that we see.... To these films we give the name of “images” or “idols”.... 48. ... the production of the images is as quick as thought ... though no diminution of the bodies is observed, because other particles take their place. And those given off retain the position and arrangement which their atoms had when they formed part of the solid bodies....

Lucretius, IV, 30-32. ...“images” of things, a sort of outer skin perpetually peeled off the surface of objects and flying about this way and that through the air.

Ibid., IV, 51-52. ... because each particular floating image wears the aspect and form of the object from whose body it has emanated.

7) Diogenes Laertius, X, 49. We must also consider that it is by the entrance of something coming from external objects that we see their shapes and think of them. For external things would not stamp on us their own nature ... so well as by the entrance into our eyes or minds, to whichever their size is suitable, of certain films coming from the things themselves, these films or outlines being of the same colour and shape as the external things themselves.... 50. [...] and this again explains why they present the appearance of a single continuous object and retain the mutual interconnection which they had with the object.... 52. Again, hearing takes place when a current passes from the object, whether person or thing, which emits voice or sound or noise, or produces the sensation of hearing in any way whatever. This
current is broken up into homogeneous particles, which at the same time preserve a certain mutual connection. Again, we must believe that smelling, like hearing, would produce no sensation, were there not particles conveyed from the object which are of the proper sort for exciting the organ of smelling.

8) Lucretius, *On the Nature of Things*, II, 1145-1146. It is natural, therefore, that everything should perish when it is thinned out.

Chapter Five
THE METEORS


2) Aristotle, *Metaphysics*, I, 5 [986\textsuperscript{b}, 25]. The One is God.

3) Aristotle, *On the Heavens*, I, 3 [270\textsuperscript{b}, 4-24]. Our theory seems to confirm experience and to be confirmed by it. For all men have some conception of the nature of gods, and all who believe in the existence of gods at all, whether barbarian or Greek, agree in allotting the highest place to the deity, surely because they suppose that immortal is linked with immortal and regard any other supposition as inconceivable. If then there is, as there certainly is, anything divine, what we have just said about the primary bodily substance was well said. The mere evidence of the senses is enough to convince us of this at least with human certainty. For in the whole range of time past, so far as our inherited records reach, no change appears to have taken place either in the whole scheme of the outermost heaven or in any of its proper parts. The common name, too, which has been handed down from our distant ancestors even to our own day, seems to show that they conceived of it in the fashion which we have been expressing. The same ideas, one must believe, recur to men's minds not once or twice but again and again. And so, implying that the primary body is something else beyond earth, fire, air and water, they gave to the highest place a name of its own, *aither*, derived from the fact that it "runs always" (*thein*  $\epsilon\tau\iota\eta\iota$,  $\alpha\xi\tau\iota\nu$) for an eternity of time.

4) *Ibid.*, II, 1 [284\textsuperscript{a}, 11-15, 284\textsuperscript{b}, 2-5]. The ancients gave the Gods the heaven or upper place, as being alone immortal; and our present argument testifies that it is indestructible and ungenerated. Further, it is unaffected by any mortal discomfort ... it is not only more appropriate so to conceive of its eternity, but also on this hypothesis alone are we able to advance a theory consistent with popular divinations of the divine nature.

5) Aristotle, *Metaphysics*, XI (XII), 8 [1074\textsuperscript{a}, 31, 38-1074\textsuperscript{b}, 3]. Evidently there is but one heaven.... Our forefathers in the most remote ages have handed down to their posterity a tradition, in the form of a myth, that these bodies are gods and that the divine encloses the whole of nature. The rest of the tradition has been added later in a mythical form with a view to the persuasion of the multitude and to its legal and utilitarian expediency; they say these gods are in the form of men or like some of the other animals, and they say other things consequent on and similar to those which we have mentioned. But if one were to separate the first point from these additions and take it alone that they thought the first substances to be gods, one must regard this as an inspired utterance; and reflect that, while probably each art and each science has often been developed as far as possible and has again perished, these opinions, with others, have been preserved until the present like relics of the ancient treasure.
6) Diogenes Laertius, X, 81. There is yet one more point to seize, namely, that the greatest anxiety of the human mind arises through the belief that the heavenly bodies are blessed and indestructible, and that at the same time they have volitions and actions ... inconsistent with this belief ... apprehending some evil because of the myths....

7) Ibid., X, 76. Nay more, we are bound to believe that in the sky revolution, solstices, eclipses, risings and settings, and the like, take place without the ministration or command, either now or in the future, of any being who at the same time enjoys perfect bliss along with immortality. 77. For troubles and anxieties ... do not accord with bliss, but always imply weakness and fear and dependence upon one's neighbours. Nor, again, must we hold that things which are no more than globular masses of fire, being at the same time endowed with bliss, assume these motions at will.... Otherwise such inconsistency will of itself suffice to produce the worst disturbance in our minds.

8) Aristotle, On the Heavens, II, 1 [284a, 18-20]. Hence we must not believe the old tale which says that the world needs some Atlas to keep it safe.

9) Diogenes Laertius, X, 85. So you (i.e., Pythocles) will do well to take and learn them and get them up quickly along with the short epitome in my letter to Herodotus.

10) Ibid., X, 85. In the first place, remember that, like everything else, knowledge of celestial phenomena, whether taken along with other things or in isolation, as well as of the other sciences, has no other end in view than peace of mind and firm conviction.

Ibid., X, 82. But mental tranquillity means being released from all these troubles and cherishing a continual remembrance of the highest and most important truths.

11) Ibid., X, 87. For our life has no need now of ideologies and false opinions; our one need is untroubled existence.

Ibid., X, 78. Further, we must hold that to arrive at accurate knowledge of the cause of things of most moment is the business of natural science, and that happiness depends on this (viz. on the knowledge of celestial phenomena).

Ibid., X, 79. There is nothing in the knowledge of risings and settings and solstices and eclipses and all kindred subjects that contributes to our happiness; but those who are well informed about such matters and yet are ignorant what the heavenly bodies really are, and what are the most important causes of phenomena, feel quite as much fear as those who have no such special information—nay, perhaps even greater fear.

12) Ibid., X, 86. We do not seek to wrest by force what is impossible, nor to understand all matters equally well, nor make our treatment always as clear as when we discuss human life or explain the principles of ethics in general ... for instance, that the whole of being consists of bodies and intangible nature, or that the ultimate elements of things are indivisible, or any other proposition which admits only one explanation of the phenomena to be possible. But this is not the case with celestial phenomena.

13) Ibid., X, 86. These at any rate admit of manifold causes for their occurrence and manifold accounts, none of them contradictory of sensation, of their nature.
For in the study of nature [physiology] we must not conform to empty assumptions and arbitrary laws, but follow the promptings of the facts.

14) Ibid., X, 92.
15) Ibid., X, 94.
16) Ibid., X, 95 and 96.
17) Ibid., X, 98.
18) Ibid., X, 104. And [says Epicurus] there are several other ways in which thunderbolts may possibly be produced. Exclusion of myth is the sole condition necessary; and it will be excluded, if one properly attends to the facts and hence draws inferences to interpret what is obscure.
19) Ibid., X, 80. When, therefore, we investigate the causes of celestial phenomena, as of all that is unknown, we must take into account the variety of ways in which analogous occurrences happen within our experience.
20) Ibid., X, 78. Further, we must recognise on such points as this plurality of causes or contingency....
21) Ibid., X, 98. Whereas those who adopt only one explanation are in conflict with the facts and are utterly mistaken as to the way in which man can attain knowledge.
hold of a possible method, but fell into the folly of supposing that these events happen in one single way only and of rejecting all the others which are possible, suffering themselves to be carried into the realm of the unintelligible, and being unable to take a comprehensive view of the facts which must be taken as clues to the rest.

Ibid., X, 93. ...unmoved by the servile artifices of the astrologers.

Ibid., X, 87. ...we clearly fall away from the study of nature altogether and tumble into myth.

Ibid., X, 80. Therefore we must ... investigate the causes of celestial phenomena, as of all that is unknown, [...] while as for those who do not recognise the difference between what is or comes about from a single cause and that which may be the effect of any one of several causes, overlooking the fact that the objects are only seen at a distance, and are moreover ignorant of the conditions that render, or do not render, peace of mind impossible—all such persons we must treat with contempt.

22) Ibid., X, 80. We must not suppose that our treatment of these matters fails of accuracy, so far as it is needful to ensure our tranquillity and happiness.

23) Ibid., X, 78. ... but we must hold that nothing suggestive of conflict or disquiet is compatible with an immortal and blessed nature. And the mind can grasp the absolute truth of this.


25) Ibid., I, 10 [279b, 25-26]. Suppose that the world was formed out of elements which were formerly otherwise conditioned than as they are now. Then ... if their condition was always so and could not have been otherwise, the world could never have come into being.

26) Athenaeus, Banquet of the Learned, III, 104. ... One ... must with good reason approve the noble Chrysippus for his shrewd comprehension of Epicurus' "Nature", and his remark that the very centre of the Epicurean philosophy is the Gastrology of Archestratus....

CRITIQUE OF PLUTARCH’S POLEMIC AGAINST THE THEOLOGY OF EPICURUS

I. THE RELATIONSHIP OF MAN TO GOD

1. Fear and the Being Beyond

1) Plutarch, That Epicurus Actually Makes a Pleasant Life Impossible (published by Xylander), II, 1100. ...one point, that of pleasure they derive from these views, has, I should say, been dealt with (i.e., from Epicurus): ... their theory ... does remove a certain superstitious fear; but it allows no joy and delight to come to us from the gods.

2) [Holbach,] System of Nature (London, 1770), II, p. 9. The idea of such powerful agencies has always been associated with that of terror; their name always reminded man of his own calamities or those of his fathers; we tremble today because our ancestors have trembled for thousands of years. The idea of Divinity always awakens in us distressing ideas ... our present fears and lugubrious thoughts ... rise every time before our mind when we hear his name. Comp. p. 79. When man bases morality on the not too moral character of a God who changes his behaviour, then he can never know what he owes to God nor what he owes to himself or to others. Nothing therefore could be more dangerous than to persuade man that a being superior to nature exists, a being before whom reason must be silent and to whom man must sacrifice all to receive happiness.

3) Plutarch, l.c., 1101. For since they fear him [God] as a ruler mild to the good and hating the wicked, by this one fear, which keeps them from doing wrong, they are freed from the many that attend on crime, and since they keep their viciousness within themselves, where it gradually as it were dies down, they are less tormented than those who make free with it and venture on overt acts, only to be filled at once with terror and regret.

2. Cult and the Individual

4) Plutarch, l.c., 1101. No, wherever it [i.e., the soul] believes and conceives most firmly that the god is present, there more than anywhere else it puts away all feelings of pain, of fear and of worry, and gives itself up so far to pleasure that it indulges in a playful and merry inebriation, in amatory matters....

5) Ibid., l.c.

6) Ibid., l.c., 1102. For it is not the abundance of wine or the roast meats that cheer the heart at festivals, but good hope and the belief in the benign presence of the god and his gracious acceptance of what is done.
3. Providence and the Degraded God

7) Plutarch, I.e., 1102. ... how great their pleasures are, since their beliefs about God are purified from error: that he is our guide to all blessings, the father of everything honourable, and that he may no more do than suffer anything base. For he is good, and in none that is good arises envy about aught or fear or anger or hatred; for it is as much the function of heat to chill instead of warm as it is of good to harm. By its nature anger is farthest removed from favour, wrath from goodwill, and from love of man and kindness, hostility and the spreading of terror; for the one set belong to virtue and power, the other to weakness and vice. Consequently it is not true that Heaven is prey to feelings of anger and favour; rather, because it is God's nature to bestow favour and lend aid, it is not his nature to be angry and do harm.

8) Ibid. Do you think that deniers of providence require any other punishment, and are not adequately punished when they extirpate from themselves so great a pleasure and delight?

9a "But he is not a weak intellect who does not know an objective God, but he who wants to know one." Schelling, "Philosophical Letters on Dogmatism and Criticism" [in German] in Philosophische Schriften, Vol. I, Landshut, 1809, p. 127, Letter 11.

Herr Schelling should at any rate be advised to give again some thought to his first writings. For example, we read in his essay "on the Ego as principle of philosophy":

For example, let us assume God, insofar as he is determined as object, "as the real foundation of our cognition, then he belongs himself, insofar as he is object, in the sphere of our cognition, and therefore cannot be for us the ultimate point on which this entire sphere is suspended" (I.e., p. 5).

Finally, we remind Herr Schelling of the last words of the letter from which we have just quoted:

"The time has come to proclaim to the better part of humanity the freedom of minds, and not to tolerate any longer that they deplore the loss of their fetters". P. 129, I.e.

When the time already had come in 1795, how about the year 1841? 33

We might bring up for this occasion a theme that has well-nigh become notorious, namely, the proofs of the existence of God. Hegel has turned all these theological demonstrations upside-down, that is, he has rejected them in order to justify them. What kind of clients are those whom the defending lawyer can only save from conviction by killing them himself? For instance, Hegel interpreted the conclusion from the world to God as meaning: "Since the accidental does not exist, God or Absolute exists." 34 However, the theological demonstration is the opposite: "Since the accidental...
has true being, God exists.” God is the guarantee for the world of the accidental. It is obvious that with this the opposite also has been stated.

The proofs of the existence of God are either mere hollow tautologies. Take for instance the ontological proof. This only means:

“that which I conceive for myself in a real way (realiter), is a real concept for me”,
something that works on me. In this sense all gods, the pagan as well as the Christian ones, have possessed a real existence. Did not the ancient Moloch reign? Was not the Delphic Apollo a real power in the life of the Greeks? Kant’s critique means nothing in this respect. If somebody imagines that he has a hundred talers, if this concept is not for him an arbitrary, subjective one, if he believes in it, then these hundred imagined talers have for him the same value as a hundred real ones. For instance, he will incur debts on the strength of his imagination, his imagination will work, in the same way as all humanity has incurred debts on its gods. The contrary is true. Kant’s example might have enforced the ontological proof. Real talers have the same existence that the imagined gods have. Has a real taler any existence except in the imagination, if only in the general or rather common imagination of man? Bring paper money into a country where this use of paper is unknown, and everyone will laugh at your subjective imagination. Come with your gods into a country where other gods are worshipped, and you will be shown to suffer from fantasies and abstractions. And justly so. He who would have brought a Wendic god to the ancient Greeks would have found the proof of this god’s non-existence. Indeed, for the Greeks he did not exist. That which a particular country is for particular alien gods, the country of reason is for God in general, a region in which he ceases to exist.

As to the second alternative, that such proofs are proofs of the existence of essential human self-consciousness, logical explanations of it, take for example the ontological proof. Which being is immediate when made the subject of thought? Self-consciousness.

Taken in this sense all proofs of the existence of God are proofs

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<sup>a</sup> “Existence” corrected from “power”.— *Ed.*

<sup>b</sup> After “reign” the words “to whom human sacrifices were offered” were crossed out.— *Ed.*

<sup>c</sup> “He ceases to exist” corrected from “his non-existence is demonstrated”.— *Ed.*
of his non-existence. They are refutations of all concepts of a God. The true proofs should have the opposite character: "Since nature has been badly constructed, God exists", "Because the world is without reason, therefore God exists", "Because there is no thought, there is God". But what does that say, except that, for whom the world appears without reason, hence who is without reason himself, for him God exists? Or lack of reason is the existence of God.

"... when you presuppose the idea of an objective God, how can you talk of laws that reason produces out of itself, since autonomy can only belong to an absolutely free being." Schelling, I.c., p. 198 [Letter X].

"It is a crime against humanity to hide principles that can be generally communicated." Ibid., p. 199.
The treatise that I herewith submit to the public is an old piece of work and was originally intended as part of a comprehensive exposition of Epicurean, Stoic, and Sceptic philosophy. At present, however, political and philosophical arrangements of an entirely different kind prevent me from bringing such a task to completion.

Only now the time has come in which the systems of the Epicureans, Stoics and Sceptics can be understood. They are the philosophers of self-consciousness. These lines will at any rate show how little has so far been achieved towards solving this problem.

Written in late 1841 and early 1842
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Printed according to the manuscript
Published in English for the first time

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The following passage is crossed out in the manuscript: "Since in the meantime political as well as philosophical work of more immediate interest prevents for the time being my finishing a complete exposition of these philosophies—since I do not know when I shall again have the opportunity to return to this subject—I am content to...." — Ed.

The following passage is crossed out in the manuscript: "The Epicurean, Stoic, Sceptic philosophy, the philosophies of self-consciousness were just as much underestimated up to now by the philosophers as unspeculative and by the learned schoolmasters who also write history of philosophy as...." — Ed.
Draft of the preface to *Difference Between the Democritean and Epicurean Philosophy of Nature*
We are not one of those malcontents who, even before the appearance of the new Prussian censorship decree, exclaim: *Timeo Danaos et dona ferentes.* On the contrary, since an examination of already promulgated laws is approved in the new instruction, even if it should prove not to agree with the government's views, we are making a start with this at once. *Censorship is official criticism;* its standards are critical standards, hence they least of all can be exempted from criticism, being on the same plane as the latter.

Certainly everyone can only approve of the *general trend* expressed in the introduction to the instruction:

“In order *already now* to free the press from improper restrictions, which are against the intentions of the All-Highest, His Majesty the King, by a supreme order issued to the royal state ministry on the 10th of this month, has been pleased to disapprove expressly of any undue constraint on the activity of writers and, recognising the value and need of frank and decent publicity, has empowered us to direct the censors anew to due observance of Article II of the censorship decree of October 18, 1819.”

Certainly! If censorship is a necessity, frank liberal censorship is still more necessary.

What might immediately arouse some surprise is the *date* of the law cited; it is dated October 18, 1819. What? Is it perhaps a law which conditions of time made it necessary to repeal? Apparently not; for the censors are only directed “*anew*” to ensure observance of it. Hence the law has existed until 1842, but it has not been observed, for it has been called to mind “in order *already now*” to

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*a* I fear the Greeks, even when bringing gifts (Virgil, *Aeneid*, II, 49).—*Ed.*
free the press from improper restrictions, which are against the intentions of the All-Highest.

The press, in spite of the law, has until now been subjected to improper restrictions— that is the immediate conclusion to be drawn from this introduction.

Is this then an argument against the law or against the censors?

We can hardly assert the latter. For twenty-two years illegal actions have been committed by an authority which has in its charge the highest interest of the citizens, their minds, by an authority which regulates, even more than the Roman censors did, not only the behaviour of individual citizens, but even the behaviour of the public mind. Can such unscrupulous behaviour of the highest servants of the state, such a thoroughgoing lack of loyalty, be possible in the well-organised Prussian state, which is proud of its administration? Or has the state, in continual delusion, selected the most incapable persons for the most difficult posts? Or, finally, has the subject of the Prussian state no possibility of complaining against illegal actions? Are all Prussian writers so ignorant and foolish as to be unacquainted with the laws which concern their existence, or are they too cowardly to demand their observance?

If we put the blame on the censors, not only their own honour, but the honour of the Prussian state, and of the Prussian writers, is compromised.

Moreover, the more than twenty years of illegal behaviour of the censors in defiance of the law would provide argumentum ad hominem that the press needs other guarantees than such general instructions for such irresponsible persons; it would provide the proof that there is a basic defect in the nature of the censorship which no law can remedy.

If, however, the censors were capable, and the law was no good, why appeal to it afresh for removal of the evil it has caused?

Or should, perhaps, the objective defects of an institution be ascribed to individuals, in order fraudulently to give the impression of an improvement without making any essential improvement? It is the habit of pseudo-liberalism, when compelled to make concessions, to sacrifice persons, the instruments, and to preserve the thing itself, the institution. In this way the attention of a superficial public is diverted.

Resentment against the thing itself becomes resentment against persons. It is believed that by a change of persons the thing itself

\[\text{a Convincing proof (literally: an argument to the man).— Ed.}\]
has been changed. Attention is deflected from the censorship to individual censors, and those petty writers of progress by command allow themselves petty audacities against those who have fallen out of favour and perform just as many acts of homage towards the government.

Yet another difficulty confronts us.

Some newspaper correspondents take the censorship instruction for the new censorship decree itself. They are mistaken, but their mistake is pardonable. The censorship decree of October 18, 1819, was to continue only provisionally until 1824, and it would have remained a provisional law to the present day if we had not learnt from the instruction now before us that it has never been implemented.

The 1819 decree was also an *interim* measure, with the difference that in its case a definite period of expectation of five years was indicated, whereas in the new instruction it is of unlimited duration, and that *at that time laws on the freedom of the press* were the object of expectation whereas *now* it is *laws on censorship*.

Other newspaper correspondents regard the censorship instruction as a refurbishing of the old censorship decree. Their error will be refuted by the instruction itself.

We regard the censorship instruction as the *anticipated spirit* of the presumable censorship law. In so doing we adhere strictly to the spirit of the 1819 censorship decree, according to which *laws and ordinances* are of equal significance for the press. (See the above-mentioned decree, Article XVI, No. 2.)

Let us return to the instruction.

"According to this law," namely, Article II, "the censorship should not prevent serious and modest investigation of truth, nor impose undue constraint on writers, or hinder the book trade from operating freely."

The investigation of truth which should not be prevented by the censorship is more particularly defined as one which is serious and modest. Both these definitions concern not the content of the investigation, but rather something which lies outside its content. From the outset they draw the investigation away from truth and make it pay attention to an unknown third thing. An investigation which continually has its eyes fixed on this third element, to which the law gives a legitimate capriciousness, will it not lose sight of the truth? Is it not the first duty of the seeker after truth to aim directly at the truth, without looking to the right or left? Will I not forget the essence of the matter, if I am obliged not to forget to state it in the prescribed form?
Truth is as little modest as light, and towards whom should it be so? Towards itself? Verum index sui et falsi. Therefore, towards falsehood?

If modesty is the characteristic feature of the investigation, then it is a sign that truth is feared rather than falsehood. It is a means of discouragement at every step forward I take. It is the imposition on the investigation of a fear of reaching a result, a means of guarding against the truth.

Further, truth is general, it does not belong to me alone, it belongs to all, it owns me, I do not own it. My property is the form, which is my spiritual individuality. Le style c'est l'homme. Yes, indeed! The law permits me to write, only I must write in a style that is not mine! I may show my spiritual countenance, but I must first set it in the prescribed folds! What man of honour will not blush at this presumption and not prefer to hide his head under the toga? Under the toga at least one has an inkling of a Jupiter's head. The prescribed folds mean nothing but bonne mine à mauvais jeu.

You admire the delightful variety, the inexhaustible riches of nature. You do not demand that the rose should smell like the violet, but must the greatest riches of all, the spirit, exist in only one variety? I am humorous, but the law bids me write seriously. I am audacious, but the law commands that my style be modest. Grey, all grey, is the sole, the rightful colour of freedom. Every drop of dew on which the sun shines glistens with an inexhaustible play of colours, but the spiritual sun, however many the persons and whatever the objects in which it is refracted, must produce only the official colour! The most essential form of the spirit is cheerfulness, light, but you make shadow the sole manifestation of the spirit; it must be clothed only in black, yet among flowers there are no black ones. The essence of the spirit is always truth itself but what do you make its essence? Modesty. Only the mean wretch is modest, says Goethe, and you want to turn the spirit into such a mean wretch? Or if modesty is to be the modesty of genius of which Schiller speaks, then first of all turn all your citizens and above all your censors into geniuses. But then the modesty of genius does not consist in what educated speech

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a Truth is the touchstone of itself and of falsehood (Spinoza, Ethics, Part II, Prop. 43).— Ed.
b Style is the man.— Ed.
c To put a good face on a bad job.— Ed.
d J. Goethe, Rechenschaft.— Ed.
e F. Schiller, Über naive und sentimentalische Dichtung.— Ed.
consists in, the absence of accent and dialect, but rather in speaking with the accent of the matter and in the dialect of its essence. It consists in forgetting modesty and immodesty and getting to the heart of the matter. The universal modesty of the mind is reason, that universal liberality of thought which reacts to each thing according to the latter's essential nature.

Further, if seriousness is not to come under Tristram Shandy's definition according to which it is a hypocritical behaviour of the body in order to conceal defects of the soul, but signifies seriousness in substance, then the entire prescription falls to the ground. For I treat the ludicrous seriously when I treat it ludicrously, and the most serious immodesty of the mind is to be modest in the face of immodesty.

Serious and modest! What fluctuating, relative concepts! Where does seriousness cease and jocularity begin? Where does modesty cease and immodesty begin? We are dependent on the temperament of the censor. It would be as wrong to prescribe temperament for the censor as to prescribe style for the writer. If you want to be consistent in your aesthetic criticism, then forbid also a too serious and too modest investigation of the truth, for too great seriousness is the most ludicrous thing of all, and too great modesty is the bitterest irony.

Finally, the starting point is a completely perverted and abstract view of truth itself. All objects of the writer's activity are comprehended in the one general concept "truth". Even if we leave the subjective side out of account, viz., that one and the same object is refracted differently as seen by different persons and its different aspects converted into as many different spiritual characters, ought the character of the object to have no influence, not even the slightest, on the investigation? Truth includes not only the result but also the path to it. The investigation of truth must itself be true; true investigation is developed truth, the dispersed elements of which are brought together in the result. And should not the manner of investigation alter according to the object? If the object is a matter for laughter, the manner has to seem serious, if the object is disagreeable, it has to be modest. Thus you violate the right of the object as you do that of the subject. You conceive truth abstractly and turn the spirit into an examining magistrate, who draws up a dry protocol of it.

Or is there no need of this metaphysical twisting? Is truth to be understood as being simply what the government decrees, so that investigation is added as a superfluous, intrusive element, but

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which for *etiquette's sake* is not to be entirely rejected? It almost seems so. For investigation is understood in advance as in *contradiction* to truth and therefore appears with the suspicious official accompaniment of seriousness and modesty, which of course is fitting for the layman in relation to the priest. The government's understanding is the only state reason. True, in certain circumstances of time, concessions have to be made to a different understanding and its chatter, but this understanding comes on the scene conscious of the concession and of its own lack of right, modest and submissive, serious and tedious. If Voltaire says: "*Tous les genres sont bons, excepté le genre ennuyeux*", a in the present case the genre *ennuyant* b becomes the exclusive one, as is already sufficiently proved by the reference to the "proceedings of the Rhine Province Assembly". Why not rather the good old German curialistic style? You may write freely, but at the same time every word must be a curtsey to the liberal censorship, which allows you to express your equally serious and modest opinions. Indeed, do not lose your feeling of reverence!

The *legal emphasis* is not on truth but on modesty and seriousness. Hence everything here arouses suspicion: seriousness, modesty and, above all, truth, the indefinite scope of which seems to conceal a very definite but very doubtful kind of truth.

"The censorship," the instruction states further, "should therefore by no means be implemented in a narrow-minded interpretation going beyond this law."

By *this law* is meant in the first place Article II of the 1819 decree, but later the instruction refers to the "*spirit*" of the censorship decree as a whole. The two provisions are easily combined. Article II is the *concentrated spirit* of the censorship decree, the further subdivision and more detailed specification of this spirit being found in the other articles. We believe the above-mentioned spirit cannot be better characterised than by the following expressions of it:

Article VII. "The freedom from censorship hitherto accorded the Academy of Sciences and the universities is hereby suspended for five years."

§10. "The present temporary decision shall remain in force for five years from today. Before the expiry of this term there shall be a thorough investigation in the Bundestag of how the kind of provisions regarding *freedom of the press* proposed in Article 18 of the Bundesakte could be put into effect, and thereby a definite decision reached on the legitimate limits of freedom of the press in Germany."

A law which suspends *freedom of the press* where it has hitherto

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a "All kinds are good except the kind that bores you." F. Voltaire, *L'enfant prodigue.— Ed.*

b The annoying kind.— *Ed.*
Comments on Latest Prussian Censorship Instruction

existed, and makes it superfluous through censorship where it was to be brought into existence, can hardly be called one favourable to the press. Moreover, §10 directly admits that provisionally a censorship law will be introduced instead of the freedom of the press proposed in Article 18 of the Bundesakte and perhaps intended to be put into effect at some time. This quid pro quo at least reveals that the circumstances of the time called for restrictions on the press, and that the decree owes its origin to distrust of the press. This annoyance is even excused by being termed provisional, valid for only five years—unfortunately it has lasted for 22 years.

The very next line of the instruction shows how it becomes involved in a contradiction. On the one hand, it will not have the censorship implemented in any interpretation that goes beyond the decree, and at the same time it prescribes such excess:

“The censor can very well permit a frank discussion also of internal affairs.”

The censor can, but he does not have to, there is no necessity. Even this cautious liberalism very definitely goes not only beyond the spirit but beyond the definite demands of the censorship decree. The old censorship decree, to be exact, Article II cited in the instruction, not only does not permit any frank discussion of Prussian affairs, but not even of Chinese affairs.

“Here,” namely, among violations of the security of the Prussian state and the German Federated States, the instruction comments, “are included all attempts to present in a favourable light parties existing in any country which work for the overthrow of the state system.”

Is this the way a frank discussion of Chinese or Turkish national affairs is permitted? And if even such remote relations endanger the precarious security of the German Federation, how can any word of disapproval about internal affairs fail to do so?

Thus, on the one hand, the instruction goes beyond the spirit of Article II of the censorship decree in the direction of liberalism—an excess whose content will become clear later, but which is already formally suspicious inasmuch as it claims to be the consequence of Article II, of which wisely only the first half is quoted, the censor however being referred at the same time to the article itself. On the other hand, the instruction just as much goes beyond the censorship decree in an illiberal direction and adds new press restrictions to the old ones.

In the above-quoted Article II of the censorship decree it is stated:

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* The confusion of one thing with another.—Ed.
"Its aim" (that of the censorship) "is to check all that is contrary to the general principles of religion, irrespective of the opinions and doctrines of individual religious parties and sects permitted in the state."

In 1819, rationalism still prevailed, which understood by religion in general the so-called religion of reason. This rationalist point of view is also that of the censorship decree, which at any rate is so inconsistent as to adopt the irreligious point of view while its aim is to protect religion. For it is already contrary to the general principles of religion to separate them from the positive content and particular features of religion, since each religion believes itself distinguished from the various other would-be religions by its special nature, and that precisely its particular features make it the true religion. In quoting Article II, the new censorship instruction omits the restrictive additional clause by which individual religious parties and sects are excluded from inviolability, but it does not stop at this and makes the following comment:

" Anything aimed in a frivolous, hostile way against the Christian religion in general, or against a particular article of faith, must not be tolerated."

The old censorship decree does not mention the Christian religion at all; on the contrary, it distinguishes between religion and all individual religious parties and sects. The new censorship instruction does not only convert religion in general into the Christian religion, but adds further a particular article of faith. A delightful product of our Christianised science! Who will still deny that it has forged new fetters for the press? Religion, it is said, must not be attacked, whether in general or in particular. Or do you perhaps believe that the words frivolous and hostile have made the new fetters into chains of roses? How adroitly it is written: frivolous, hostile! The adjective frivolous appeals to the citizen's sense of decorum, it is the exoteric word for the world at large, but the adjective hostile is whispered into the censor's ear, it is the legal interpretation of frivolity. We shall find in this instruction more examples of this subtle tact, which offers the public a subjective word that makes it blush and offers the censor an objective word that makes the author grow pale. In this way even lettres de cachet 41 could be set to music.

And in what a remarkable contradiction the censorship instruction has entangled itself! It is only a half-hearted attack that is frivolous, one which keeps to individual aspects of a phenomenon, without being sufficiently profound and serious to touch the essence of the matter; it is precisely an attack on a merely particular feature as such that is frivolous. If, therefore, an attack on the
Christian religion in general is forbidden, it follows that only a frivolous attack on it is permitted. On the other hand, an attack on the general principles of religion, on its essence, on a particular feature \textit{insofar as it is a manifestation} of the essence, is a hostile attack. Religion can only be attacked in \textit{a hostile or a frivolous} way, there is no third way. This inconsistency in which the instruction entangles itself is, of course, only a \textit{seeming} one, for it depends on the semblance that in general \textit{some kind} of attack on religion is still permitted. But an unbiassed glance suffices to realise that this semblance is only a semblance. Religion must not be attacked, whether in a hostile or a frivolous way, whether in general or in particular, \textit{therefore not at all}.

But if the instruction, in open contradiction to the 1819 censorship decree, imposes new fetters on the \textit{philosophical press}, it should at least be sufficiently consistent as to free the \textit{religious press} from the old fetters imposed on it by the former rationalist decree. For it declares that the aim of the censorship is also

\begin{quote}
"to oppose fanatical transference of religious articles of faith into politics and the \textit{confusion of ideas} resulting therefrom\".
\end{quote}

The new instruction, it is true, is clever enough not to mention this provision in its \textit{commentary}, nevertheless it accepts it in \textit{citing Article II}. What does fanatical transference of religious articles of faith into politics mean? It means making religious articles of faith, by their specific nature, a determining factor of the state; it means making the \textit{particular nature of a religion} the measuring-rod of the \textit{state}. The old censorship decree could rightly oppose this confusion of ideas, for it left a particular religion, its definite content, open to criticism. The old decree, however, was based on the shallow, superficial \textit{rationalism} which you yourselves despised. But you, who base the state even in details on \textit{faith} and \textit{Christianity}, who want to have a \textit{Christian state}, how can you still recommend the censorship to prevent this confusion of ideas?

The confusion of the political with the Christian-religious principle has indeed become \textit{official doctrine}. We want to make this confusion clear in a few words. Speaking only of Christianity as the recognised religion, you have in your state Catholics and Protestants. Both make equal claims on the state, just as they have equal duties to it. They both leave their religious differences out of account and demand equally that the state should be the realisation of political and juridical reason. But you want a \textit{Christian state}. If your state is only \textit{Lutheran-Christian}, then for the \textit{Catholic} it becomes a church to which he does not belong,
which he must reject as heretical, and whose innermost essence is contrary to him. It is just the same the other way round. If, however, you make the general spirit of Christianity the particular spirit of your state, you nevertheless decide on the basis of your Protestant views what the general spirit of Christianity is. You define what a Christian state is, although the recent period has taught you that some government officials are unable to draw the line between the religious and the secular, between state and church. In regard to this confusion of ideas, it was not censors but diplomats who had, not to decide, but to negotiate. Finally, you are adopting a heretical point of view when you reject definite dogma as non-essential. If you call your state a general Christian state, you are admitting with a diplomatic turn of phrase that it is un-Christian. Hence either forbid religion to be introduced at all into politics—but you don’t want that, for you want to base the state not on free reason, but on faith, religion being for you the general sanction for what exists—or allow also the fanatical introduction of religion into politics. Let religion concern itself with politics in its own way, but you don’t want that either. Religion has to support the secular authority, without the latter subordinating itself to religion. Once you introduce religion into politics, it is intolerable, indeed irreligious, arrogance to want to determine secularly how religion has to act in political matters. He who wants to ally himself with religion owing to religious feelings must concede it the decisive voice in all questions, or do you perhaps understand by religion the cult of your own unlimited authority and governmental wisdom?

There is yet another way in which the orthodox spirit of the new censorship instruction comes into conflict with the rationalism of the old censorship decree. The latter includes under the aim of the censorship also suppression of “what offends against morality and good manners”. The instruction reproduces this passage as a quotation from Article II. Its commentary, however, while making additions as regards religion, contains omissions as regards morality. Offending against morality and good manners becomes violation of “propriety and manners and external decorum”. One sees: morality as such, as the principle of a world that obeys its own laws, disappears, and in place of the essence external manifestations make their appearance, police respectability, conventional decorum. Honour to whom honour is due, we recognise true consistency here. The specifically Christian legislator cannot recognise morality as an independent sphere that is sacrosanct in itself, for he claims that its inner general essence belongs to religion. Independent morality offends against the general principles of religion, but the
particular concepts of religion conflict with morality. Morality recognises only its own universal and rational religion, and religion recognises only its particular positive morality. Hence, according to this instruction, the censorship must reject the intellectual heroes of morality, such as Kant, Fichte and Spinoza, as irreligious, as violating propriety, manners, and external decorum. All these moralists start out from a contradiction in principle between morality and religion, for morality is based on the autonomy of the human mind, religion on its heteronomy. Let us turn from these undesirable innovations of the censorship—on the one hand, the weakening of its moral conscience, on the other hand, the rigorous heightening of its religious conscience—to what is more welcome, the concessions.

It “follows in particular that writings in which the state administration is assessed as a whole or in its individual branches, laws that have been or are still to be promulgated are examined for their inner value, mistakes and misconceptions revealed, improvements indicated or suggested, are not to be rejected because they are written in a spirit that does not agree with the government's views, as long as their formulation is decent and their tendency well-meaning”.

Modesty and seriousness of investigation—both the new instruction and the censorship decree make this demand, but for the former decorous formulation is as little sufficient as truth of content. For it the tendency is the main criterion, indeed it is its all-pervading thought, whereas in the decree itself not even the word tendency is to be found. Nor does the new instruction say what constitutes tendency, but how important it is for it may be seen from the following extract:

“In this connection it is an indispensable premise that the tendency of remonstrances expressed against measures of the government should not be spiteful or malevolent, but well-intentioned, and goodwill and insight are required of the censor so that he knows how to distinguish between the one case and the other. Considering this, the censors must also pay special attention to the form and tone of writings for the press and insofar as, owing to passion, vehemence and arrogance, their tendency is found to be pernicious, must not allow them to be printed.”

The writer, therefore, has fallen victim to the most frightful terrorism, and is subjected to the jurisdiction of suspicion. Laws against tendency, laws giving no objective standards, are laws of terrorism, such as were invented owing to the emergency needs of the state under Robespierre and the corruption of the state under the Roman emperors. Laws which make their main criterion not actions as such, but the frame of mind of the doer, are nothing but
positive sanctions for lawlessness. Better like that Russian Tsar\textsuperscript{a} to have everyone's beard cut off by Cossacks in his service than to make the state of mind due to which I wear a beard the criterion for the cutting.

Only insofar as I manifest myself externally, enter the sphere of the actual, do I enter the sphere of the legislator. Apart from my actions, I have no existence for the law, am no object for it. My actions are the sole thing by which the law has a hold on me; for they are the sole thing for which I demand a right of existence, a right of actuality, owing to which therefore I come within the sphere of actual law. The law which punishes tendency, however, punishes me not only for what I do, but for what I think, apart from my actions. It is therefore an insult to the honour of the citizen, a vexatious law which threatens my existence.

I can turn and twist as I will, it is not a question of the facts. My existence is under suspicion, my innermost being, my individuality, is considered bad, and it is for this opinion of me that I am punished. The law punishes me not for any wrong I commit, but for the wrong I do not commit. I am really being punished because my action is not against the law, for only because of that do I compel the lenient, well-meaning judge to seize on my bad frame of mind, which is clever enough not to come out in the open.

The law against a frame of mind is not a law of the state promulgated for its citizens, but the law of one party against another party. The law which punishes tendency abolishes the equality of the citizens before the law. It is a law which divides, not one which unites, and all laws which divide are reactionary. It is not a law, but a privilege. One may do what another may not do, not because the latter lacks some objective quality, like a minor in regard to concluding contracts; no, because his good intentions and his frame of mind are under suspicion. The moral state assumes its members to have the frame of mind of the state, even if they act in opposition to an organ of the state, against the government. But in a society in which one organ imagines itself the sole, exclusive possessor of state reason and state morality, in a government which opposes the people in principle and hence regards its anti-state frame of mind as the general, normal frame of mind, the bad conscience of a faction invents laws against tendency, laws of revenge, laws against a frame of mind which has its seat only in the government members themselves. Laws against frame of mind are based on an unprincipled frame of mind, on an immoral, material view of the state.

\textsuperscript{a} Peter the Great.— Ed.
They are the involuntary cry of a bad conscience. And how is a law of this kind to be implemented? By a means more revolting than the law itself: by spies, or by previous agreement to regard entire literary trends as suspicious, in which case, of course, the trend to which an individual belongs must also be inquired into. Just as in the law against tendency the legal form contradicts the content, just as the government which issues it lashes out against what it is itself, against the anti-state frame of mind, so also in each particular case it forms as it were the reverse world to its laws, for it applies a double measuring-rod. What for one side is right, for the other side is wrong. The very laws issued by the government are the opposite of what they make into law.

The new censorship instruction, too, becomes entangled in this dialectic. It contains the contradiction of itself doing, and making it the censor’s duty to do, everything that it condemns as anti-state in the case of the press.

Thus the instruction forbids writers to cast suspicion on the frame of mind of individuals or whole classes, and in the same breath it bids the censor divide all citizens into suspicious and unsuspicious, into well-intentioned and evil-intentioned. The press is deprived of the right to criticise, but criticism becomes the daily duty of the governmental critic. This reversal, however, does not end the matter. Within the press what was anti-state as regards content appeared as something particular, but from the aspect of its form it was something universal, that is to say, subject to universal appraisal.

However, now the thing is turned upside-down: the particular now appears justified in regard to its content, what is anti-state appears as the view of the state, as state law; in regard to its form, however, what is anti-state appears as something particular, that cannot be brought to the general light of day, that is relegated from the open air of publicity to the office files of the governmental critic. Thus the instruction wants to protect religion, but it violates the most general principle of all religions, the sanctity and inviolability of the subjective frame of mind. It makes the censor instead of God the judge of the heart. Thus it prohibits offensive utterances and defamatory judgments on individuals, but it exposes you every day to the defamatory and offensive judgment of the censor. Thus the instruction wants the gossip of evil-minded or ill-informed persons suppressed, but it compels the censor to rely on such gossip, on spying by ill-informed and evil-minded persons, degrading judgment from the sphere of objective content to that of subjective opinion or arbitrary action.
Thus suspicion must not be cast on the intention of the state, but the instruction starts out from suspicion in respect of the state. Thus no bad frame of mind must be concealed under a good appearance, but the instruction itself is based on a false appearance. Thus the instruction wants to enhance national feeling, but it is based on a view that humiliates the nation. Lawful behaviour and respect for the law are demanded of us, but at the same time we have to honour institutions which put us outside the law and introduce arbitrariness in place of law. We are required to recognise the principle of personality to such an extent that we trust the censor despite the defects of the institution of censorship, and you violate the principle of personality to such an extent that you cause personality to be judged not according to its actions but according to an opinion of the opinion of its actions. You demand modesty and your starting point is the monstrous immodesty of appointing individual servants of the state to spy on people's hearts, to be omniscient, philosophers, theologians, politicians, Delphic Apollos. On the one hand, you make it our duty to respect immodesty and, on the other hand, you forbid us to be immodest. The real immodesty consists in ascribing perfection of the genus to particular individuals. The censor is a particular individual, but the press becomes the embodiment of the whole genus. You order us to have trust, and you give distrust the force of law. You repose so much trust in your state institutions that you think they will convert a weak mortal, an official, into a saint, and make the impossible possible for him. But you distrust your state organism so much that you are afraid of the isolated opinion of a private person; for you treat the press as a private person. You assume that the officials will act quite impersonally, without animosity, passion, narrow-mindedness or human weakness. But what is impersonal, ideas, you suspect of being full of personal intrigue and subjective vileness. The instruction demands unlimited trust in the estate of officials, and it proceeds from unlimited distrust in the estate of non-officials. Why should we not pay tit for tat? Why should we not look with suspicion on precisely this estate of officials? Equally as regards character. From the outset one who is impartial should have more respect for the character of the critic who acts publicly than for the character of the critic who acts in secret.

What is at all bad remains bad, whoever personifies this badness, whether a private critic or one appointed by the government, but in the latter case the badness is authorised and regarded from above as a necessity to realise goodness from below.
The censorship of tendency and the tendency of censorship are a gift of the new liberal instruction. No one will blame us if we turn to the further provisions of the instruction with a certain misgiving.

"Offensive utterances and defamatory judgments on individuals are not suitable for publication."

Not suitable for publication! Instead of this mildness we could wish that an objective definition of offensive and defamatory judgments had been given.

"The same holds good for suspicion of the frame of mind of individuals or" (a significant or) "whole classes, for the use of party names and other such personal attacks."

Inadmissible, therefore, also are classification by categories, attacks on whole classes, use of party names—and man, like Adam, has to give everything a name for it to exist for him; party names are essential categories for the political press,

"Because, as Dr. Sassafras supposes,
Every illness for its cure
Must first receive a name."a

All this is included in personal attacks. How then is one to make a start? One must not attack an individual, and just as little the class, the general, the juridical person. The state will—and here it is right—tolerate no insults, no personal attacks; but by a simple "or" the general is also included in the personal. By "or" the general comes into it, and by means of a little "and" we learn finally that the whole question has been only of personal attacks. But as a perfectly simple consequence it follows that the press is forbidden all control over officials as over such institutions that exist as a class of individuals.

"If censorship is exercised in accordance with these directives in the spirit of the censorship decree of October 18, 1819, adequate scope will be afforded for decorous and candid publicity, and it is to be expected that thereby greater sympathy for the interests of the Fatherland will be aroused and thus national feeling enhanced."

We are ready to admit that in accordance with these directives for decorous publicity, decorous in the sense understood by the censorship, a more than adequate field of playb is afforded—the term field of play is happily chosen, for the field is calculated for a sportive press that is satisfied with leaps in the air. Whether it is adequate for a candid publicity, and where its candidness lies,

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a C. M. Wieland, Der Neue Amadis, No. 36.—Ed.
b A pun on the German word Spielraum, which means "scope" and "field of play".—Ed.
we leave to the readers' perspicacity. As for expectations held out by the instruction, national feeling may, of course, be enhanced just as the sending of a bow-string enhances the feeling of Turkish nationality: but whether the press, as modest as it is serious, will arouse sympathy for the interests of the Fatherland we shall leave it to decide for itself; a meagre press cannot be fattened with quinine. Perhaps, however, we have taken too serious a view of the passage quoted. We shall, perhaps, get at the meaning better if we regard it as merely a thorn in the wreath of roses. Perhaps this liberal thorn holds a pearl of very ambiguous value. Let us see. It all depends on the context. The enhancement of national feeling and the arousing of sympathy for the interests of the Fatherland, which in the above-cited passage are spoken of as an expectation, secretly turn into an order, which imposes a new constraint on our poor, consumptive daily press.

"In this way it may be hoped that both political literature and the daily press will realise their function better, that with the acquirement of richer material they will also adopt a more dignified tone, and in future will scorn to speculate on the curiosity of their readers through communication of baseless reports taken from foreign newspapers and originating from evil-minded or badly informed correspondents, by gossip and personal attacks—a trend against which it is the undoubted duty of the censorship to take measures."

In the way indicated it is hoped that political literature and the daily press will realise their function better, etc. However, better realisation cannot be ordered, moreover it is a fruit still to be awaited, and hope remains hope. But the instruction is much too practical to be satisfied with hopes and pious wishes. While the press is granted the hope of its future improvement as a new consolation, the kindly instruction at the same time deprives it of a right it has at present. In the hope of its improvement it loses what it still has. It fares like poor Sancho Panza, from whom all the food was snatched away under his eyes by the court doctor in order that his stomach should not be upset and make him incapable of performing the duties imposed on him by the duke. a

At the same time we ought not to miss the opportunity of inviting the Prussian writer to adopt this kind of decorous style. In the first part of the sentence it is stated: "In this way it may be hoped that". This that governs a whole series of provisions, namely, that political literature and the daily press will realise their function better, that they will adopt a more dignified tone, etc.,

a Cervantes, Don Quixote, Part IV, Ch. 47.—Ed.
etc., that they will scorn communication of baseless reports, etc., taken from foreign newspapers. All these provisions are still matters for hope; but the conclusion, which is joined to the foregoing by a dash: "a trend against which it is the undoubted duty of the censorship to take measures", absolves the censor from the boring task of awaiting the hoped-for improvement of the daily press, and instead empowers him to delete what he finds undesirable without more ado. *Internal treatment* has been replaced by *amputation*.

"To approach this aim more closely, however, requires that great care be taken in agreeing to new publications and new editors, so that the daily press will be entrusted only to completely irreproachable persons, whose scientific ability, position and character guarantee the seriousness of their efforts and the loyalty of their mode of thought."

Before we go into details, let us make one general observation. The approval of new editors, hence of future editors in general, is entrusted wholly to the "great care", naturally of the state officials, of the censorship, whereas at least the old censorship decree left the choice of editors, with certain guarantees, to the discretion of the publisher:

"Article IX. The supreme censorship authority is entitled to inform the publisher of a newspaper that a proposed editor is not such as to inspire the requisite trust, in which case the publisher is bound either to take another editor or, if he wants to retain the one designated, to furnish for him a security to be determined by our above-mentioned state ministries on the proposal of the above-mentioned supreme censorship authority."

The new censorship instruction expresses a quite different profundity, one could call it a *romanticism* of the spirit. Whereas the old censorship decree demands an external, prosaic, hence legally definable, security, on the guarantee of which even the objectionable editor is to be allowed, the instruction on the other hand takes away all independent will from the publisher of a newspaper. Moreover, it draws the attention of the preventive wisdom of the government, the great care and intellectual profundity of the authorities, to internal, subjective, externally indefinable, qualities. If, however, the indefiniteness, delicate sensitivity, and subjective extravagance of *romanticism* become purely external, merely in the sense that external chance no longer appears in its prosaic definiteness and limitation, but in a fantastic glory, in an imaginary profundity and splendour—then the instruction, too, can hardly avoid this *romantic fate*.

The editors of the daily press, a category which includes all journalistic activity, must be completely irreproachable men. "Scien-
"scientific qualification" is put forward in the first place as a guarantee of this complete irreproachability. Not the slightest doubt arises as to whether the censor can have the scientific qualification to pass judgment on scientific qualification of every kind. If such a crowd of universal geniuses known to the government are to be found in Prussia—every town has at least one censor—why do not these encyclopaedic minds come forward as writers? If these officials, overwhelming in their numbers and mighty owing to their scientific knowledge and genius, were all at once to rise up and smother by their weight those miserable writers, each of whom can write in only one genre, and even in that without officially attested ability, an end could be put to the irregularities of the press much better than through the censorship. Why do these experts who, like the Roman geese, could save the Capitol by their cackling remain silent? Their modesty is too great. The scientific public does not know them, but the government does.

And if these men are indeed such as no state has succeeded in discovering, for never has a state known whole classes composed solely of universal geniuses and encyclopaedic minds—how much greater must be the genius of the selectors of these men! What secret science must be theirs for them to be able to issue a certificate of universal scientific qualification to officials unknown in the republic of science! The higher we rise in this bureaucracy of intelligence, the more remarkable are the minds we encounter. For a state which possesses such pillars of a perfect press, is it worth the trouble, is it expedient to make these men the guardians of a defective press, to degrade the perfect into a means for dealing with the imperfect?

The more of these censors you appoint, the more you deprive the realm of the press of chances of improvement. You take away the healthy from your army in order to make them physicians of the unhealthy.

Merely stamp on the ground like Pompey and a Pallas Athena in complete armour will spring from every government building. Confronted by the official press, the shallow daily press will disintegrate into nothing. The existence of light suffices to expel darkness. Let your light shine, and hide it not under a bushel. Instead of a defective censorship whose full effectiveness you yourselves regard as problematic, give us a perfect press to whom you have only to give an order and a model of which has been in existence for centuries in the Chinese state.

But to make scientific qualification the sole, necessary condition for writers of the daily press, is that not a provision concerning
the mind, no favouring of privilege, no conventional demand? Is it not a stipulation as regards the matter, not a stipulation as regards the person?

Unfortunately the censorship instruction interrupts our panegyric. Alongside the guarantee of scientific qualification is the demand for that of position and character. Position and character!

Character, which follows so immediately after position, seems almost to be a mere outcome of the latter. Let us, therefore, take a look at position in the first place. It is so squeezed in between scientific qualification and character that one is almost tempted to doubt the good conscience that called for it.

The general demand for scientific qualification, how liberal! The special demand for position, how illiberal! Scientific qualification and position together, how pseudo-liberal! Since scientific qualification and character are very indefinite things, whereas position, on the other hand, is very definite, why should we not conclude that by a necessary law of logic the indefinite will be supported by the definite and obtain stability and content from it? Would it then be a great mistake on the part of the censor if he interpreted the instruction as meaning that position is the external form in which scientific qualification and character manifest themselves socially, the more so since his own position as censor is a guarantee for him that this view is the state's view? Without this interpretation it remains at least quite incomprehensible why scientific qualification and character are not adequate guarantees for a writer, why position is a necessary third. Now if the censor were to find himself in a quandary, if these guarantees were seldom or never present together, where should his choice fall? A choice has to be made, for someone has to edit newspapers and periodicals. Scientific qualification and character without position could present a problem for the censor on account of their indefiniteness, just as in general it must rightly be a surprise to him that such qualities could exist separately from position. On the other hand, ought the censor to have any doubts about character and science where position is present? In that case he would have less confidence in the judgment of the state than in his own, whereas in the opposite case he would have more confidence in the writer than in the state. Ought a censor to be so tactless, so ill-disposed? It is not to be expected and will certainly not be expected. Position, because it is the decisive criterion in case of doubt, is in general the absolutely decisive criterion.

Hence, just as earlier the instruction was in conflict with the censorship decree owing to its orthodoxy, now it is so owing to its
romanticism, which at the same time is always the poetry of tendency. The cash security, which is a prosaic, real guarantee, becomes an imaginary one, and this imaginary guarantee turns into the wholly real and individual position, which acquires a magical fictitious significance. In the same way the significance of the guarantee becomes transformed. The publisher no longer chooses an editor, for whom he gives a guarantee to the authorities, instead the authorities choose an editor for him, one for whom they give a guarantee to themselves. The old decree looked for the work of the editor, for which the publisher's cash security served as guarantee. The instruction, however, is not concerned with the work of the editor, but with his person. It demands a definite personal individuality, which the publisher's money should provide. The new instruction is just as superficial as the old decree. But whereas the latter by its nature expressed and delimited prosaically defined provisions, the instruction gives an imaginary significance to the purest chance and expresses what is merely individual with the fervour of generality.

Whereas, however, as regards the editor the romantic instruction expresses the extremely superficial definiteness in a tone of the most easy-going indefiniteness, as regards the censor it expresses the vaguest indefiniteness in a tone of legal definiteness.

"The same caution must be exercised in the appointment of censors, so that the post of censor shall be entrusted only to men of tested frame of mind and ability, who fully correspond to the honourable trust which that office presupposes; to men who are both right-thinking and keen-sighted, who are able to separate the form from the essence of the matter and with sure tact know how to set aside doubt where the meaning and tendency of a writing do not in themselves justify this doubt."

Instead of position and character as required of the writer, we have here the tested frame of mind, since position is already there. More significant is that whereas scientific qualification is demanded of the writer, what is demanded of the censor is ability without further definition. The old decree, which is drawn up in a rational spirit except in respect of politics, calls in Article III for "scientifically-trained" and even "enlightened" censors. In the instruction both attributes have been dropped, and instead of the qualification of the writer, which signifies a definite, well-developed ability that has become a reality, there appears in the case of the censor the aptitude for qualification, ability in general. Hence the aptitude for ability has to act as censor of actual qualification, however much in the nature of things the relationship should obviously be the
reverse. Finally, merely in passing, we note that the ability of the censor is not more closely defined as regards its \textit{objective} content, and this, of course, makes its character \textit{ambiguous}.

Further, the post of censor is to be entrusted to men "who \textit{fully correspond} to the honourable trust which that office presupposes". This pleonastic pseudo-definition, to select for an office men in whom one has trust that they (will?) \textit{fully correspond} to the honourable trust, certainly a very full trust, reposed in them, is not worth further discussion.

Finally, the censors must be men

"who are both right-thinking and keen-sighted, who are able to \textit{separate} the \textit{form} from the \textit{essence} of the matter and with sure \textit{tact} know how to \textit{set aside} doubt where the \textit{meaning} and \textit{tendency} of a writing do not \textit{in themselves} justify this doubt".

Earlier, on the other hand, the instruction prescribes:

"Considering this" (namely, the investigation of tendency), "the censors must also pay special attention to the \textit{form} and \textit{tone} of writings for the press and insofar as, owing to passion, vehemence and arrogance, their tendency is found to be pernicious, must not allow them to be printed."

On one occasion, therefore, the censor has to judge of the \textit{tendency from the form}, on another occasion, of the \textit{form from the tendency}. If previously \textit{content} had already disappeared as a criterion for censorship, now \textit{form} also disappears. As long as the tendency is good, \textit{faults of form} do not matter. Even if the work cannot be regarded exactly as very serious and modest, even if it may appear to be vehement, passionate, arrogant, who would let himself be frightened by the \textit{rough exterior}? One has to know how to distinguish between \textit{form} and \textit{essence}. All semblance of definitions had to be abandoned, the instruction had to end in a \textit{complete contradiction with itself}; for everything by which tendency is supposed to be recognised is, on the contrary, determined by the tendency and must be recognised from the tendency. The vehemence of the patriot is holy zeal, his passionateness is the sensitiveness of the lover, his arrogance a devoted sympathy which is too immeasurable to be moderate.

\textit{All objective standards} are abandoned, everything is finally reduced to the \textit{personal} relation, and the censor's \textit{tact has} to be called a guarantee. What then can the censor violate? Tact. But tactlessness is no crime. What is threatened as far as the writer is concerned? His existence. What state has ever made the existence of whole classes depend on the tact of individual officials?

I repeat, \textit{all objective standards are abandoned}. As regards the writer, tendency is the ultimate content that is demanded from him and prescribed to him. Tendency as formless opinion appears
as object. Tendency as subject, as opinion of opinion, is the censor's tact and his sole criterion.

But whereas the arbitrariness of the censor—and to sanction the authority of mere opinion is to sanction arbitrariness—is a logical consequence which was concealed under a semblance of objective definitions, the instruction on the other hand quite consciously expresses the arbitrariness of the Oberpräsidium; trust is reposed in the latter without reserve, and this trust reposed in the Oberpräsident is the ultimate guarantee of the press. Thus the essence of the censorship in general is based on the arrogant imaginary idea that the police state has of its officials. There is no confidence in the intelligence and goodwill of the general public even in the simplest matter; but even the impossible is considered possible for the officials.

This fundamental defect is inherent in all our institutions. Thus, for example, in criminal proceedings judge, accuser and defender are combined in a single person. This combination contradicts all the laws of psychology. But the official is raised above the laws of psychology, while the general public remains under them. Nevertheless, one could excuse a defective principle of state; it becomes unpardonable, however, if it is not honest enough to be consistent. The responsibility of the officials ought to be as immeasurably above that of the general public as the officials are above the latter, and it is precisely here, where consistency alone could justify the principle and make it legitimate within its sphere, it is precisely here that it is abandoned and the opposite principle applied.

The censor, too, is accuser, defender and judge in a single person; control of the mind is entrusted to the censor; he is irresponsible.

The censorship could have only a provisionally loyal character if it was subordinated to the regular courts. which of course is impossible so long as there are no objective laws governing censorship. But the worst method of all is to subject the censorship to censorship again, as by an Oberpräsident or supreme college of censors.

Everything that holds good of the relation of the press to the censorship holds good also of the relation of the censorship to the supreme censorship and that of the writer to the supreme censor, although an intermediate link is interposed. It is the same relation placed on a higher plane, the remarkable error of leaving matters alone and wanting to give them another nature through other persons. If the coercive state wanted to be loyal, it would abolish
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itself. Every point would require the same coercion and the same counter-pressure. The supreme censorship would have to be subjected to censorship in its turn. In order to escape from this vicious circle, it is decided to be disloyal; lawlessness now begins in the third or ninety-ninth stage. Because the bureaucratic state is vaguely conscious of this, it tries at least to place the sphere of lawlessness so high that it escapes the eye, and then believes that lawlessness has disappeared.

The real, radical cure for the censorship would be its abolition; for the institution itself is a bad one, and institutions are more powerful than people. Our view may be right or not, but in any case the Prussian writers stand to gain through the new instruction, either in real freedom, or in freedom of ideas, in consciousness.

*Rara temporum felicitas, ubi quae velis sentire et quae sentias dicere licet.\(^a\)*

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Signed: By a Rhinelander

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\(^a\) O rare happiness of the times, where it is permitted to think what you will and to say what you think (*Tacitus, Historiae*, 1, 1).—*Ed.*
To the amazement of all writing and reading Germany the Preussische Staats-Zeitung one fine Berlin spring morning published its self-confession. Of course, it chose an elegant, diplomatic, not exactly amusing, form for its confession. It gave itself the appearance of wanting to hold up the mirror for its sisters to recognise themselves; it spoke mysteriously only about other Prussian newspapers, while it was really speaking about the Prussian newspaper par excellence, itself.

This fact allows of many different explanations. Caesar spoke about himself in the third person. Why should the Preussische Staats-Zeitung, in speaking about third persons, not mean itself? Children, when speaking about themselves, are in the habit of saying not “I”, but “George”, etc. Why should not the Preussische Staats-Zeitung be allowed to use for its “I” the Vossische, Spenersche, or some other saint’s name?

The new censorship instruction had appeared. Our newspapers believed they had to adopt the outward appearance and conventional forms of freedom. The Preussische Staats-Zeitung, too, was compelled to awake and have some kind of liberal—or at least independent—ideas.

The first essential condition for freedom, however, is self-knowledge, and self-knowledge is an impossibility without self-confession.

Hence one should firmly keep in mind that the Preussische Staats-Zeitung has written self-confessions; one should never forget that we see here the first awakening to self-consciousness of a semi-official press-child, and then all riddles will be solved. One will
be convinced that the Preussische Staats-Zeitung “utters with composure many a great word”, and will only remain undecided whether one should admire more the composure of its greatness or the greatness of its composure.

Hardly had the censorship instruction appeared, hardly had the Staats-Zeitung recovered from this blow, before it came out with the question: “What use has the greater freedom from censorship been to you Prussian newspapers?”

Obviously, what it means to say by this is: What use have the many years of strict observance of the censorship been to me? What have I become, in spite of the most scrupulous and thoroughgoing supervision and tutelage? And what should now become of me? I have not learnt to walk and a sensation-loving public is expecting entrechats from one who has a dislocated hip-joint! So will it be for you, too, my sisters! Let us confess our weaknesses to the Prussian people, but let us be diplomatic in our confession. We shall not tell them outright that we are uninteresting. We shall tell them that if the Prussian newspapers are uninteresting for the Prussian people, the Prussian state is uninteresting for the newspapers.

The bold question of the Staats-Zeitung and the still bolder answer are mere preludes to its awakening, dream-like allusions in the text to the role that it will perform. It is awakening to consciousness, it is speaking its mind. Listen to Epimenides!

It is well known that the first theoretical activity of the mind that still wavers between sensuous perception and thinking is counting. Counting is the first free theoretical mental act of the child. Let us count, the Preussische Staats-Zeitung calls to its sisters. Statistics is the premier political science! I know a man’s head when I know how many hairs grow on it.

Do as you would be done by. And how could one better appreciate us and especially me, the Preussische Staats-Zeitung, than statistically! Statistics will not merely prove that I appear as often as any French or English newspaper, but also that I am less read than any newspaper in the civilised world. Discount the officials who half-heartedly have to be interested in me, subtract the public places which must have a semi-official organ, and who reads me, I ask, who? Calculate what I cost; calculate the income I receive, and you will admit that it is not a profitable business to utter great words with composure. See how cogent statistics are, how counting makes more far-reaching mental operations superfluous! Therefore count! Numerical tables instruct the public without exciting their emotions.
And the *Staats-Zeitung* with the importance it attaches to statistics not only puts itself on a par with the Chinese and with the universal statistician Pythagoras\(^9\) It shows that it has been influenced by the great natural philosopher of recent times\(^4\), who wanted to represent the differences between animals, etc., by a series of numbers.

Thus the *Preussische Staats-Zeitung* is not without modern philosophical foundations, in spite of its apparent positivism.\(^5\)

The *Staats-Zeitung* is many-sided. It does not stop at number, *temporal magnitude*. It carries the recognition of the quantitative principle further and proclaims the justification of *spatial magnitude*. Space is the first thing whose magnitude impresses the child. It is the first magnitude which the child encounters in the world. Hence the child holds a big man to be a great man, and in the same childish way the *Staats-Zeitung* informs us that *thick* books are incomparably better than *thin ones*, and much more so than single leaflets or *newspapers*, which produce only one printed sheet daily.

You Germans can only express yourselves at great length! Write really voluminous books on the organisation of the state, books of solid learning, which no one reads except the Herr Author and the Herr Reviewer, but bear in mind that your newspapers are not books. Think how many printed sheets go to make a solid work of three volumes! Therefore do not seek the spirit of our day or time in newspapers, which offer you statistical tables, but seek it in books, whose size guarantees their solidity.

Bear in mind, you good children, that it is a matter here of "learned" things. Study in the school of thick books and you will quickly get to love us newspapers on account of our flimsy format, our gentlemanly lightness, which is truly refreshing after the thick books.

Of course! Of course! Our time has no longer that real taste for size that we admire in the Middle Ages. Look at our paltry little pietistic tracts, look at our philosophical systems in small octavo, and then cast your eyes on the twenty gigantic folios of Duns Scotus. You do not need to read the books; their exciting aspect suffices to touch your heart and strike your senses, something like a Gothic cathedral. These primitive gigantic works materially affect the mind; it feels oppressed under their mass, and the feeling of oppression is the beginning of awe. You do not master the books, they master you. You are an unimportant appendage to

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\(^4\) Lorenz Oken.— *Ed.*
them, and in the same way, in the view of the *Preussische Staats-Zeitung*, the people should be an unimportant appendage of their political literature.

Thus the *Staats-Zeitung*, although its language is quite modern, is not without historical foundations belonging to the sterling period of the Middle Ages.

If, however, the theoretical thinking of the *child* is quantitative, its judgment, like its practical thought, is primarily practical and sensuous. The sensuous quality of the child is the first link that connects it with the world. The *practical organs of senses*, primarily the nose and mouth, are the first organs by means of which it *judges* the world. Hence the childish *Preussische Staats-Zeitung* judges the value of newspapers, and therefore its own value, by means of its *nose*. If a Greek thinker\(^a\) held that dry souls were the best,\(^5\) the *Staats-Zeitung* holds that “*pleasant-smelling*” newspapers are “*good*” newspapers. It cannot praise too highly the “*literary fragrance*” of the Augsburg *Allgemeine* and the *Journal des Débats*. Rare, praiseworthy naivity! Great Pompey, greatest of all!

After allowing us, therefore, a deep insight into the state of its soul by means of a number of separate praiseworthy utterances, the *Staats-Zeitung* sums up its view of the state in a profound reflection, the crux of which is the great discovery:

> “that in Prussia the state administration and the whole organisation of the state are remote from the political spirit, and therefore cannot be of *political* interest either to the people or to the newspapers”.

In the *opinion* of the *Preussische Staats-Zeitung*, therefore, in Prussia the state administration has no political spirit, or the political spirit has no state administration. How crude of the *Staats-Zeitung* to assert what the bitterest opponent could not express more brutally, namely, that the real life of the state is without any political spirit, and that the political spirit does not live in the real state!

But we ought not to forget the *childish-sensuous standpoint* of the *Preussische Staats-Zeitung*. It tells us that in regard to railways one should think only of rails and ways, in regard to trade contracts only of sugar and coffee, and in regard to leather factories only of leather. The child, of course, does not go beyond *sensuous perception*, it sees a thing only in isolation, and the invisible nerve threads which link the particular with the universal, which in the state as everywhere make the material parts into soul-possessing members of the spiritual whole, are for the child non-existent.

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\(^a\) Heraclitus.— *Ed.*
The child believes that the sun revolves around the earth; that the universal revolves around the particular. Hence the child does not believe in the spirit, but it believes in spectres.

Thus the Preussische Staats-Zeitung regards the political spirit as a French spectre; and it thinks it exorcises the spectre if it throws leather, sugar, bayonets and numbers at it.

However, our reader will interrupt us, we wanted to discuss the “Rhine Province Assembly proceedings” and instead we are being presented with the “innocent angel”, that senile child of the press, the Preussische Staats-Zeitung, and a repetition of the old-time lullabies with which it again and again tries to lull itself and its sisters into wholesome hibernation.

But does not Schiller say:

“But what the sage's reason fails to see
A childish nature grasps in all simplicity.”

*F. Schiller, Die Worte des Glaubens.—Ed.*

The Preussische Staats-Zeitung “in all simplicity” has reminded us that we in Prussia, no less than in England, have assemblies of the estates, whose proceedings the daily press would indeed be allowed to discuss, if it could; for the Staats-Zeitung in its great, classical self-consciousness takes the view that what the Prussian newspapers lack is not permission but ability. We concede it the latter as its special privilege, while at the same time, without further explanation of its ability, we take the liberty of actually implementing the idea it had in all simplicity.

The publication of the Assembly proceedings will only become a reality when they are treated as “public facts”, i.e., as subject-matter for the press. The last Rhine Province Assembly is the one with which we are most immediately concerned.

We begin with its “Debates on Freedom of the Press” and must remark as a preliminary that, while we sometimes give our own positive view of this question as a participant, in later articles we shall follow and present the course of the proceedings more as a historical spectator.

The nature of the proceedings themselves determines this difference in the method of presentation. For in all the other debates we find that the various opinions of the Assembly representatives are on about the same level. In the question of the press, on the other hand, the opponents of a free press have a considerable advantage. Apart from the catchwords and commonplaces which fill the air, we find among these opponents of press freedom
a *pathological emotion*, a passionate partisanship, which gives them a *real*, not an imaginary, attitude to the press, whereas the *defenders* of the press in this Assembly have on the whole *no real relation* to what they are defending. They have never come to know freedom of the press as a *vital need*. For them it is a matter of the head, in which the heart plays no part. For them it is an "exotic" plant, to which they are attached by mere "sentiment". Hence it happens that all too general, vague arguments are put forward to counter the especially "weighty" grounds of the opponents, and the most narrow-minded idea is held to be important as long as it is not demolished.

Goethe once said that the painter succeeds only with a type of feminine beauty which he has loved in at least one living being. Freedom of the press, too, has its beauty—if not exactly a feminine one—which one must have loved to be able to defend it. If I truly love something, I feel that its existence is essential, that it is something which I need, without which my nature can have no full, satisfied, complete existence. The above-mentioned defenders of freedom of the press seem to enjoy a complete existence even in the absence of any freedom of the press.

[Rheinische Zeitung No. 128, May 8, 1842, Supplement]

The *liberal opposition* shows us the level of a political assembly, just as the opposition in general shows the level of development that a society has reached. A time in which it is philosophical audacity to doubt the existence of ghosts, in which it is regarded as a paradox to oppose witch trials, is the time in which ghosts and witch trials are *legitimate*. A country which, like ancient Athens, regards lickspittles, parasites and flatterers as exceptions to the good sense of the people, as *fools among the people*, is a country of independence and self-reliance. But a people which, like all peoples of the good old times, claims the right to think and utter the truth only for *court-jesters*, can only be a people without independence or personality. An assembly of the estates in which the opposition assures us that freedom of the will is inherent in human nature, is at least not an assembly in which freedom of the will prevails. The exception proves the rule. The liberal opposition shows us what the liberal position has become, to what extent freedom is embodied in man.

Therefore, if we have remarked that the defenders of freedom of the press in the Assembly of the Estates are by no means equal

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*J. Goethe, Verschiedenes über Kunst. Kapitel 2.— Ed.*
to their task, this applies still more to the Provincial Assembly as a whole.

Nevertheless, we begin our account of the Assembly proceedings at this point, not merely out of a special interest in freedom of the press, but equally out of a general interest in the Assembly. For we find the specific estate spirit nowhere more clearly, decisively and fully expressed than in the debates on the press. This holds good especially of the opposition to freedom of the press, just as in general it is in opposition to a general freedom that the spirit of a definite sphere in society, the individual interest of a particular estate and its natural one-sidedness of character are expressed most bluntly and recklessly and, as it were, show their teeth.

The debates provide us with a polemic of the princely social estate against freedom of the press, a polemic of the knightly estate, and a polemic of the urban estate, so that it is not the individual, but the social estate that conducts the polemic. What mirror, therefore, could reflect the inner nature of the Assembly better than the debates on the press?

We begin with the opponents of a free press, and, as is only fair, with a speaker from the princely estate.

We shall not deal with the content of the first part of his speech, to the effect “that freedom of the press and censorship are both evils, etc.”, for this theme is more thoroughly expounded by another speaker. But we must not pass over his characteristic method of argument.

“Censorship,” he said, “is a lesser evil than excesses on the part of the press.” “This conviction has gradually so taken root in our Germany” (the question is: which part of Germany that is) “that the Federation, too, issued laws on the subject, which Prussia joined in approving and observing.”

The Assembly discusses liberation of the press from its bonds. These bonds themselves, proclaims the speaker, the fetters with which the press is shackled, prove that it is not destined for free activity. Its fettered existence testifies against its essential nature. The laws against freedom of the press are a refutation of freedom of the press.

This is a diplomatic argument against all reform, one which most decisively expresses the classical theory of a certain party. Every restriction of freedom is a factual, irrefutable proof that at one time those who held power were convinced that freedom must be restricted, and this conviction then serves as a guiding principle for later views.

People were once ordered to believe that the earth did not go round the sun. Was Galileo refuted by this?
Similarly, in our Germany legal sanction was given to the conviction of the empire, which the individual princes shared, that serfdom was a quality inherent in certain human beings, that truth could be made most evident by surgical operation, we mean torture, and that the flames of hell could already be demonstrated to heretics by means of flames on earth.

Was not legal serfdom a factual proof against the rationalist fantasy that the human body was no object for handling and possession? Did not the primitive method of torture refute the false theory that truth could not be extracted by opening veins, that stretching limbs on the rack did not break down the victim's silence, that convulsions were not confessions?

Thus, in the speaker's opinion, the fact of censorship refutes freedom of the press, a statement which has its factual correctness, being a truth of such a factual character that its magnitude can be measured topographically, since beyond certain frontier barriers it ceases to be factual and true.

"Neither in speech nor in writing," we are further instructed, "neither in our Rhine Province nor in Germany as a whole, are any shackles to be seen on our true and nobler spiritual development."

The noble lustre of truth in our press is supposed to be a gift of the censorship.

We shall first of all turn the speaker's previous argument against himself; instead of a rational proof we shall give him an ordinance. In the recent Prussian censorship instruction it is officially made known that the press has hitherto been subjected to excessive restrictions, that it has still to achieve true national content. The speaker can see that convictions in our Germany are liable to change.

But what an illogical paradox to regard the censorship as a basis for improving our press!

The greatest orator of the French revolution, whose vox toujours tonnante still echoes in our day; the lion whose roar one must have heard oneself in order to join with the people in calling out to him: "Well roared, lion!" — Mirabeau—developed his talent in prison. Are prisons on that account schools of eloquence?

If, despite all spiritual toll systems, the German spirit has become capable of large-scale enterprise, it is a truly princely prejudice to think that it is the customs barriers and cordons that have made it

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\[ ^a \text{ Ever thundering voice.} — \text{Ed.} \]

\[ ^b \text{ W. Shakespeare, A Midsummer Night's Dream, Act V, Scene 1.} — \text{Ed.} \]
so. The spiritual development of Germany has gone forward not
owing to, but in spite of, the censorship. If the press under the
censorship becomes stunted and wretched, this is put forward as
an argument against a free press although it only testifies against
an unfree press. If the press, in spite of censorship, retains its
characteristic essence, this is put forward in support of censorship
although it only testifies in favour of the spirit and not the fetters.

By the way, "true and nobler development" is another question.

In the period of strict observance of censorship from 1819 to
1830 (later, in a large part of Germany although not in "our
Germany", the censorship itself came under censorship owing to
the circumstances of the time and the unusual convictions which
had been formed) our literature experienced its "Abendblatt period",
which can be called "true and noble and spiritual and rich in de-
velopment" with as much right as the editor of the Abendzei-
tung, named "Winkler", had in humorously adopting the pseudo-
nym "Bright", although we cannot even credit him with the bright-
ness of a bog at midnight. This "backwoodsman" with the trade
name "Bright" is the prototype of the literature of the time, and
that Lenten period will convince posterity that if few saints could
endure forty days without food, the whole of Germany, which was
not even saint-like, managed to live over twenty years without
producing or consuming spiritual nourishment. The press had
become vile, and one could only hesitate to say whether the lack of
understanding exceeded the lack of character, and whether the
absence of form exceeded the absence of content, or the reverse.

For Germany, criticism would reach its zenith if it could prove that
that period never existed. The sole literary field in which at that
time the pulse of a living spirit could still be felt, the philosophical
field, ceased to speak German, for German had ceased to be the
language of thought. The spirit spoke in incomprehensible mys-
terious words because comprehensible words were no longer
allowed to be comprehended.

As far then as the example of Rhenish literature is con-
cerned—and, of course, this example rather closely concerns the
Rhine Province Assembly—one could wander through all five
administrative districts with Diogenes' lantern and nowhere would
one meet "this man". We do not regard this as a defect of the
Rhine Province, but rather as a proof of its practical and political
good sense. The Rhine Province can produce a "free press", but for
an "unfree" one it lacks adroitness and illusions.

a In German "Krähwinkler", a pun on the man's name.— Ed.
The literary period that has just ended, which we could call the "literary period of strict censorship", is therefore clear historical proof that the censorship has undoubtedly influenced the development of the German spirit in a disastrous, irresponsible way, and that therefore it is by no means destined, as the speaker imagined, to be *magister bonarum artium.* Or should one understand by a "nobler and true press" one which bears its chains with decency?

If the speaker "took the liberty" of recalling "a well-known saying about the little finger and the whole hand", we take the liberty in return of asking whether it does not most befit the dignity of a government to give the spirit of the people not merely *one* whole hand but both hands whole?

As we have seen, our speaker disposes of the relation between censorship and spiritual development in a carelessly aristocratic, diplomatically sober way. He represents the negative aspect of his social estate still more resolutely in his attack on the *historical shaping of freedom of the press.*

As regards freedom of the press among other nations, he says:

"*England cannot serve as a measuring-rod, because, it is claimed, centuries ago conditions were historically created there which could not be brought about in any other country by the application of theories, but which had their justification in England's specific conditions.*" "*In Holland, freedom of the press was unable to save the country from an oppressive national debt and to a very large extent it helped to bring about a revolution which resulted in the loss of half the country.*"

We shall pass over France, to come back to it later.

"Finally, should it not be possible to find in Switzerland an Eldorado blessed by freedom of the press? Does one not think with disgust of the savage party quarrels carried on in the newspapers there, in which the parties, with a correct sense of their small degree of human dignity, are named after parts of an animal's body, being divided into *horn-men* and *claw-men*, and have made themselves despised by all their neighbours on account of their boorish, abusive speeches!"

The English press, he says, is not an argument in favour of freedom of the press in general, *because of its historical foundations.* The press in England has merit *only* because it developed historically, not as a press in general, for then, he alleges, it would have had to develop *without* historical foundations. History therefore has the merit here, and not the press. As if the press, too, were not part of history, as if the English press under Henry VIII, the Catholic Mary, Elizabeth and James did not have to wage a hard and often savage struggle in order to win for the English nation its historical foundations!

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* Teacher of the fine arts.—*Ed.
And would it not, on the contrary, testify in favour of freedom of the press if the English press, having the greatest freedom from restraint, did not destructively affect the historical foundations? However, the speaker is not consistent.

The English press is no proof in favour of the press in general, because it is English. The Dutch press testifies against the press in general, although it is only Dutch. In the one case all the merits of the press are ascribed to the historical foundations, in the other case all the defects of the historical foundations are ascribed to the press. In the one case the press is not supposed to have had its share also in historical progress, in the other case history is not supposed to have had its share also in the defects of the press. Just as the press in England is bound up with the latter's history and specific conditions, so also in Holland and Switzerland.

Is the press supposed to reflect, abolish or develop the historical foundations? The speaker makes each into a matter of reproach for the press.

He blames the Dutch press, because of its historical development. It ought to have prevented the course of history, it ought to have saved Holland from an oppressive national debt! What an unhistorical demand! The Dutch press could not prevent the period of Louis XIV; the Dutch press could not prevent the English navy under Cromwell from rising to the first place in Europe; it could not cast a spell on the ocean which would have saved Holland from the painful role of being the arena of the warring continental powers; it was as little able as all the censors in Germany put together to annul Napoleon's despotic decrees.

But has a free press ever increased national debts? When, under the regency of the Duke of Orleans, the whole of France plunged into Law's financial lunacies, who opposed this fantastic storm and stress period of money speculations except for a few satirists, who of course received not banknotes but notes sending them to the Bastille.

The demand that the press should be the saviour from the national debt, which can be extended to say that it should also pay the debts of individuals, reminds one of that writer who always grumbled at the doctor because, although the latter cured his bodily ailments, he did not at the same time correct the misprints in his writings. Freedom of the press is as little able to promise to make a human being or a nation perfect as the physician. It is itself no perfection. a

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a According to the errata to the Rheinische Zeitung No. 130, May 10, 1842, this should read: “It is itself perfection.” — Ed.
what is good for being some specific good and not all good at once, for being this particular good and not some other. Of course, if freedom of the press were all in all it would make all other functions of a nation, and the nation itself, superfluous.

The speaker blames the Dutch press for the Belgian revolution. No one with any historical education will deny that the separation of Belgium from Holland was an incomparably greater historical event than their union.54

The press in Holland is said to have brought about the Belgian revolution. Which press? The progressive or the reactionary? It is a question which we can also raise in France; if the speaker blames the clerical Belgian press, which at the same time was democratic, he should also blame the clerical press in France, which at the same time was absolutist. Both helped to overthrow their governments. In France it was not freedom of the press but censorship that made for revolution.

But leaving this out of account, the Belgian revolution appeared at first as a spiritual revolution, as a revolution of the press. The assertion that the press caused the Belgian revolution has no sense beyond that. But is that a matter for blame? Must the revolution at once assume a material form? Strike instead of speaking? The government can materialise a spiritual revolution; a material revolution must first spiritualise the government.

The Belgian revolution is a product of the Belgian spirit. So the press, too, the freest manifestation of the spirit in our day, has its share in the Belgian revolution. The Belgian press would not have been the Belgian press if it had stood aloof from the revolution, but equally the Belgian revolution would not have been Belgian if it had not been at the same time a revolution of the press. The Revolution of a people is total; that is, each sphere carries it out in its own way; why not also the press as the press?

In blaming the Belgian press, therefore, the speaker is blaming Belgium, not the press. It is here that we find the starting point of his historical view of freedom of the press. The popular character of the free press—and it is well known that even the artist does not paint great historical pictures with water-colours—the historical individuality of the free press, which makes it the specific expression of its specific popular spirit, are repugnant to the speaker from the princely estate. He demands instead that the press of the various nations should always be a press holding his views, a press of haute volée, and should revolve around certain individ-

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54 High society.—Ed.
uals instead of around the spiritual heavenly bodies, the nations. This demand stands out undisguised in his verdict on the Swiss press.

We permit ourselves a preliminary question. Why did the speaker not recall that the Swiss press through Albrecht von Haller opposed the Voltairean enlightenment? Why does he not bear in mind that even if Switzerland is not exactly an Eldorado, nevertheless it has produced the prophet of the future princely Eldorado, once again a certain Herr von Haller, who in his *Restauration der Staatswissenschaften* laid the foundation for the "nobler and true" press, for the *Berliner politisches Wochenblatt*? By their fruits ye shall know them. And what other country in the world could oppose to Switzerland a fruit of this luscious legitimacy?

The speaker finds fault with the Swiss press for adopting the "animal party names" of "horn-men and claw-men", in short because it speaks in the Swiss language and to Swiss people, who live in a certain patriarchal harmony with oxen and cows. The press of this country is the press of precisely this country. There is nothing more to be said about it. At the same time, however, a free press transcends the limitations of a country's particularism, as once again the Swiss press proves.

As regards *animal party names* in particular, let us remark that religion itself reveres the animal as a symbol of the spiritual. Our speaker, of course, will condemn the Indian press, which has revered with religious fervour Sabala the cow and Hanuman the monkey. He will reproach the Indian press for the Indian religion, just as he does the Swiss press for the Swiss character. But there is a press which he will hardly want to subject to censorship; we refer to the holy press, the Bible. Does this not divide all mankind into the two great parties of sheep and goats? Does not God Himself describe his attitude to the houses of Judah and Israel in the following terms: I shall be to the house of Judah as a moth and to the house of Israel as a maggot. Or, what is more familiar to us laymen, is there not a princely literature which turns all anthropology into zoology? We mean the literature of heraldry. That contains things still more curious than horn-men and claw-men.

What, therefore, was the accusation the speaker levelled against freedom of the press? *That the defects of a nation are at the same time the defects of its press*, that the press is the ruthless language and manifest image of the historical spirit of the people. Did he prove

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*Hosea 5:12, paraphrased.— Ed.*
that the *spirit of the German people* is an exception to this great natural privilege? He showed that every nation expresses *its* spirit through *its* press. Ought not the philosophically educated spirit of the Germans to be entitiled to what, according to the speaker's own assertion, is to be found among the animal-fettered Swiss?

Finally, does the speaker think that the *national* defects of a free press are not just as much *national defects of the censors? Are the censors excluded from the historical whole? Are they unaffected by the spirit of a time? Unfortunately, it may be so, but what man of sound mind would not rather pardon sins of the nation and the time in the press than sins against the nation and the time in the censorship?

We remarked in the introduction that the various speakers voice the polemic of their *particular estate* against freedom of the press. The speaker from the princely estate put forward in the first place *diplomatic* grounds. He proved that freedom of the press was wrong on the basis of the *princely convictions* clearly enough expressed in the censorship laws. He considered that the nobler and true development of the German spirit has been *created* by the restrictions from above. Finally, he waged a polemic against the *peoples* and with noble dread repudiated freedom of the press as the tactless, indiscreet speech of the people addressed to itself.

[*Rheinische Zeitung* No. 130, May 10, 1842, Supplement]

*The speaker from the knightly estate,* to whom we now come, wages his polemic not against the peoples, but against persons. He questions *human freedom* in *freedom of the press,* and *law* in the *law on the press.* Before dealing with the actual question of freedom of the press, he takes up the question of *unabridged and daily publication of the Assembly debates.* We shall follow him step by step.

"The first of the proposals for *publication of our proceedings* suffices." "Let it be in the *hands of the Provincial Assembly* to make a *wise use* of the permission granted."

That is precisely the *punctum quaestionis.* The province believes that the Provincial Assembly will be under its control only when the publication of the debates is no longer left to the arbitrary decision of the Assembly in its wisdom, but has become a legal necessity. We should have to call the new concession a new step backwards if it had to be interpreted in such a way that publication depends on an arbitrary decision by the Assembly of the Estates.

*Privileges of the estates are in no way rights of the province.* On the

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*a The crux of the question.—*Ed.
contrary, the rights of the province cease when they become privileges of the estates. Thus the estates of the Middle Ages appropriated for themselves all the country's constitutional rights and turned them into privileges against the country.

The citizen does not want to have anything to do with right as a privilege. Can he regard it as a right if new privileged persons are added to the old ones?

In this way, the rights of the Provincial Assembly are no longer rights of the province, but rights against the province, and the Assembly itself would be the greatest wrong against the province but with the mystical significance of being supposed to embody its greatest right.

How greatly the speaker from the knightly estate is imbued with this medieval conception of the Assembly, how unreservedly he upholds the privilege of the estate against the rights of the province, will be seen from the continuation of his speech.

"The extension of this permission" (for publication of the debates) "could only result from inner conviction, but not from external influences."

A surprising turn of phrase! The influence of the province on its Assembly is characterised as something external to which the conviction of the Assembly of the Estates is contrasted as a delicate inner feeling whose highly sensitive nature calls out to the province: Noli me tangere! This plaintive rhetoric about "inner conviction" in contrast to the rude, external, unauthorised north wind of "public conviction" is the more noteworthy since the purpose of the proposal was precisely to make the inner conviction of the Assembly of the Estates external. Here too, of course, there is an inconsistency. Where it seems to the speaker more convenient, in church controversies, he appeals to the province.

"We," continues the speaker, "would let it" (publication) "take place where we consider this expedient, and would restrict it where an extension would appear to us purposeless or even harmful."

We will do what we like. Sic volo, sic jubeo, stat pro ratione voluntas. It is truly the language of a ruler, which naturally has a pathetic flavour when coming from a modern baron.

Who are we? The estates. The publication of the debates is intended for the province and not for the estates, but the speaker teaches us to know better. Publication of the debates also is a privilege of the Assembly of the Estates, which has the right, if it

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a Touch me not! — Ed.
b Thus I wish it, thus I order it; the will takes the place of reason (Juvenal, Satires, vi, 223).— Ed.
Debates on Freedom of the Press

thinks fit, to have its wisdom echoed by the many voices of the press.

The speaker knows only the province of the estates, not the estates of the province. The Assembly of the Estates has a province to which the privilege of its activity extends, but the province has no estates through which it could itself be active. Of course, the province has the right, under prescribed conditions, to create these gods for itself, but as soon as they are created, it must, like a fetish worshipper, forget that these gods are its own handiwork.

In this connection there is no telling, inter alia, why a monarchy without a Provincial Assembly is not of more value than a monarchy with a Provincial Assembly, for if the Assembly does not represent the will of the province, we have more confidence in the public intelligence of the government than in the private intelligence of landed property.

We are confronted here with the peculiar spectacle, due perhaps to the nature of the Provincial Assembly, of the province having to fight not so much through its representatives as against them. According to the speaker, the Assembly does not regard the general rights of the province as the Assembly’s only privileges, for in that case the daily unabridged publication of the Assembly proceedings would be a new right of the Assembly, because it would be a new right of the province; on the contrary, according to the speaker, the province must regard the privileges of the Assembly of the Estates as the province’s only rights; and why not also the privileges of some class of officials and of the nobility or the clergy!

Indeed, our speaker declares quite openly that the privileges of the Assembly of the Estates decrease in proportion as the rights of the province increase.

“Just as it seems to him desirable that here in the Assembly there should be freedom of discussion and that an over-anxious weighing of words should be avoided, it seems to him equally necessary, in order to maintain this freedom of expression and this frankness of speech, that our words at the time should be judged only by those for whom they are intended.”

Precisely because freedom of discussion, the speaker concludes, is desirable in our Assembly—and what freedoms would we not find desirable where we are concerned?—precisely for that reason freedom of discussion is not desirable in the province. Because it is desirable that we speak frankly, it is still more desirable to keep the province in thrall to secrecy. Our words are not intended for the province.
One must acknowledge the tact with which the speaker has perceived that by unabridged publication of its debates the Assembly would become a right of the province instead of a privilege of the Assembly of the Estates, that the Assembly, having become an immediate object of the public spirit, would have to decide to be a personification of the latter, and that, having been put in the light of the general consciousness, it would have to renounce its particular nature in favour of the general one.

But whereas the knightly speaker mistakenly regards personal privileges and individual freedoms vis-à-vis the nation and the government as general rights, and thereby unquestionably and pertinently expresses the exclusive spirit of his estate, on the other hand he interprets the spirit of the province in an absolutely wrong way by likewise transforming its general demands into personal desires.

Thus the speaker seems to impute to the province a personally passionate curiosity as regards our words (i.e., those of prominent persons in the Assembly of the Estates).

We assure him that the province is by no means curious about "the words" of the representatives of the estates as individuals, and only "such" words can they rightly call "their" words. On the contrary, the province demands that the words of the representatives of the estates should be converted into the publicly audible voice of the country.

The question is whether the province should be conscious of being represented or not! Should a new mystery of representation be added to the mystery of government? In the government, too, the people is represented. Hence a new representation of the people through the estates is quite meaningless unless its specific character is precisely that in this case matters are not dealt with on behalf of the province but, on the contrary, the province itself deals with them; that the province is not represented in it but rather represents itself. A representation which is divorced from the consciousness of those whom it represents is no representation. What I do not know, I do not worry about. It is a senseless contradiction that the functioning of the state, which primarily expresses the self-activity of the individual provinces, takes place without their formal co-operation, without their joint knowledge; it is a senseless contradiction that my self-activity should consist of acts unknown to me and done by another.

A publication of the Assembly proceedings that depends on the arbitrary ruling of the Assembly of the Estates, however, is worse than none at all, for if the Assembly tells me not what it is in
reality, but what it wants to seem to be in my eyes, I shall take it for what it gives itself out to be, for mere semblance, and things are bad when semblance has a legal existence.

Indeed, can even daily, unabridged publication *by printing* be rightly called *unabridged* and *public*? Is there no abridgement in substituting the written for the spoken word, graphic systems for persons, action on paper for real action? Or does publicity consist only in a *real* matter being reported to the public, and not rather in its being reported to the *real public*, i.e., not to an imaginary reading public, but to the living and actually present public?

Nothing is more contradictory than that the *highest public* activity of the province is secret, that in private lawsuits the doors of the court are open to the province, but that in its own lawsuit the province has to remain outside.

In its true consistent meaning, therefore, unabridged publication of the Assembly proceedings can only be *full publicity for the activity of the Assembly*.

Our speaker, however, proceeds to regard the Assembly as a kind of club.

"From many years' acquaintance, a good personal understanding has developed among most of us in spite of the most diverse views on various matters, a relationship which is inherited by newcomers.

"Precisely for that reason we are most of all able to appreciate the value of our words, and do so the more frankly as we allow ourselves to be less subject to external influences, which could only be useful if they came to us in the form of well-meaning counsel, but not in the form of a dogmatic judgment, of praise or blame, seeking to influence our personality through public opinion."

The Herr Speaker appeals to our feelings.

We are so intimate together, we discuss things so openly, we weigh the *value of our words* so exactly; are we to allow our attitude, which is so patriarchal, so distinguished, so convenient, to be changed by the judgment of the province, which perhaps attaches less value to our words?

God help us! The Assembly cannot bear the light of day. We feel more at ease in the darkness of private life. If the whole province has sufficient confidence to entrust its rights to single individuals, it is obvious that these individuals are condescending enough to accept the confidence of the province, but it would be really extravagant to demand that they should repay like for like and trustingly surrender themselves, their achievements, their personalities, to the judgment of the province, which has already pronounced a significant judgment on them. In any case, it is more important that the personality of the representatives of
the estates should not be endangered by the province than that the interests of the province should not be endangered by the representatives of the estates.

We want to be both fair and very gracious. It is true that we—and we are a sort of government—permit no dogmatic judgment, no praise or blame, no influence of public opinion on our persona sacrosanctæ, but we do allow well-meaning counsel, not in the abstract sense that it means well for the country, but in the fuller-sounding sense that it expresses a passionate tenderness for the members of the estates, a specially high opinion of their excellence.

True, one might think that if publicity is harmful to good understanding among us, then the latter must be harmful to publicity. However this sophistry forgets that the Provincial Assembly is the Assembly of the Estates and not the Assembly of the Province. And who could resist the most convincing of all arguments? If, in accordance with the constitution, the province appoints estates to represent its general intelligence, it thereby totally renounces all its own judgment and understanding, which are now solely incorporated in the chosen representatives. Just as the legend has it that great inventors were put to death or, what is no legend, that they were buried alive in fortresses as soon as they had imparted their secret to the ruler, so the political reason of the province always falls on its own sword as soon as it has made its great invention of the Assembly, but of course to rise again like the phoenix for the next elections.

After these obtrusively emotional descriptions of the dangers threatening the personalities of the estates from outside, i.e., from the province, through publication of the proceedings, the speaker closes this diatribe with the guiding thought that we have traced through his speech up to now.

"Parliamentary freedom," a very fine-sounding expression, "is in its first period of development. It must gain by protection and care that internal force and independence which are absolutely necessary before it can be exposed without detriment to external storms."

Once again the old fatal antithesis of the Assembly as something internal and the province as something external.

In any case, we have long been of the opinion that parliamentary freedom is at the beginning of its beginning, and the above speech has convinced us afresh that the primitiae studiorum in politicis have still not been completed. But by that we by no means im-

a Primary studies in politics.—Ed.
ply—and the above speech once again confirms our opinion—that the Assembly should be given a still longer time in which to continue its independent ossification in opposition to the province. Perhaps by parliamentary freedom the speaker understands the freedom of the old French parliaments. According to his own admission, a many years' acquaintance prevails among the Assembly of the Estates, its spirit is even transmitted as a hereditary disease to the homines novi, yet the time has still not come for publicity? The Twelfth Assembly may give the same reply as the Sixth, only with the more emphatic expression that it is too independent to allow itself to be deprived of the aristocratic privilege of secret proceedings.

Of course, the development of parliamentary freedom in the old French sense, independence from public opinion, and the stagnation of the caste spirit, advance most thoroughly through isolation, but to warn against precisely this development cannot be premature. A truly political assembly flourishes only under the great protection of the public spirit, just as living things flourish only in the open air. Only "exotic" plants, which have been transferred to a climate that is foreign to them, require the protection and care of a greenhouse. Does the speaker regard the Assembly as an "exotic" plant in the free, serene climate of the Rhine Province?

In view of the fact that our speaker from the knights' estate expounded with almost comic seriousness, with almost melancholy dignity and almost religious pathos, the thesis of the lofty wisdom of the Assembly of the Estates, as also of its medieval freedom and independence, the uninitiated will be surprised to see him sink in the question of the freedom of the press from the lofty wisdom of the Provincial Assembly to the general lack of wisdom of the human race, from the independence and freedom of the privileged social estates he had extolled only just before to the fundamental lack of freedom and independence of human nature. We are not surprised to encounter here one of the present-day numerous champions of the Christian-knightly, modern feudal principle, in short the romantic principle.

These gentlemen, because they want to regard freedom not as the natural gift of the universal sunlight of reason, but as the supernatural gift of a specially favourable constellation of the stars, because they regard freedom as merely an individual property of certain persons and social estates, are in consequence compelled to include universal reason and universal freedom among the bad ideas and phantoms of "logically constructed systems". In order to save the special freedoms of privilege, they proscribe the universal
freedom of human nature. Since, however, the bad brood of the nineteenth century, and the very consciousness of the modern knights that has been infected by this century, cannot comprehend what is in itself incomprehensible, because devoid of idea, namely, how internal, essential, universal determinations prove to be linked with certain human individuals by external, fortuitous, particular features, without being connected with the human essence, with reason in general, and therefore common to all individuals—because of this they necessarily have recourse to the miraculous and the mystical. Further, because the real position of these gentlemen in the modern state does not at all correspond to the notion they have of that position, because they live in a world beyond the real one, and because therefore imagination is their head and heart, being dissatisfied with their practical activity, they necessarily have recourse to theory, but to the theory of the other world, to religion, which in their hands, however, is given a polemical bitterness impregnated with political tendencies and becomes more or less consciously only a holy cloak for very secular, but at the same time fantastic desires.

Thus we shall find that to practical demands our speaker counterposes a mystical religious theory of the imagination, to real theories—a pettily clever, pragmatically cunning wisdom of experience drawn from the most superficial practice, to the human understanding—superhuman holiness, and to the real holiness of ideas—the arbitrariness and disbelief characterising a base point of view. The more aristocratic, more nonchalant, and therefore more sober, language of the speaker from the princely estate is superseded here by emotional affectation and fantastically extravagant unction, which previously withdrew much more into the background before the feeling of privilege.

"The less it is possible to deny that the press nowadays is a political power, the more erroneous seems to him the equally widespread view that truth and light will emerge from the struggle between the good and the bad press and can be expected to become more widely and effectively disseminated. Man, individually and in the mass, is always one and the same. He is by his nature imperfect and immature and needs education as long as his development continues, and it ceases only with his death. The art of education, however, does not consist in punishing prohibited actions, but in furthering good influences and keeping away evil ones. It is, however, inseparable from this human imperfection that the siren song of evil has a powerful effect on the masses and opposes the simple and sober voice of truth as an obstacle which, even if not absolute, is in any case difficult to overcome. The bad press appeals only to men's passions; no means are too bad for it when it is a question of attaining its aim by arousing passions—that aim being the greatest possible dissemination of bad principles and the greatest possible furtherance of bad frames of mind; it has at its disposal all the advantages of that most dangerous of all offensives, for which there are
objectively no restrictions of right and subjectively no laws of morality or even of external decency. On the other hand, the good press is always confined to the defensive. For the most part its effect can only be that of defending, restraining and consolidating, without being able to boast of any significant progress in enemy territory. It is good fortune enough if external obstacles do not render this still more difficult."

We have given this passage in full in order not to weaken its possible emotional impression on the reader.

The speaker has put himself à la hauteur des principes. In order to combat freedom of the press, the thesis of the permanent immaturity of the human race has to be defended. It is sheer tautology to assert that if absence of freedom is men’s essence, freedom is contrary to his essence. Malicious sceptics could be daring enough not to take the speaker at his word.

If the immaturity of the human race is the mystical ground for opposing freedom of the press, then the censorship at any rate is a highly reasonable means against the maturity of the human race.

What undergoes development is imperfect. Development ends only with death. Hence it would be truly consistent to kill man in order to free him from this state of imperfection. That at least is what the speaker concludes in order to kill freedom of the press. In his view, true education consists in keeping a person wrapped up in a cradle throughout his life, for as soon as he learns to walk, he learns also to fall, and only by falling does he learn to walk. But if we all remain in swaddling-clothes, who is to wrap us in them? If we all remain in the cradle, who is to rock us? If we are all prisoners, who is to be prison warder?

Man, individually and in the mass, is imperfect by nature. De principiis non est disputandum. Granted! What follows from that? The arguments of our speaker are imperfect, governments are imperfect, assemblies are imperfect, freedom of the press is imperfect, every sphere of human existence is imperfect. Hence if one of these spheres ought not to exist because of this imperfection, none of them has the right to exist, man in general has no right to exist.

Given man’s fundamental imperfection—let us assume it is true—then we know in advance that all human institutions are imperfect. There is no need to touch on that further, it does not speak for them or against them, it is not their specific character, it is not their distinctive mark.

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*a On the level of his principles.—*Ed.*

*b There can be no dispute about principles.—*Ed.*
Amid all these imperfections, why should precisely the free press be perfect? Why does an imperfect provincial estate demand a perfect press?

The imperfect requires education. Is not education also human and therefore imperfect? Does not education itself also require education?

If then, by *its very existence*, everything human is imperfect, ought we therefore to lump everything together, have the same respect for everything, good and evil, truth and falsehood? The true conclusion must be that as in looking at a picture I have to leave the spot from which I see only blots of colour but not colours, irregularly intersecting lines but not a drawing, similarly I must abandon the point of view which shows me the world and human relations only in their most external appearance, and recognise that this point of view is unsuitable for judging the value of things; for how could I judge, distinguish things, from a point of view which admits only the one flat idea about the whole universe that everything in it is imperfect? This point of view itself is the most imperfect of all the imperfections it sees around it. We must therefore take the essence of the inner idea as the measure to evaluate the existence of things. Then we shall less allow ourselves to be led astray by a one-sided and trivial experience, since in such cases the result is indeed that all experience ceases, all judgment is abolished, all cows are black.

*Rheinische Zeitung* No. 132, May 12, 1842, Supplement

From the standpoint of the idea, it is self-evident that freedom of the press has a justification quite different from that of censorship because it is itself an embodiment of the idea, an embodiment of freedom, a positive good, whereas censorship is an embodiment of unfreedom, the polemic of a world outlook of semblance against the world outlook of essence; it has a merely negative nature.

No! No! No! our speaker breaks in. I do not find fault with the semblance, but with the essence. Freedom is the wicked feature of freedom of the press. Freedom creates the possibility of evil. Therefore freedom is evil.

Evil freedom!

“He has stabbed her in the dark forest
And sunk the body in the depths of the Rhine!”

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a L. Uhland, *Die Rache* (paraphrased).—Ed.
But:

"This time I must talk to you,
Lord and master, hear me calmly!" a

But does not freedom of the press exist in the land of censorship? The press in general is a realisation of human freedom. Consequently, where is a press there is freedom of the press.

True, in the land of censorship the state has no freedom of the press, but one organ of the state has it, viz., the government. Apart from the fact that official government documents enjoy perfect freedom of the press, does not the censor exercise daily an unconditional freedom of the press, if not directly, then indirectly?

Writers are, as it were, his secretaries. When the secretary does not express the opinion of his chief, the latter strikes out the botch. Hence the censorship makes the press.

The censor’s deletions are for the press what the straight lines—kus 55—for the Chinese are for their thought. The censor’s kus are the categories of literature, and it is well known that the categories are the typical souls of the whole content.

Freedom is so much the essence of man that even its opponents implement it while combating its reality; they want to appropriate for themselves as a most precious ornament what they have rejected as an ornament of human nature.

No man combats freedom; at most he combats the freedom of others. Hence every kind of freedom has always existed, only at one time as a special privilege, at another as a universal right.

The question has now for the first time been given a consistent meaning. It is not a question whether freedom of the press ought to exist, for it always exists. The question is whether freedom of the press is a privilege of particular individuals or whether it is a privilege of the human mind. The question is whether a right of one side ought to be a wrong for the other side. The question is whether "freedom of the mind" has more right than "freedom against the mind".

If, however, the "free press" and "freedom of the press" as the realisation of "universal freedom" are to be rejected, then this applies still more to censorship and the censored press as the realisation of a special freedom, for how can the species be good if the genus is bad? If the speaker were consistent he would have to reject not the free press, but the press as a whole. According to him, the press would only be good if it were not a product of freedom, i.e., not a human product. Hence in general only animals or gods would have the right to a press.

a J. Goethe, Der Zauberlehrling.—Ed.
Or ought we perhaps—the speaker dare not say it outright—to suppose divine inspiration of the government and of the speaker himself?

If a private person boasts of divine inspiration, there is only one speaker in our society who can refute him officially, viz., the psychiatrist.

English history, however, has sufficiently well demonstrated how the assertion of divine inspiration from above gives rise to the counter-assertion of divine inspiration from below; Charles I went to the scaffold as the result of divine inspiration from below.

True, our speaker from the knightly estate proceeds, as we shall hear later, to describe censorship and freedom of the press, the censored press and the free press, as two evils, but he does not go so far as to admit that the press in general is an evil.

On the contrary! He divides the entire press into "good" and "bad".

About the bad press, we are told something incredible: that its aim is badness and the greatest possible dissemination of badness. We pass over the fact that the speaker has too much confidence in our credulity when he demands that we should take his word for it and believe in badness as a profession. We merely remind him of the axiom that everything human is imperfect. Will not, therefore, the bad press also be imperfectly bad, and therefore good, and the good press imperfectly good, and therefore bad?

The speaker, however, shows us the reverse side. He asserts that the bad press is better than the good press, for it is always on the offensive, whereas the good press is on the defensive. But he has himself told us that man's development ends only with his death. Of course, he has not told us much by that, he has said nothing but that life ends with death. But if human life is development and the good press is always on the defensive, acting only by “defending, restraining and consolidating” itself, does it not thereby continually oppose development, and therefore life? Hence either this good defensive press is bad, or development is the bad thing. In view of this, the speaker's previous assertion, too, that the aim of the "bad press is the greatest possible dissemination of bad principles and the greatest possible furtherance of bad frames of mind" loses its mystical incredibility in a rational interpretation: the bad feature of the bad press lies in the greatest possible dissemination of principles and the greatest possible furtherance of a frame of mind.

The relation of the good press to the bad press becomes still stranger when the speaker assures us that the good press is
impotent and the bad press omnipotent, for the former is without effect on the people, whereas the latter has an irresistible effect. For the speaker, the good press and the impotent press are identical. Does he want to say, therefore, that what is good is impotent or that what is impotent is good?

He contrasts the sober voice of the good press to the siren song of the bad press. But surely a sober voice allows of the best and most effective singing. The speaker seems to be acquainted only with the sensuous heat of passion, but not with the hot passion of truth, not with the victory-assured enthusiasm of reason, not the irresistible ardour of moral powers.

Under the frames of mind of the bad press he includes "pride, which recognises no authority in church and state", "envy", which preaches abolition of the aristocracy, and other things, which we shall deal with later. For the time being, let us be satisfied with the question: Whence does the speaker know that this isolated element is the good? If the universal powers of life are bad and we have heard that the bad is omnipotent, that it is what influences the masses, what or who has still any right to claim to be good? The arrogant assertion is this: my individuality is the good, those few individuals who are in accord with my individuality are the good, and the wicked, bad press refuses to recognise it. The bad press!

If at the beginning the speaker turned his attack on freedom of the press into an attack on freedom in general, here he turns it into an attack on the good. His fear of the bad is seen to be a fear of the good. Hence he founds censorship on a recognition of the bad and a refusal to recognise the good. Do I not despise a man to whom I say in advance: your opponent is bound to be victorious in the struggle, because, although you yourself are a very sober fellow and a very good neighbour, you are a very poor hero; because, although you bear consecrated arms, you do not know how to use them; because, although you and I, both of us, are perfectly convinced of your perfection, the world will never share this conviction; because, although things are all right as regards your intention, they are in a bad way as regards your energy?

Although the speaker's distinction between the good press and the bad press makes any further refutation superfluous, since this distinction becomes entangled in its own contradictions, nevertheless we must not lose sight of the main thing, namely, that the speaker has formulated the question quite incorrectly and has based himself on what he had to prove.

If one wants to speak of two kinds of press, the distinction between them must be drawn from the nature of the press itself,
not from considerations lying outside it. The censored press or the
free press, one of these two must be the good or the bad press.
The debate turns precisely on whether the censored press or the
free press is good or bad, i.e., whether it is in the nature of the
press to have a free or unfree existence. To make the bad press a
refutation of the free press is to maintain that the free press is bad
and the censored press good, which is precisely what had to be
proved.

Base frames of mind, personal intrigues, infamies, occur alike in
the censored and the free press. Therefore the generic difference
between them is not that they produce individual products of this
or that kind; flowers grow also in swamps. We are concerned here
with the essence, the inner character, which distinguishes the
censored from the free press.

A free press that is bad does not correspond to its essence. The
censored press with its hypocrisy, its lack of character, its eunuch's
language, its dog-like tail-wagging, merely realises the inner con-
ditions of its essential nature.

The censored press remains bad even when it turns out good
products, for these products are good only insofar as they repre-
sent the free press within the censored press, and insofar as it is
not in their character to be products of the censored press. The
free press remains good even when it produces bad products, for
the latter are deviations from the essential nature of the free
press. A eunuch remains a bad human being even when he has a
good voice. Nature remains good even when she produces mon-
strosities.

The essence of the free press is the characterful, rational, moral
essence of freedom. The character of the censored press is the
characterless monster of unfreedom; it is a civilised monster, a
perfumed abortion.

Or does it still need to be proved that freedom of the press is in
accord with the essence of the press, whereas censorship con-
tradicts it? Is it not self-evident that external barriers to a spiritual
life are not part of the inner nature of this life, that they deny this
life and do not affirm it?

In order really to justify censorship, the speaker would have
had to prove that censorship is part of the essence of freedom of
the press; instead he proves that freedom is not part of man's
essence. He rejects the whole genus in order to obtain one good
species, for is not freedom after all the generic essence of all
spiritual existence, and therefore of the press as well? In order to
abolish the possibility of evil, he abolishes the possibility of good
and realises evil, for only that which is a realisation of freedom can be humanly good.

We shall therefore continue to regard the censored press as a bad press so long as it has not been proved to us that censorship arises from the very essence of freedom of the press.

But even supposing that censorship and the nature of the press come into being together, although no animal, let alone an intelligent being, comes into the world in chains, what follows from that? That freedom of the press, as it exists from the official viewpoint, that is, the censorship, also needs censorship. And who is to censor the governmental press, if not the popular press?

True, another speaker thinks that the evil of censorship would be removed by being tripled, by the local censorship being put under provincial censorship, and the latter in its turn under Berlin censorship, freedom of the press being made one-sided, and the censorship many-sided. So many roundabout ways merely to live! Who is to censor the Berlin censorship? Let us therefore return to our speaker.

At the very beginning, he informed us that no light would emerge from the struggle between the good and the bad press. But, we may now ask, does he not want to make this useless struggle permanent? According to his own statement, is not the struggle itself between the censorship and the press a struggle between the good and the bad press?

Censorship does not abolish the struggle, it makes it one-sided, it converts an open struggle into a hidden one, it converts a struggle over principles into a struggle of principle without power against power without principle. The true censorship, based on the very essence of freedom of the press, is criticism. This is the tribunal which freedom of the press gives rise to of itself. Censorship is criticism as a monopoly of the government. But does not criticism lose its rational character if it is not open but secret, if it is not theoretical but practical, if it is not above parties but itself a party, if it operates not with the sharp knife of reason but with the blunt scissors of arbitrariness, if it only exercises criticism but will not submit to it, if it disavows itself during its realisation, and, finally, if it is so uncritical as to mistake an individual person for universal wisdom, peremptory orders for rational statements, ink spots for patches of sunlight, the crooked deletions of the censor for mathematical constructions, and crude force for decisive arguments?

During our exposal, we have shown how the fantastic, unctuous, soft-hearted mysticism of the speaker turns into the hard-hearted-
ness of pettifogging mental pragmatism and into the narrow-mindedness of an unprincipled empirical calculation. In his arguments on the relation between the censorship law and the press law, between preventive and repressive measures, he spares us this trouble by proceeding himself to make a conscious application of his mysticism.

"Preventive or repressive measures, censorship or press law, this alone is the question at issue, in which connection it would not be inexpedient to examine somewhat more closely the dangers which have to be removed on one side or the other. Whereas censorship seeks to prevent what is evil, the press law seeks by punishment to guard against its repetition. Like all human institutions, both are imperfect, but the question here is which is the less so. Since it is a matter of purely spiritual things, one problem—indeed the most important for both of them—can never be solved. That is the problem of finding a form which expresses the intention of the legislator so clearly and definitely that right and wrong seem to be sharply separated and all arbitrariness removed. But what is arbitrariness except acting according to individual discretion? And how are the effects of individual discretion to be removed where purely spiritual things are concerned? To find the guiding line, so sharply drawn that inherent in it is the necessity of having to be applied in every single case in the meaning intended by the legislator, that is the philosopher's stone, which has not been discovered so far and is hardly likely to be. Hence arbitrariness, if by that one understands acting according to individual discretion, is inseparable both from censorship and from the press law. Therefore we have to consider both in their necessary imperfection and its consequences. If the censorship suppresses much that is good, the press law will not be capable of preventing much that is bad. Truth, however, cannot be suppressed for long. The more obstacles are put in its way, the more keenly it pursues its goal, and the more resoundingly it achieves it. But the bad word, like Greek fire, cannot be stopped after it has left the ballista, and is incalculable in its effects, because for it nothing is holy, and it is inextinguishable because it finds nourishment and means of propagation in human hearts."

The speaker is not fortunate in his comparisons. He is overcome with a poetic exultation as soon as he begins to describe the omnipotence of the bad. We have already heard how the voice of the good has an impotent, because sober, sound when pitted against the siren song of evil. Now evil even becomes Greek fire, whereas the speaker has nothing at all with which to compare truth, and if we were to put his "sober" words into a comparison, truth would be at best a flint, which scatters sparks the more brightly the more it is struck. A fine argument for slave traders—to bring out the Negro's human nature by flogging, an excellent maxim for the legislator—to issue repressive laws against truth so that it will the more keenly pursue its goal. The speaker seems to have respect for truth only when it becomes primitive and spontaneous and is manifested tangibly. The more barriers you put in the way of truth, the more vigorous is the truth you obtain! Up with the barriers!
But let us allow the sirens to sing!

The speaker's mystical "theory of imperfection" has at last borne its earthly fruits; it has thrown its moonstones at us; let us examine the moonstones!

Everything is imperfect. The censorship is imperfect, the press law is imperfect. That determines their essence. There is nothing more to say about the correctness of their idea, nothing remains for us to do except, from the standpoint of the very lowest empiricism, to find out by calculating probabilities on which side the most dangers lie. It is purely a difference of time whether measures are taken to prevent the evil itself by means of censorship or repetition of the evil by means of the press law.

One sees how the speaker, by the empty phrase about "human imperfection", manages to evade the essential, internal, characteristic difference between censorship and press law and transforms the controversy from a question of principle into a foreground dispute as to whether more bruised noses result from the censorship or from the press law.

If, however, a contrast is drawn between the press law and the censorship law, it is, in the first place, not a question of their consequences, but of their basis, not of their individual application, but of their legitimacy in general. Montesquieu has already taught us that despotism is more convenient to apply than legality and Machiavelli asserts that for princes the bad has better consequences than the good. Therefore, if we do not want to confirm the old Jesuitical maxim that a good end—and we doubt even the goodness of the end—justifies bad means, we have above all to investigate whether censorship by its essence is a good means.

The speaker is right in calling the censorship law a preventive measure, it is a precautionary measure of the police against freedom, but he is wrong in calling the press law a repressive measure. It is the rule of freedom itself which makes itself the yardstick of its own exceptions. The censorship measure is not a law. The press law is not a measure.

In the press law, freedom punishes. In the censorship law, freedom is punished. The censorship law is a law of suspicion against freedom. The press law is a vote of confidence which freedom gives itself. The press law punishes the abuse of freedom. The censorship law punishes freedom as an abuse. It treats freedom as a criminal, or is it not regarded in every sphere as a degrading punishment to be under police supervision? The censorship law has only the form of a law. The press law is a real law.
The press law is a real law because it is the positive existence of freedom. It regards freedom as the normal state of the press, the press as the mode of existence of freedom, and hence only comes into conflict with a press offence as an exception that contravenes its own rules and therefore annuls itself. Freedom of the press asserts itself as a press law, against attacks on freedom of the press itself, i.e., against press offences. The press law declares freedom to be inherent in the nature of the criminal. Hence what he has done against freedom he has done against himself and this self-injury appears to him as a punishment in which he sees a recognition of his freedom.

The press law, therefore, is far from being a repressive measure against freedom of the press, a mere means of preventing the repetition of a crime through fear of punishment. On the contrary, the absence of press legislation must be regarded as an exclusion of freedom of the press from the sphere of legal freedom, for legally recognised freedom exists in the state as law. Laws are in no way repressive measures against freedom, any more than the law of gravity is a repressive measure against motion, because while, as the law of gravitation, it governs the eternal motions of the celestial bodies, as the law of falling it kills me if I violate it and want to dance in the air. Laws are rather the positive, clear, universal norms in which freedom has acquired an impersonal, theoretical existence independent of the arbitrariness of the individual. A statute-book is a people's bible of freedom.

Therefore the press law is the legal recognition of freedom of the press. It constitutes right, because it is the positive existence of freedom. It must therefore exist, even if it is never put into application, as in North America, whereas censorship, like slavery, can never become lawful, even if it exists a thousand times over as a law.

There are no actual preventive laws. Law prevents only as a command. It only becomes effective law when it is infringed, for it is true law only when in it the unconscious natural law of freedom has become conscious state law. Where the law is real law, i.e., a form of existence of freedom, it is the real existence of freedom for man. Laws therefore, cannot prevent a man's actions, for they are indeed the inner laws of life of his action itself, the conscious reflections of his life. Hence law withdraws into the background in the face of man's life as a life of freedom, and only when his actual behaviour has shown that he has ceased to obey the natural law of freedom does law in the form of state law compel him to be free, just as the laws of physics confront me as something alien only when my life has ceased to be the life of these laws, when it
has been *struck by illness*. Hence a *preventive law* is a *meaningless contradiction*.

A preventive law, therefore, has within it no *measure*, no *rational rule*, for a rational rule can only result from the nature of a thing, in this instance of freedom. It is *without measure*, for if prevention of freedom is to be effective, it must be as all-embracing as its object, i.e., unlimited. A preventive law is therefore the contradiction of an *unlimited limitation*, and the boundary where it ceases is fixed not by necessity, but by the fortuitousness of arbitrariness, as the censorship daily demonstrates *ad oculos.*

The human body is mortal by nature. Hence illnesses are inevitable. Why does a man only go to the doctor when he is ill, and not when he is well? Because not only the illness, but even the doctor is an evil. Under constant medical tutelage, life would be regarded as an evil and the human body as an object for treatment by medical institutions. Is not death more desirable than life that is a mere preventive measure against death? Does not life involve also free movement? What is any illness except life that is hampered in its freedom? A perpetual physician would be an illness in which one would not even have the prospect of dying, but only of living. Let life die; death must not live. Has not the spirit more right than the body? Of course, this right has often been interpreted to mean that for minds capable of free motion physical freedom of movement is even harmful and therefore they are to be deprived of it. The starting point of the censorship is that illness is the normal state, or that the normal state, freedom, is to be regarded as an illness. The censorship continually assures the press that it, the press, is ill; and even if the latter furnishes the best proofs of its bodily health, it has to allow itself to be treated. But the censorship is not even a learned physician who applies different internal remedies according to the illness. It is a country surgeon who knows only a single mechanical panacea for everything, the scissors. It is not even a surgeon who aims at restoring my health, it is a surgical aesthete who considers superfluous everything about my body that displeases him, and removes whatever he finds repugnant; it is a quack who drives back a rash so that it is not seen, without caring in the least whether it then affects more sensitive internal parts.

You think it wrong to put birds in cages. Is not the cage a preventive measure against birds of prey, bullets and storms? You think it barbaric to blind nightingales, but it does not seem to you

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* Before one's eyes.—*Ed.*
at all barbaric to put out the eyes of the press with the sharp pens of the censorship. You regard it as despotic to cut a free person’s hair against his will, but the censorship daily cuts into the flesh of thinking people and allows only bodies without hearts, submissive bodies which show no reaction, to pass as healthy!

[Rheinische Zeitung No. 135, May 15, 1842, Supplement]

We have shown how the press law expresses a right and the censorship law a wrong. The censorship itself, however, admits that it is not an end in itself, that it is not something good in and for itself, that its basis therefore is the principle: “The end justifies the means.” But an end which requires unjustified means is no justifiable end, and could not the press also adopt the principle and boast: “The end justifies the means”?

The censorship law, therefore, is not a law, it is a police measure; but it is a bad police measure, for it does not achieve what it intends, and it does not intend what it achieves.

If the censorship law wants to prevent freedom as something objectionable, the result is precisely the opposite. In a country of censorship, every forbidden piece of printed matter, i.e., printed without being censored, is an event. It is considered a martyr, and there is no martyr without a halo and without believers. It is regarded as an exception, and if freedom can never cease to be of value to mankind, so much the more valuable is an exception to the general lack of freedom. Every mystery has its attraction. Where public opinion is a mystery to itself, it is won over from the outset by every piece of writing that formally breaks through the mystical barriers. The censorship makes every forbidden work, whether good or bad, into an extraordinary document, whereas freedom of the press deprives every written work of an externally imposing effect.

If the censorship is honest in its intention, it would like to prevent arbitrariness, but it makes arbitrariness into a law. No danger that it can avert is greater than itself. The mortal danger for every being lies in losing itself. Hence lack of freedom is the real mortal danger for mankind. For the time being, leaving aside the moral consequences, bear in mind that you cannot enjoy the advantages of a free press without putting up with its inconveniences. You cannot pluck the rose without its thorns! And what do you lose with a free press?

The free press is the ubiquitous vigilant eye of a people’s soul, the embodiment of a people’s faith in itself, the eloquent link that connects the individual with the state and the world, the embodied
culture that transforms material struggles into intellectual struggles and idealises their crude material form. It is a people's frank confession to itself, and the redeeming power of confession is well known. It is the spiritual mirror in which a people can see itself, and self-examination is the first condition of wisdom. It is the spirit of the state, which can be delivered into every cottage, cheaper than coal gas. It is all-sided, ubiquitous, omniscient. It is the ideal world which always wells up out of the real world and flows back into it with ever greater spiritual riches and renews its soul.

In the course of our exposal we have shown that censorship and press law are as different as arbitrariness and freedom, as formal law and actual law. But what holds good of the essence, holds good also of the appearance. What rightly holds good of both, holds good also of their application. Just as a press law is different from a censorship law, so the judge's attitude to the press differs from the attitude of the censor.

Of course, our speaker, whose eyes are fixed on the heavens, sees the earth far below him as a contemptible heap of dust, so that he has nothing to say about any flowers except that they are dusty. Here too, therefore, he sees only two measures which are equally arbitrary in their application, for arbitrariness is acting according to individual discretion, and the latter, he says, is inseparable from spiritual things, etc., etc. If the understanding of spiritual things is individual, how can one spiritual view be more right than another, the opinion of the censor more right than the opinion of the author? But we understand the speaker. It is notable that he goes out of his way to describe both censorship and press law as being without right in their application, in order to prove the right of the censorship, for since he knows everything in the world is imperfect, the only question for him is whether arbitrariness should be on the side of the people or on the side of the government.

His mysticism turns into the licence of putting law and arbitrariness on the same level and seeing only a formal difference where moral and legal opposites are concerned, for his polemic is directed not against the press law, but against law in general. Or is there any law which is necessarily such that in every single case it must be applied as the legislator intended and all arbitrariness absolutely excluded? Incredible audacity is needed to call such a meaningless task the philosopher's stone, since it could only be put forward by the most extreme ignorance. The law is universal. The case which has to be settled in accordance with the law is a particular case. To include the particular in the universal involves a judgment. The judgment
is problematic. The law requires also a judge. If laws applied themselves, courts would be superfluous.

But everything human is imperfect! Therefore, editi, bibite! Why do you want judges, since judges are human? Why do you want laws, since laws can only be executed by human beings, and all human operations are imperfect? Submit yourselves then to the goodwill of your superiors! Rhenish justice, like that of Turkey, is imperfect! Therefore, editi, bibite!

What a difference there is between a judge and a censor!

The censor has no law but his superiors. The judge has no superiors but the law. The judge, however, has the duty of interpreting the law, as he understands it after conscientious examination, in order to apply it in a particular case. The censor’s duty is to understand the law as officially interpreted for him in a particular case. The independent judge belongs neither to me nor to the government. The dependent censor is himself a government organ. In the case of the judge, there is involved at most the unreliability of an individual intellect, in the case of the censor the unreliability of an individual character. The judge has a definite press offence put before him; confronting the censor is the spirit of the press. The judge judges my act according to a definite law; the censor not only punishes the crime, he makes it. If I am brought before the court, I am accused of disobeying an existing law, and for a law to be violated it must indeed exist. Where there is no press law there is no law which can be violated by the press. The censorship does not accuse me of violating an existing law. It condemns my opinion because it is not the opinion of the censor and his superiors. My openly performed act, which is willing to submit itself to the world and its judgment, to the state and its law, has sentence passed on it by a hidden, purely negative power, which cannot give itself the form of law, which shuns the light of day, and which is not bound by any general principles.

A censorship law is an impossibility because it seeks to punish not offences but opinions, because it cannot be anything but a formula for the censor, because no state has the courage to put in general legal terms what it can carry out in practice through the agency of the censor. For that reason, too, the operation of the censorship is entrusted not to the courts but to the police.

Even if censorship were in fact the same thing as justice, in the first place this would remain a fact without being a necessity. But, further, freedom includes not only what my life is, but equally how

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* Eat, drink! (Words from a German student song.) — Ed.
I live, not only that I do what is free, but also that I do it freely. Otherwise what difference would there be between an architect and a beaver except that the beaver would be an architect with fur and the architect a beaver without fur?

Our speaker returns superfluously once again to the effects of freedom of the press in the countries where it actually exists. Since we have already dwelt on this subject at length, we shall here only touch further on the French press. Apart from the fact that the defects of the French press are the defects of the French nation, we find that the evil is not where the speaker looks for it. The French press is not too free; it is not free enough. It is true that it is not subject to a spiritual censorship, but it is subject to a material censorship, in the shape of high money sureties. It operates materially precisely because it is taken out of its proper sphere and drawn into the sphere of large trade speculations. Moreover, large trade speculations are a matter for large towns. Hence the French press is concentrated at few points, and if a material force has a demoniac effect when concentrated at few points, why should this not apply to a spiritual force also?

If, however, you are bent on judging freedom of the press not by its idea, but by its historical existence, why do you not look for it where it historically exists? Naturalists seek by experiment to reproduce a natural phenomenon in its purest conditions. You do not need to make any experiments. You find the natural phenomenon of freedom of the press in North America in its purest, most natural form. But if there are great historical foundations for freedom of the press in North America, those foundations are still greater in Germany. The literature of a people, and the intellectual culture bound up with it, are indeed not only the direct historical foundations of the press, but are the latter's history itself. And what people in the world can boast of these most immediate historical foundations for freedom of the press more than the German people can?

But, our speaker again breaks in, woe to Germany's morals if its press were to become free, for freedom of the press produces "an inner demoralisation, which seeks to undermine faith in man's higher purpose and thereby the basis of true civilisation".

It is the censored press that has a demoralising effect. Inseparable from it is the most powerful vice, hypocrisy, and from this, its basic vice, come all its other defects, which lack even the rudiments of virtue, and its vice of passivity, loathsome even from the aesthetic point of view. The government hears only its own voice, it knows that it hears only its own voice, yet it harbours the
illusion that it hears the voice of the people, and it demands that
the people, too, should itself harbour this illusion. For its part,
therefore, the people sinks partly into political superstition, partly
into political disbelief, or, completely turning away from political
life, becomes a rabble of private individuals.

Since the press daily praises the government-inspired creations
in the way that God spoke of His Creations only on the Sixth day:
“And, behold, it was very good”, and since, however, one day nec-
essarily contradicts the other, the press lies continually and has to
deny even any consciousness of lying, and must cast off all shame.

Since the nation is forced to regard free writings as unlawful, it
becomes accustomed to regard what is unlawful as free, freedom
as unlawful and what is lawful as unfree. In this way censorship
kills the state spirit.

But our speaker is afraid of freedom of the press owing to his
concern for “private persons”. He overlooks that censorship is a
permanent attack on the rights of private persons, and still more
on ideas. He grows passionate about the danger to individual
persons, and ought we not to grow passionate about the danger
threatening society as a whole?

We cannot draw a sharper distinction between his view and ours
than by contrasting his definitions of “bad frames of mind” to
ours.

A bad frame of mind, he says, is “pride, which recognises no
authority in church and state”. And ought we not to regard as a
bad frame of mind the refusal to recognise the authority of reason
and law?

“It is envy which preaches abolition of everything that the rabble calls
aristocracy.”

But we say, it is envy which wants to abolish the eternal
aristocracy of human nature, freedom, an aristocracy about which
even the rabble can have no doubt.

“It is the malicious gloating which delights in personalities, whether lies or
truth, and imperiously demands publicity so that no scandal of private life will
remain hidden.”

It is the malicious gloating which extracts tittle-tattle and
personalities from the great life of the peoples, ignores historical
reason and serves up to the public only the scandals of history;
being quite incapable of judging the essence of a matter, it fastens
on single aspects of a phenomenon and on individuals, and
imperiously demands mystery so that every blot on public life will
remain hidden.
"It is the impurity of the heart and imagination which is titillated by obscene pictures."

It is the impurity of the heart and imagination which is titillated by obscene pictures of the omnipotence of evil and the impotence of good, it is the imagination which takes pride in sin, it is the impure heart which conceals its secular arrogance in mystical images.

"It is despair of one's own salvation which seeks to stifle the voice of conscience by denial of God."

It is despair of one's own salvation which makes personal weaknesses into weaknesses of mankind, in order to rid one's own conscience of them; it is despair of the salvation of mankind which prevents mankind from obeying its innate natural laws and preaches the necessity of immaturity; it is hypocrisy which shelters behind God without believing in His reality and in the omnipotence of the good; it is self-seeking which puts personal salvation above the salvation of all.

These people doubt mankind in general but canonise individuals. They draw a horrifying picture of human nature and at the same time demand that we should bow down before the holy image of certain privileged individuals. We know that man singly is weak, but we know also that the whole is strong.

Finally, the speaker recalled the words proclaimed from the branches of the tree of knowledge for whose fruits we negotiate today as then:

"Ye shall not surely die, in the day that ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil."

Although we doubt that the speaker has eaten of the tree of knowledge, and that we (the Rhine Province Assembly of the Estates) then negotiated with the devil, about which at least Genesis tells us nothing, nevertheless we concur with the view of the speaker and merely remind him that the devil did not lie to us then, for God himself says: "Behold, the man is become as one of us, to know good and evil."

We can reasonably let the speaker's own words be the epilogue to this speech:

"Writing and speaking are mechanical accomplishments."

However much our readers may be tired of these "mechanical accomplishments", we must, for the sake of completeness, let the urban estate, after the princely and knightly estates, also give vent to its feelings against freedom of the press. We are faced here with the opposition of the bourgeois, not of the citoyen.
The speaker from the urban estate believes that he joins Sieyès in making the philistine remark:

"Freedom of the press is a fine thing, so long as bad persons do not meddle in it." "Against that no proven remedy has yet been found", etc., etc.

The point of view which calls freedom of the press a thing deserves praise at least on account of its naivety. This speaker can be reproached with anything at all, but not with lack of sobriety or excess of imagination.

So freedom of the press is a fine thing, and something which embellishes the sweet customary mode of life, a pleasant, worthy thing. But there are also bad persons, who misuse speech to tell lies, the brain to plot, the hands to steal, the feet to desert. Speech and thought, hands and feet would be fine things—good speech, pleasant thought, skilful hands, most excellent feet—if only there were no bad persons to misuse them! No remedy against that has yet been found.

"Sympathy for the constitution and freedom of the press must necessarily be weakened when it is seen that they are bound up with eternally changeable conditions in that country" (France) "and with an alarming uncertainty about the future."

When for the first time the discovery in the science of the universe was made that the earth is a mobile perpetuum, many a phlegmatic German must have taken a tight hold of his nightcap and sighed over the eternally changeable conditions of his Fatherland, and an alarming uncertainty about the future must have made him dislike a house that turned upside down at every moment.

[Rheinische Zeitung No. 139, May 19, 1842, Supplement]

Freedom of the press is as little responsible for the "changeable conditions" as the astronomer's telescope is for the unceasing motion of the universe. Evil astronomy! What a fine time that was when the earth, like a respectable townsman, still sat in the centre of the universe, calmly smoked its clay pipe, and did not even have to put on the light for itself, since the sun, moon and stars like so many obedient night lamps and "fine things" revolved around it.

"He who never destroys what he has built, ever stands
On this terrestrial world, which itself never stands still,"
says Hariri, who is no Frenchman by birth, but an Arab.56

The estate of the speaker finds expression very definitely in the thought:

"The true, honest patriot is unable to suppress his feeling that constitution and freedom of the press exist not for the welfare of the people, but to satisfy the ambition of individuals and for the domination of parties."
It is well known that a certain kind of psychology explains big things by means of small causes and, correctly sensing that everything for which man struggles is a matter of his interest, arrives at the incorrect opinion that there are only "petty" interests, only the interests of a stereotyped self-seeking. Further, it is well known that this kind of psychology and knowledge of mankind is to be found particularly in towns, where moreover it is considered the sign of a clever mind to see through the world and perceive that behind the passing clouds of ideas and facts there are quite small, envious, intriguing manikins, who pull the strings setting everything in motion. However, it is equally well known that if one looks too closely into a glass, one bumps one's own head, and hence these clever people's knowledge of mankind and the universe is primarily a mystified bump of their own heads.

Half-heartedness and indecision are also characteristic of the speaker's estate.

"His feeling of independence inclines him to favour freedom of the press" (in the sense of the mover of the motion), "but he must listen to the voice of reason and experience."

If the speaker had said in conclusion that while his reason disposed him in favour of freedom of the press his feeling of dependence set him against it, his speech would have been a perfect genre picture of urban reaction.

"He who has a tongue and does not speak,  
Who has a sword and does not fight,  
What is he indeed but a wretched wight?"

We come now to the defenders of press freedom and begin with the main motion. We pass over the more general material, which is aptly and well expressed in the introductory words of the motion, in order at once to stress the peculiar and characteristic standpoint of this speech.

The mover of the motion desires that freedom of the press should not be excluded from the general freedom to carry on a trade, a state of things that still prevails, and by which the inner contradiction appears as a classical example of inconsistency.

"The work of arms and legs is free, but that of the brain is under tutelage. Of cleverer brains no doubt? God forbid, that does not come into question as far as the censors are concerned. To him whom God gives an official post, He gives also understanding!"

The first thing that strikes one is to see freedom of the press included under freedom of trade. However, we cannot simply reject the speaker's view. Rembrandt painted the Madonna as a Dutch
peasant woman; why should our speaker not depict freedom in a form which is dear and familiar to him?

No more can we deny that the speaker's point of view has a certain relative truth. If the press itself is regarded merely as a trade, then, as a trade carried on by means of the brain, it deserves greater freedom than a trade carried on by means of arms and legs. The emancipation of arms and legs only becomes humanly significant through the emancipation of the brain, for it is well known that arms and legs become human arms and legs only because of the head which they serve.

Therefore, however peculiar the speaker's point of view may appear at first glance, we must absolutely prefer it to the empty, nebulous and blurry arguments of those German liberals who think freedom is honoured by being placed in the starry firmament of the imagination instead of on the solid ground of reality. It is in part to these exponents of the imagination, these sentimental enthusiasts, who shy away from any contact of their ideal with ordinary reality as a profanation, that we Germans owe the fact that freedom has remained until now a fantasy and sentimentality.

Germans are in general inclined to sentiment and high-flown extravagance, they have a weakness for music of the blue sky. It is therefore gratifying when the great problem of the idea is demonstrated to them from a tough, real standpoint derived from the immediate environment. Germans are by nature most devoted, servile and respectful. Out of sheer respect for ideas they fail to realise them. They make the worship of them into a cult, but they do not cultivate them. Hence the way adopted by the speaker seems suitable for familiarising Germans with his ideas, for showing them that it is not a question here of something inaccessible to them, but of their immediate interests, suitable for translating the language of the gods into that of man.

We know that the Greeks believed that in the Egyptian, Lydian and even Scythian gods they could recognise their Apollo, their Athena, their Zeus, and they disregarded the specific features of the foreign cults as subsidiary. It is no crime, therefore, if the German takes the goddess of freedom of the press, a goddess unknown to him, for one of his familiar goddesses, and accordingly calls it freedom of trade or freedom of property.

Precisely because we are able to acknowledge and appreciate the speaker's point of view, we criticise it the more severely.

"One could very well imagine the continued existence of crafts side by side with freedom of the press, because trade based on brain work could require a higher
degree of skill, putting it on the same level as the seven free arts of old; but the continued unfreedom of the press alongside freedom of trade is a sin against the Holy Ghost."

Of course! The lower form of freedom is obviously considered to be without rights if the higher form has no rights. The right of the individual citizen is a folly if the right of the state is not recognised. If freedom in general is rightful, it goes without saying that a particular form of freedom is the more rightful as freedom has achieved in it a finer and better-developed existence. If the polyp has a right to existence because the life of nature is at least dimly evident in it, how much more so the lion, in which life rages and roars?

However correct the conclusion that the existence of a higher form of right can be considered proved by the existence of a lower form, the application is wrong when it makes the lower sphere a measure of the higher and turns its laws, reasonable within their own limits, into caricatures by claiming that they are not laws of their own sphere, but of a higher one. It is as if I wanted to compel a giant to live in the house of a pigmy.

Freedom of trade, freedom of property, of conscience, of the press, of the courts, are all species of one and the same genus, of freedom without any specific name. But it is quite incorrect to forget the difference because of the unity and to go so far as to make a particular species the measure, the standard, the sphere of other species. This is an intolerance on the part of one species of freedom, which is only prepared to tolerate the existence of others if they renounce themselves and declare themselves to be its vassals.

Freedom of trade is precisely freedom of trade and no other freedom because within it the nature of the trade develops unhindered according to the inner rules of its life. Freedom of the courts is freedom of the courts if they follow their own inherent laws of right and not those of some other sphere, such as religion. Every particular sphere of freedom is the freedom of a particular sphere, just as every particular mode of life is the mode of life of a particular nature. How wrong it would be to demand that the lion should adapt himself to the laws of life of the polyp! How false would be my understanding of the interconnection and unity of the bodily organism if I were to conclude: since arms and legs function in their specific way, the eye and ear — organs which take man away from his individuality and make him the mirror and echo of the universe — must have a still greater right to activity, and consequently must be intensified arm-and-leg activity.

As in the universe each planet, while turning on its own axis, moves only around the sun, so in the system of freedom each of
its worlds, while turning on its own axis, revolves only around the central sun of freedom. To make freedom of the press a variety of freedom of trade is a defence that kills it before defending it, for do I not abolish the freedom of a particular character if I demand that it should be free in the manner of a different character? Your freedom is not my freedom, says the press to a trade. As you obey the laws of your sphere, so will I obey the laws of my sphere. To be free in your way is for me identical with being unfree, just as a cabinet-maker would hardly feel pleased if he demanded freedom for his craft and was given as equivalent the freedom of the philosopher.

Let us lay bare the thought of the speaker. What is freedom? He replies: *Freedom of trade*, which is as if a student, when asked what is freedom, were to reply: *It is freedom to be out at night.*

With as much right as freedom of the press, one could include every kind of freedom in freedom of trade. The judge practises the trade of law, the preacher that of religion, the father of a family that of bringing up children. But does that express the essence of legal, religious and moral freedom?

One could also put it the other way round and call freedom of trade merely a *variety of freedom of the press*. Do craftsmen work only with hands and legs and not with the brain as well? Is the language of words the only language of thought? Is not the language of the mechanic through the steam-engine easily perceptible to my ear, is not the language of the bed manufacturer very obvious to my back, that of the cook comprehensible to my stomach? Is it not a contradiction that all these varieties of freedom of the press are permitted, the sole exception being the one that speaks to my intellect through the medium of printer's ink?

In order to defend, and even to understand, the freedom of a particular sphere, I must proceed from its essential character and not its external relations. But is the press true to its character, does it act in accordance with the nobility of its nature, is the press free which degrades itself to the level of a *trade*? The writer, of course, must earn in order to be able to live and write, but he must by no means live and write to earn.

*When Béranger sings:*

\[ \text{Je ne vis que pour faire des chansons,} \\ \text{Si vous m'ôtez ma place Monseigneur,} \\ \text{Je ferai des chansons pour vivre,}^{a} \]

\[^{a}\] I live only to compose songs.
If you dismiss me, Monseigneur,
I shall compose songs in order to live.—*Ed.*
this threat contains the ironic admission that the poet deserts his proper sphere when for him poetry becomes a means.

The writer does not at all look on his work as a means. It is an end in itself; it is so little a means for him himself and for others that, if need be, he sacrifices his existence to its existence. He is, in another way, like the preacher of religion who adopts the principle: “Obey God rather than man”, including under man himself with his human needs and desires. On the other hand, what if a tailor from whom I had ordered a Parisian frock-coat were to come and bring me a Roman toga on the ground that it was more in keeping with the eternal law of beauty!

*The primary freedom of the press lies in not being a trade.* The writer who degrades the press into being a material means deserves as punishment for this internal unfreedom the external unfreedom of censorship, or rather his very existence is his punishment.

Of course, the press exists also as a trade, but then it is not the affair of writers, but of printers and booksellers. However, we are concerned here not with the freedom of trade of printers and booksellers, but with freedom of the press.

Indeed, our speaker does not stop at regarding the right to freedom of the press proved because of freedom of trade; he demands that freedom of the press, instead of being subject to its own laws, should be subject to the laws of freedom of trade. He even joins issue with the spokesman of the commission, who defends a higher view of freedom of the press, and he puts forward demands which can only produce a comic effect, for it becomes comic when the laws of a lower sphere are applied to a higher one, just as, conversely, it has a comic effect when children become passionate.

“He speaks of *authorised* and *unauthorised* authors. He understands by this that even in the sphere of freedom of trade the exercise of a right that has been granted is always bound up with some condition which is more or less difficult to fulfil, depending on the occupation in question. Obviously, masons, carpenters and master builders have to fulfil conditions from which most other trades are exempt.” “His motion concerns a right *in particular*, not *in general*.”

First of all, *who* is to grant *authority*? Kant would not have admitted Fichte’s authority as a philosopher, Ptolemy would not have admitted that Copernicus had authority as an astronomer, nor Bernard of Clairvaux Luther’s authority as a theologian. Every man of learning regards his critics as “unauthorised authors”. Or should the unlearned decide who should have the authority of a man of learning? Obviously the judgment would have to be left to the unauthorised authors, for the authorised cannot be judges in
their own case. Or should authority be linked with estate? The cobbler Jakob Böhme was a great philosopher. Many a philosopher of repute is merely a great cobbler.

By the way, when speaking of authorised or unauthorised authors, to be consistent one must not rest content with distinguishing between individual persons, one must divide the press as a trade into various trades and draw up different trade certificates for the different spheres of literary activity. Or ought the authorised writer to be able to write about everything? From the outset, the cobbler has more authority than the lawyer to write about leather. The day-labourer has just as much authority as the theologian to write about whether one should work or not on holidays. If, therefore, authority is linked with special objective conditions, every citizen will be at one and the same time an authorised and an unauthorised writer, authorised in matters concerning his profession, and unauthorised in all others.

Apart from the fact that in this way the world of the press, instead of being a bond uniting the nation, would be a sure means of dividing it, that the difference between the estates would thus be fixed intellectually, and the history of literature would sink to the level of the natural history of the particular intelligent breeds of animals; apart from the disputes over the dividing lines between them and conflicts which could neither be settled nor avoided; apart from the fact that lack of talent and narrow-mindedness would become a law for the press, for the particular can be seen intellectually and freely only in connection with the whole and therefore not in separation from it—apart from all this, since reading is as important as writing, there would have to be authorised and unauthorised readers, a consequence which was drawn in Egypt, where the priests, the authorised authors, were at the same time the sole authorised readers. And it is highly expedient that only the authorised authors should be given authority to buy and read their own works.

What inconsistency! If privilege prevails, the government has every right to maintain that it is the sole authorised author as regards what it does or does not do. For if you consider yourself authorised as a citizen to write not only about your particular estate, but about what is most general, viz., the state, should not other mortals, whom you wish to exclude, be authorised as human beings to pass judgment on a very particular matter, viz., your authority and your writings?

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*a* Cf. H. Heine, *Die romantische Schule*, II, 3.— *Ed.*
The result would be the comical contradiction that the authorised author might write without censorship about the state, but the unauthorised author might write about the authorised author only by permission of the censorship.

Freedom of the press will certainly not be achieved by a crowd of official writers being recruited by you from your ranks. The authorised authors would be the official authors, the struggle between censorship and freedom of the press would be converted into a struggle between authorised and unauthorised writers.

Hence a member of the fourth estate correctly replies to this:

“If some restriction on the press must still exist, let it be equal for all parties, that is, that in this respect no one class of citizens is allowed more rights than another”.

The censorship holds us all in subjection, just as under a despotic regime all are equal, if not in value, then in absence of value; that kind of freedom of the press seeks to introduce oligarchy in the sphere of intellectual life. The censorship declares that an author is at most inconvenient, unsuitable within the bounds of its realm. That kind of freedom of the press claims to anticipate world history, to know in advance the voice of the people, which hitherto has been the sole judge as to which writer has “authority” and which is “without authority”. Whereas Solon did not venture to judge a man until after his life was over, after his death, this view presumes to judge a writer even before his birth.

The press is the most general way by which individuals can communicate their intellectual being. It knows no respect for persons, but only respect for intelligence. Do you want ability for intellectual communication to be determined officially by special external signs? What I cannot be for others, I am not and cannot be for myself. If I am not allowed to be a spiritual force for others, then I have no right to be a spiritual force for myself; and do you want to give certain individuals the privilege of being spiritual forces? Just as everyone learns to read and write, so everyone must have the right to read and write.

For whom, then, is the division of writers into “authorised” and “unauthorised” intended? Obviously not for the truly authorised, for they can make their influence felt without that. Is it therefore for the “unauthorised” who want to protect themselves and impress others by means of an external privilege?

Moreover, this palliative does not even make a press law unnecessary, for, as a speaker from the peasant estate remarks:

“Cannot a privileged person, too, exceed his authority and be liable to punishment? Therefore, in any case, a press law would be necessary, with the result that one would encounter the same difficulties as with a general law on the press.”
If the German looks back on his history, he will find one of the main reasons for his slow political development, as also for the wretched state of literature prior to Lessing, in the existence of "authorised writers". The learned men by profession, guild or privilege, the doctors and others, the colourless university writers of the seventeenth and eighteenth centuries, with their stiff pigtails and their distinguished pedantry and their petty hair-splitting dissertations, interposed themselves between the people and the mind, between life and science, between freedom and mankind. It was the unauthorised writers who created our literature. Gottsched and Lessing—there you have the choice between an "authorised" and "unauthorised" writer!

In general, we have no liking for "freedom" that only holds good in the plural. England is a proof on a big historical scale how dangerous for "freedom" is the restricted horizon of "freedoms".

"Ce mot des libertés," says Voltaire, "des privilèges, suppose l'assujettissement. Des libertés sont des exemptions de la servitude générale." 3

Further, if our speaker wants to exclude anonymous and pseudonymous writers from freedom of the press and subject them to censorship, we would point out that in the press it is not the name that matters, but that, where a press law is in force, the publisher, and through him the anonymous and pseudonymous writer as well, is liable to prosecution in the courts. Moreover, when Adam gave names to all the animals in paradise, he forgot to give names to the German newspaper correspondents, and they will remain nameless in saecula saeculorum. b

Whereas the mover of the motion sought to impose restrictions on persons, the subjects of the press, other estates want to restrict the objective material of the press, the scope of its operation and existence. The result is a soulless bargaining and haggling as to how much freedom freedom of the press ought to have.

One estate wants to limit the press to discussing the material, intellectual and religious state of affairs in the Rhine Province; another wants the publication of "local newspapers", whose title indicates their restricted content; a third even wants free expression of opinion to be allowed in one newspaper only in each province!!!

All these attempts remind one of the gymnastics teacher who

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a "This word of the liberties, of the privileges, supposes subjection. Liberties are exemptions from the general servitude."—Ed.
b For ever and ever.—Ed.
Debates on Freedom of the Press

suggested that the best way to teach how to jump was to take the pupil to a big ditch and show him by means of a cotton thread how far he ought to jump across the ditch. Of course, the pupil had first to practise jumping and would not be allowed to clear the whole ditch on the first day, but from time to time the thread would be moved farther away. Unfortunately, during his first lesson the pupil fell into the ditch, and he has been lying there ever since. The teacher was a German and the pupil's name was "freedom".

According to the average normal type, therefore, the defenders of freedom of the press in the Sixth Rhine Province Assembly differ from their opponents not as regards content, but in their trend. The narrow-mindedness of a particular estate opposes the press in one case, and defends it in another; some want the government alone to have privileges, others want them to be shared among more persons; some want a full censorship, others a half censorship; some want three-eighths freedom of the press, others none at all. God save me from my friends!

Completely at variance with the general spirit of the Assembly, however, are the speeches of the commission's spokesman and those of some members of the peasant estate.

Among other things, the spokesman declared:

"In the life of peoples, as in that of individuals, it happens that the fetters of a too long tutelage become intolerable, that there is an urge for independence, and that everyone wants to be responsible himself for his actions. Thereupon the censorship has outlived its time; where it still exists it will be regarded as a hateful constraint which prohibits what is openly said from being written."

Write as you speak, and speak as you write, our primary schoolteachers taught us. Later what we are told is: say what has been prescribed for you, and write what you repeat after others.

"Whenever the inevitable progress of time causes a new, important interest to develop and gives rise to a new need, for which no adequate provision is contained in the existing legislation, new laws are necessary to regulate this new state of society. Precisely such a case confronts us here."

That is the truly historical view in contrast to the illusory one which kills the reason of history in order subsequently to honour its bones as historical relics.

"Of course, the problem" (of a press code) "may not be quite easy to solve; the first attempt that is made will perhaps remain very incomplete! But all states will owe a debt of gratitude to the legislator who is the first to take up this matter, and under a king like ours, it is perhaps the Prussian government that is destined to have the honour to precede other countries along this path, which alone can lead to the goal."
Our whole exposal has shown how *isolated* this courageous, dignified and resolute view was in the Assembly. This was also abundantly pointed out to the spokesman of the commission by the chairman himself. Finally, it was expressed also by a member of the peasant estate in an ill-humoured but excellent speech:

"The speakers have gone round and round the question before us like a cat round hot porridge." "The human spirit must develop freely in accordance with its inherent laws and be allowed to communicate its achievements, otherwise a clear, vitalising stream will become a pestiferous swamp. If any nation is suitable for freedom of the press it is surely the calm, good-natured German nation, which stands more in need of being roused from its torpor than of the strait jacket of censorship. For it not to be allowed freely to communicate its thoughts and feelings to its fellow men very much resembles the North American system of solitary confinement for criminals, which when rigidly enforced often leads to madness. From one who is not permitted to find fault, praise also is valueless; in absence of expression it is like a Chinese picture in which shade is lacking. Let us not find ourselves put in the same company as this enervated nation!"

If we now look back on the press debates as a whole, we cannot overcome the dreary and uneasy impression produced by an assembly of representatives of the Rhine Province who wavered only between the deliberate obduracy of privilege and the natural impotence of a half-hearted liberalism. Above all, we cannot help noting with displeasure the almost entire absence of general and broad points of view, as also the negligent superficiality with which the question of a free press was debated and disposed of. Once more, therefore, we ask ourselves whether the press was a matter too remote from the Assembly of the Estates, and with which they had too little real contact, for them to be able to defend freedom of the press with the thorough and serious interest that was required?

Freedom of the press presented its petition to the estates with the *most subtle captatio benevolentiae.*

At the very beginning of the Assembly session, a debate arose in which the *chairman* pointed out that the *printing of the Assembly proceedings,* like all other writings, was subject to *censorship,* but that in this case he took the place of the censor.

On this *one* point, did not the question of *freedom of the press* coincide with that of *freedom of the Assembly?* The conflict here is the more interesting because the Assembly in its own person was given proof how the absence of freedom of the press makes all other freedoms illusory. One form of freedom governs another just as one limb of the body does another. Whenever a particular freedom is put in question, freedom in general is put in question.
Whenever one form of freedom is rejected, freedom in general is rejected and henceforth can have only a semblance of existence, since the sphere in which absence of freedom is dominant becomes a matter of pure chance. Absence of freedom is the rule and freedom an exception, a fortuitous and arbitrary occurrence. There can, therefore, be nothing wronger than to think that when it is a question of a particular form of existence of freedom, it is a particular question. It is the general question within a particular sphere. Freedom remains freedom whether it finds expression in printer's ink, in property, in the conscience, or in a political assembly. But the loyal friend of freedom whose sense of honour would be offended by the mere fact that he had to vote on the question whether freedom was to be or not to be—this friend becomes perplexed when confronted with the peculiar material form in which freedom appears. He fails to recognise the genus in the species; because of the press, he forgets about freedom, he believes he is judging something whose essence is alien to him, and he condemns his own essence. Thus the Sixth Rhine Province Assembly condemned itself by passing sentence on freedom of the press.

The highly sage, practical bureaucrats who secretly and unjustifiably think of themselves in the way that Pericles openly and rightly boasted of himself: "I am a man who is the equal of anyone both in knowing the needs of the state and in the art of expounding them"—these hereditary leaseholders of political intelligence will shrug their shoulders and remark with oracular good breeding that the defenders of freedom of the press are wasting their efforts, for a mild censorship is better than a harsh freedom of the press. We reply to them with the words of the Spartans Sperthias and Bulis to the Persian satrap Hydarnes:

"Hydarnes, you have not equally weighed each side in your advice to us. For you have tried the one which you advise, the other has remained untried by you. You know what it means to be a slave, but you have never yet tried freedom, to know whether it is sweet or not. For if you had tried it, you would have advised us to fight for it, not merely with spears, but also with axes."

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Printed according to the newspaper
Published in English for the first time

Signed: By a Rhinelander

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\[a\] Thucydides, The History of the Peloponnesian War, Vol. I, Book 2, 60.—Ed.

\[b\] Herodot, Historiae, Vol. II, Book 7, 135.—Ed.
"Germany and France with regard to the question of centralisation" with the sign $\div \div$.

"Whether state power should issue from a single point or whether each province, each locality, should administer itself, and the central government, only acting as the power of the whole, should rule also the individual parts of the state when the state has to be represented externally—this is a question on which views are still very much divided."

The fate which a question of the time has in common with every question justified by its content, and therefore rational, is that the question and not the answer constitutes the main difficulty. True criticism, therefore, analyses the questions and not the answers. Just as the solution of an algebraic equation is given once the problem has been put in its simplest and sharpest form, so every question is answered as soon as it has become a real question. World history itself has no other method than that of answering and disposing of old questions by putting new ones. The riddles of each period are therefore easy to discover. They are questions of the time, and although the intention and insight of a single individual may play an important role in the answers, and a practised eye is needed to separate what belongs to the individual from what belongs to the time, the questions, on the other hand, are the frank, uncompromising voices of the time embracing all individuals; they are its mottoes, they are the supremely practical utterances proclaiming the state of its soul. In each period, therefore, reactionaries are as sure indicators of its spiritual condition as dogs are of the weather. To the public, it looks as if the reactionaries make the questions. Hence the public believes that if some obscurantist or other does not combat a modern trend, if he
does not subject something to question, then the question does not exist. The public itself, therefore, regards the reactionaries as the true men of progress.

"Whether state power should issue from a single point", i.e., whether a single point should rule, or whether each province, etc., should administer itself and the central government act only externally as the power of the whole "in relation to the exterior"—the question of centralisation cannot be formulated in this way. The author\(^a\) assures us that

"this question, considered from a higher standpoint, falls away of itself as being futile", for "if man is really what he should be by his essence, individual freedom is not separate from general freedom". "If, therefore, one assumes a nation to be made up of righteous people, the question under consideration cannot arise at all." "The central power would live in all members, etc., etc." "But just as in general every external law, every positive institution, etc., would be superfluous, so would any central state power, etc. Such a society would be not a state, but the ideal of mankind." "One can make it astonishingly easy to solve the most difficult state problems if one looks at our social life from a high philosophical standpoint. And theoretically, such a solution of the problems is quite correct, indeed the only correct one. But it is a question here not of a theoretical, etc., but of a practical, naturally merely empirical and relative, answer to the question of centralisation, etc."

The author of the article begins with a self-criticism of his question. Seen from a higher standpoint, it does not exist, but at the same time we are told that, seen from this high standpoint, all laws, positive institutions, the central state power and finally the state itself, disappear. The author rightly praises the "astonishing ease" with which this standpoint is able to orient itself, but he is not right in calling such a solution of the problems "quite correct, indeed the only correct one", he is not right in calling this standpoint a "philosophical" one. Philosophy must seriously protest at being confused with imagination. The fiction of a nation of "righteous" people is as alien to philosophy as the fiction of "praying hyenas" is to nature. The author substitutes "his abstractions" for philosophy.\(^b\)

Written after May 17, 1842
First published in: Marx/Engels, Gesamt-Ausgabe, Abt. 1, Bd. 1, Hb. 1, 1927

\(^{a}\) Moses Hess.—\textit{Ed.}
\(^{b}\) The manuscript breaks off here.—\textit{Ed.}
Up to now we have respected the Kölnische Zeitung, if not as the "organ of the Rhenish intelligentsia" at any rate as the Rhenish "information sheet". We regarded above all its, "leading political articles" as a means, both wise and select, for making politics repugnant to the reader, so that he will the more eagerly turn to the vitally refreshing realm of the advertisements which reflects the pulsating life of industry and is often wittily piquant, so that here too the motto would be: *per aspera ad astra*, through politics to the oysters. However, the finely even balance which the Kölnische Zeitung had hitherto succeeded in maintaining between politics and advertisements has recently been upset by a kind of advertisements which can be called "advertisements of political industry". In the initial uncertainty as to where this new genus should be placed, it happened that an advertisement was transformed into a leading article, and the leading article into an advertisement, and indeed into one which in the language of the political world is called a "denunciation", but if paid for is called simply an "advertisement".

It is a custom in the North that before the meagre meals, the guests are given a drink of exquisitely fine spirits. In following this custom, we are the more pleased to offer some spirits to our

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* A pun on the German word *Intelligenz*, which can mean both "intelligentsia" and "information". — *Ed.*
* b By rough paths to the stars. A pun based on the similarity of the Latin *atra*—stars, to the German *Auster*—oyster. — *Ed.*
* c A pun on the German word *Anzeige*, which can mean both "advertisement" and "denunciation". — *Ed.*
Northern guest because in the meal itself, in the very “ailing”\(^a\) article in No. 179 of the *Kölnische Zeitung*, we find no trace of spirit. Therefore we present first of all a scene from Lucian’s *Dialogues of the Gods*, which we give here in a “generally comprehensible” translation,\(^b\) because among our readers there is bound to be at least one who is no Hellene.

 Lucian’s *Dialogues of the Gods*

**XXIV. HERMES’ COMPLAINTS**

*Hermes. Maia*

_Hermes._ Is there, dear Mother, in all heaven a god who is more tormented than I am?

_Maia._ Don’t say such things, my son!

_Hermes._ Why shouldn’t I? I, who have such a lot of things to attend to, who have to do everything myself, and have to submit to so many servile duties? In the morning I have to be among the very first to get up, sweep out the dining-room, and put the cushions straight in the council chamber. When everything is in order I have to wait on Jupiter and spend the whole day as his messenger, going to and fro on his errands. Hardly have I returned, and while still covered with dust, I have to serve ambrosia. Worst of all, I am the only one who is allowed no rest even at night, for I have to lead the souls of the dead to Pluto and perform the duties of attendant while the dead are being judged. For it is not enough that in my daytime labours I have to be present at gymnastic exercises, act as herald at meetings of the people, and help the people’s orators to memorise their speeches. Nay, torn between so many duties, I must also look after all matters concerning the dead.

Since his expulsion from Olympus, Hermes, by force of habit, still performs “servile duties” and looks after all matters concerning the dead.

Whether Hermes himself, or his son, the goat-god Pan, wrote the ailing article of No. 179, let the reader decide, bearing in mind that the Greek Hermes was the god of eloquence and logic.

“To spread philosophical and religious views by means of the newspapers, or to combat them in the newspapers, we consider equally impermissible.”

While the old man chattered on in this way, I became well aware that he intended to deliver a tedious litany of oracular pronouncements. However, I curbed my impatience, for ought I not to believe this discerning man who is so ingenuous as to express his opinion with the utmost candour in his own house, and I went on reading. But—lo and behold!—this article, which, it is true,

\(^a\) A pun on the German words *leitender*, which means “leading”, and *leidender*, meaning “ailingly”.—Ed.
cannot be reproached for any philosophical views, at least has the tendency to combat philosophical views and spread religious views.

What are we to make of an article which disputes the right to its own existence, which prefaces itself with a declaration of its own incompetence? The loquacious author will reply to us. He explains how his pretentious articles are to be read. He confines himself to giving some fragments, the “arrangement and connection” of which he leaves to the “perspicacity of the reader”—the most convenient method for the kind of advertisements which he makes it his business to deal with. We should like to “arrange and connect” these fragments, and it is not our fault if the rosary does not become a string of pearls.

The author declares:

“A party which employs these means” (i.e., spreads philosophical and religious views in newspapers and combats such views) “shows thereby, in our opinion, that its intentions are not honest, and that it is less concerned with instructing and enlightening the people than with achieving other external aims.”

This being his opinion, the article can have no other intention than the achievement of external aims. These “external aims” will not fail to show themselves.

The state, he says, has not only the right but the duty to “put a stop to the activities of unbidden chatterers”. The writer is obviously referring to opponents of his view, for he has long ago convinced himself that he is a hidden chatterer.

It is a question, therefore, of a new intensification of the censorship in religious matters, of new police measures against the press, which has hardly been able to draw breath as yet.

“In our opinion, the state is to be reproached, not for excessive severity, but for indulgence carried too far.”

The leader writer, however, has second thoughts. It is dangerous to reproach the state. Therefore he addresses himself to the authorities, his accusation against freedom of the press turns into an accusation against the censors. He accuses them of exercising “too little censorship”.

“Reprehensible indulgence has hitherto been shown also, not by the state, it is true, but by individual authorities, in that the new philosophical school has been allowed to make most disgraceful attacks on Christianity in public papers and other publications intended for a readership that is not purely scientific.”

Once again, however, the author comes to a halt; again he has second thoughts. Less than eight days ago he found that the freedom of the censorship allowed too little freedom of the press;
now he finds that the compulsion of the censors results in too little compulsion of the censorship.
That again has to be remedied.

“As long as the censorship exists it is its most urgent duty to excise such abhorrent offshoots of a childish presumption as have repeatedly offended our eyes in recent days.”

Weak eyes! Weak eyes! And

“the weakest eye will be offended by an expression which can be intended only for the level of understanding of the broad masses”.

If the relaxed censorship already allows abhorrent offshoots to appear, what would happen with freedom of the press? If our eyes are too weak to bear the “presumption” of the censored press, how would they be strong enough to bear the “audacity”* of a free press?

“As long as the censorship exists it is its most urgent duty.” And when it ceases to exist? The phrase must be interpreted as meaning: it is the most urgent duty of the censorship to remain in existence as long as possible.

But again the author has second thoughts.

“It is not our function to act as public prosecutor, and therefore we refrain from any more detailed designation.”

What heavenly goodness there is in this man! He refrains from any more detailed “designation”, and yet it is only by quite detailed, quite definite signs that he could prove and show what his view aims at. He lets fall only vague, half audible words intended to arouse suspicions; it is not his function to be a public prosecutor, his function is to be a hidden prosecutor.

For the last time the unfortunate man has second thoughts, remembering that his function is to write liberal leading articles, and that he has to present himself as a “loyal friend of freedom of the press”. Hence he quickly takes up his final position:

“We could not fail to protest against a course which, if it is not the consequence of accidental negligence, can have no other purpose than to discredit the freer movement of the press in the eyes of the public, to play into the hands of opponents who are afraid of failing to achieve their aim in an open way.”

The censorship—we are told by this defender of freedom of the press, who is as bold as he is sharp-witted—if it is not the

* A pun on the German words Übermut—presumption, and Mut—audacity.—Ed.
English leopard with the inscription: "I sleep, wake me not!"\(^a\), has adopted this "disastrous" course in order to discredit the freer movement of the press in the eyes of the public.

Is there any further need to discredit a movement of the press which calls the attention of the censorship to "accidental negligences", and which expects to obtain its renown in public opinion through the "penknife of the censor"?

This movement can be called "free" insofar as the licence of shamelessness is also sometimes called "free", and is it not the shamelessness of stupidity and hypocrisy to claim to be a defender of the freer movement of the press while at the same time teaching that the press will at once fall into the gutter unless it is supported under the arms by two policemen?

And what need is there of censorship, what need is there of this leading article, if the philosophical press discredits itself in the eyes of the public? Of course, the author does not want to restrict in any way "the freedom of scientific research".

"In our day, scientific research is rightly allowed the widest, most unrestricted scope."

But how our author conceives scientific research can be seen from the following utterance:

"In this connection a sharp distinction must be drawn between the requirements of freedom of scientific research, through which Christianity can only gain, and what lies outside the limits of scientific research."

Who is to decide on the limits of scientific research if not scientific research itself? According to the leading article, limits should be prescribed to science. The leading article, therefore, knows of an "official reason" which does not learn from scientific research, but teaches it, which is a learned providence that establishes the length every hair should have to convert a scientist's beard into a beard of world importance. The leading article believes in the scientific inspiration of the censorship.

Before going further into these "silly" explanations of the leading article on the subject of "scientific research", let us sample for a moment the "philosophy of religion" of Herr H.\(^b\), his "own science"!

"Religion is the basis of the state and the most necessary condition for every social association which does not aim merely at achieving some external aim."

\(^a\) Marx wrote these words in English.—*Ed.*

\(^b\) Hermes.—*Ed.*
The proof: “In its crudest form as childish fetishism it nevertheless to some extent raises man above his sensuous desires which, if he allowed himself to be ruled exclusively by them, could degrade him to the level of an animal and make him incapable of fulfilling any higher aim.”

The author of the leading article calls fetishism the “crudest form” of religion. He concedes, therefore, what all “men of science” regard as established even without his agreement, that “animal worship” is a higher form of religion than fetishism. But does not animal worship degrade man below the animal, does it not make the animal man’s god?

And now, indeed, “fetishism”! Truly, the erudition of a penny magazine! Fetishism is so far from raising man above his sensuous desires that, on the contrary, it is “the religion of sensuous desire”. Fantasy arising from desire deceives the fetish-worshipper into believing that an “inanimate object” will give up its natural character in order to comply with his desires. Hence the crude desire of the fetish-worshipper smashes the fetish when it ceases to be its most obedient servant.

“In those nations which attained higher historical significance, the flowering of their national life coincides with the highest development of their religious consciousness, and the decline of their greatness and their power coincides with the decline of their religious culture.”

To arrive at the truth, the author’s assertion must be directly reversed; he has stood history on its head. Among the peoples of the ancient world, Greece and Rome are certainly countries of the highest “historical culture”. Greece flourished at its best internally in the time of Pericles, externally in the time of Alexander. In the age of Pericles the Sophists, and Socrates, who could be called the embodiment of philosophy, art and rhetoric supplanted religion. The age of Alexander was the age of Aristotle, who rejected the eternity of the “individual” spirit and the God of positive religions. And as for Rome! Read Cicero! The Epicurean, Stoic or Sceptic philosophies were the religions of cultured Romans when Rome had reached the zenith of its development. That with the downfall of the ancient states their religions also disappeared requires no further explanation, for the “true religion” of the ancients was the cult of “their nationality”, of their “state”. It was not the downfall of the old religions that caused the downfall of the ancient states, but the downfall of the ancient states that caused the downfall of the old religions. And such ignorance as is found in this leading article proclaims itself the “legislator of scientific research” and writes “decrees” for philosophy.
"The entire ancient world had to collapse because the progress achieved by the peoples in their scientific development was necessarily bound up with a revelation of the errors on which their religious views were based."

According to the leading article, therefore, the entire ancient world collapsed because scientific research revealed the errors of the old religions. Would the ancient world not have perished if scientific research had kept silent about the errors of religion, if the Roman authorities had been recommended by the author of the leading article to excise the writings of Lucretius and Lucian?

For the rest, we shall permit ourselves to enlarge Herr H.’s erudition in another communication.

[Reinische Zeitung No. 193, July 12, 1842, Supplement]

At the very time when the downfall of the ancient world was approaching, there arose the Alexandrine school, which strove to prove by force the "eternal truth" of Greek mythology and its complete agreement "with the results of scientific research". The Emperor Julian, too, belonged to this trend, which believed that it could make the newly developing spirit of the times disappear by keeping its eyes closed so as not to see it. However, let us continue with the conclusion arrived at by H.! In the old religions, "the feeble notion of the divine was shrouded in the blackest night of error", and therefore could not stand up to scientific research. Under Christianity, the opposite is the case, as any thinking machine will conclude. At all events, H. says:

"The greatest results of scientific research have so far only served to confirm the truths of the Christian religion."

We leave aside the fact that all the philosophies of the past without exception have been accused by the theologians of abandoning the Christian religion, even those of the pious Malebranche and the divinely inspired Jakob Böhme, and that Leibniz was accused of being a "Löwenix" (a believer in nothing) by the Brunswick peasants, and of being an atheist by the Englishman Clarke and other supporters of Newton. We leave aside, too, the fact that, as the most capable and consistent section of Protestant theologians has maintained, Christianity cannot be reconciled with reason because "secular" and "spiritual" reason contradict each other, which Tertullian classically expressed by saying: "verum est, quia absurdum est." a

Leaving aside all this, we ask: how is the agreement of scientific research with religion to be

a "It is true because it is absurd" (Carne Christi, II, 5).—Ed.
proved, except by allowing it to take its own course and so compelling it to resolve itself into religion? Any other compulsion is at least no proof.

Of course, if from the outset you recognise as the result of scientific research only that which agrees with your own view, it is easy to pose as a prophet. But in that case how are your assertions superior to those of the Indian Brahmin who proves the holiness of the Vedas by reserving to himself alone the right to read them?

Yes, says H., it is a question of "scientific research". But every research that contradicts Christianity "stops halfway" or "takes a wrong road". Could there be a more convenient way of arguing?

Scientific research, once it has "made clear" to itself the content of its results, will never conflict with the truths of Christianity. At the same time, however, the state must ensure that this "clarification" is impossible, for research must never adapt itself to the level of understanding of the broad mass, i. e., it must never become popular and clear to itself. Even when it is attacked by unscientific investigators in all newspapers of the monarchy, it must be modest and remain silent.

Christianity precludes the possibility of "any new decline", but the police must be on their guard to see that philosophising newspaper writers do not bring about such a decline; they must guard against this with the utmost strictness. In the struggle with truth, error will of itself be recognised as such, without the need of any suppression by external force; but the state must facilitate this struggle of the truth, not, indeed, by depriving the champions of "error" of inner freedom, which it cannot take away from them, but by depriving them of the possibility of this freedom, the possibility of existence.

Christianity is sure of its victory, but according to H. it is not so sure of it as to spurn the aid of the police.

If from the outset everything that contradicts your faith is error, and has to be treated as error, what distinguishes your claims from those of the Mohammedan or of any other religion? Should philosophy, in order not to contradict the basic tenets of dogma, adopt different principles in each country, in accordance with the saying "every country has its own customs"? Should it believe in one country that $3 \times 1 = 1$, in another that women have no souls, and in a third that beer is drunk in heaven? Is there no universal human nature, as there is a universal nature of plants and stars? Philosophy asks what is true, not what is held to be true. It asks what is true for all mankind, not what is true for some people. Its
metaphysical truths do not recognise the boundaries of political geography; its political truths know too well where the "bounds" begin for it to confuse the illusory horizon of a particular world or national outlook with the true horizon of the human mind. Of all the defenders of Christianity, H. is the weakest.

The *long existence* of Christianity is his sole proof in its favour. But has not philosophy also existed from Thales down to the present day, and indeed does not H. himself assert that it now puts forward greater claims and has a higher opinion of its importance than ever before?

Finally, how does H. prove that the state is a "Christian" state, that its aim is not a free association of moral human beings, but an association of believers, not the realisation of freedom, but the realisation of dogma?

"All our European states have Christianity as their basis."

The *French* state too? The Charter, Article 3, does not say: "every Christian" or "only a Christian", but:

"*tous les Français sont également admissibles aux emplois civiles et militaires*.\(^a\)

Prussian Law, too, Part II, Section XIII, says:

"The *primary* duty of the head of state is to maintain tranquillity and security, both internally and externally, and to protect everyone from violence and interference in regard to what belongs to him."\(^b\)

According to § 1, the head of state combines in his person all the "duties and rights of the state". It does not say that the primary duty of the state is to suppress heretical errors and to ensure citizens the bliss of the other world.

But if some European states are in fact based on Christianity, do these states correspond to their concept and is the "pure existence" of a condition the right of that condition to exist?

According to the view of our H., of course, this is the case, for he reminds adherents of Young Hegelianism

"that, according to the laws which are in force in the greater part of the state, a *marriage without consecration by the church* is regarded as *concubinage* and as such is punishable under *police regulations*".

Therefore, if "marriage without consecration by the church" is regarded on the Rhine as "marriage" according to the Napoleonic Code,\(^c\) but on the Spree as "concubinage" according to Prussian Law, then punishment "under police regulations" ought to be an

\(^{a}\) "All Frenchmen are equally eligible for civil and military posts."—*Ed.*
argument for philosophers that what is right in one place is wrong in another, that it is not the Napoleonic Code, but Prussian Law which has the scientific, moral and rational conception of marriage. This "philosophy of punishment under police regulations" may be convincing in some places, but it is not convincing in Prussia. Furthermore, how little the standpoint of "holy" marriage coincides with that of Prussian Law can be seen from § 12, Part II, Section I, which states:

"Nevertheless, a marriage which is permitted by the laws of the land loses none of its civil validity because the dispensation of the spiritual authorities has not been sought or has been refused."

Hence in Prussia, too, marriage is partially emancipated from the "spiritual authorities" and its "civil" validity is distinguished from its "ecclesiastical" validity.

That our great Christian philosopher of the state has no "high" opinion of the state goes without saying.

"Since our states are not merely legal associations, but at the same time true educational institutions, with the only difference that they extend their care to a wider circle than the institutions devoted to the education of youth", etc., "the whole of public education" rests "on the basis of Christianity".

The education of our school youth is based just as much on the ancient classics and the sciences in general as on the catechism.

According to H., the state differs from an institution for young children not in content, but in magnitude, its "care" is wider.

The true "public" education carried out by the state lies in the rational and public existence of the state; the state itself educates its members by making them its members, by converting the aims of the individual into general aims, crude instinct into moral inclination, natural independence into spiritual freedom, by the individual finding his good in the life of the whole, and the whole in the frame of mind of the individual.

The leading article, on the other hand, makes the state not an association of free human beings who educate one another, but a crowd of adults who are destined to be educated from above and to pass from a "narrow" schoolroom into a "wider" one.

This theory of education and tutelage is put forward here by a friend of freedom of the press, who, out of love for this beauty, points out the "negligences of the censorship", who knows how to describe in the appropriate place the "level of understanding of the broad masses" (perhaps the "level of understanding of the broad masses" has recently begun to appear so doubtful to the Kölnische Zeitung because this mass has ceased to appreciate the
superiority of the “unphilosophical newspaper”?) and who advises the learned to keep one view for the stage and another for the backstage!

In the same way that the leading article gives documentary evidence of its “inferior” opinion of the state, so it does now of its low opinion of “Christianity.”

“All the newspaper articles in the world will never be able to convince a people which on the whole feels well and happy that it is in an unfortunate condition.”

We should think so! The Material feeling of well-being and happiness is a more reliable bulwark against newspaper articles then the blissful and all-conquering trust in faith! H. does not sing: “A reliable fortress is our God.” * According to him, the truly believing disposition of the “broad masses” is more exposed to the rust of doubt than the refined worldly culture of the “few”!

“Even incitements to revolt” are less feared by H. “in a well-ordered state” than in a “well-ordered church”, which, moreover, is guided in all truth by the “spirit of God”. A fine believer he is! And now for the reason for it! Namely, the masses can understand political articles but they find philosophical articles incomprehensible!

Finally, if the hint in the leading article that “the half measures adopted recently against Young Hegelianism have had the usual consequences of half measures” is put alongside the ingenuous wish that the latest efforts of the Hegelings may pass “without altogether harmful consequences”, one can understand the words of Cornwall in King Lear:

He cannot flatter, he,—
An honest mind and plain,— he must speak truth:
And they will take it, so; if not, he’s plain.
These kind of knaves I know, which in this plainness
Harbour more craft, and more corrupter ends,
Than twenty silly ducking observants,
That stretch their duties nicely.^

We believe we would be insulting the readers of the Rheinische Zeitung if we imagined that they would be satisfied with the spectacle, more comic than serious, of a ci-devant liberal, a “young man of days gone by”, cut down to his proper size. We should like to say a few words on “the heart of the matter”. As long as we were occupied with the polemic against the ailing article, it would have been wrong to interrupt him in his work of self-destruction.

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*a* First lines of Martin Luther’s choral, Ein Feste Burg.— Ed.

*b* W. Shakespeare, King Lear, Act II, Scene 2.— Ed.
First of all, the question is raised: "Ought philosophy to discuss religious matters also in newspaper articles?"

This question can be answered only by criticising it.

Philosophy, especially German philosophy, has an urge for isolation, for systematic seclusion, for dispassionate self-examination which from the start places it in estranged contrast to the quick-witted and alive-to-events newspapers, whose only delight is in information. Philosophy, taken in its systematic development, is unpopular; its secret life within itself seems to the layman a pursuit as extravagant as it is unpractical, it is regarded as a professor of magic arts, whose incantations sound awe-inspiring because no one understands them:

True to its nature, philosophy has never taken the first step towards exchanging the ascetic frock of the priest for the light, conventional garb of the newspapers. However, philosophers do not spring up like mushrooms out of the ground; they are products of their time, of their nation, whose most subtle, valuable and invisible juices flow in the ideas of philosophy. The same spirit that constructs railways with the hands of workers, constructs philosophical systems in the brains of philosophers. Philosophy does not exist outside the world, any more than the brain exists outside man because it is not situated in the stomach. But philosophy, of course, exists in the world through the brain before it stands with its feet on the ground, whereas many other spheres of human activity have long had their feet rooted in the ground and pluck with their hands the fruits of the world before they have any inkling that the "head" also belongs to this world, or that this world is the world of the head.

Since every true philosophy is the intellectual quintessence of its time, the time must come when philosophy not only internally by its content, but also externally through its form, comes into contact and interaction with the real world of its day. Philosophy then ceases to be a particular system in relation to other particular systems, it becomes philosophy in general in relation to the world, it becomes the philosophy of the contemporary world. The external forms which confirm that philosophy has attained this significance, that it is the living soul of culture, that philosophy has become worldly and the world has become philosophical, have been the same in all ages. One can consult any history book and find repeated with stereotyped fidelity the simplest rituals which unmistakably mark the penetration of philosophy into salons, priests' studies, editorial offices of newspapers and court antecham-
bers, into the love and the hate of contemporaries. Philosophy comes into the world amid the loud cries of its enemies, who betray their inner infection by wild shouts for help against the fiery ardour of ideas. This cry of its enemies has the same significance for philosophy as the first cry of the new-born babe has for the anxiously listening ear of the mother: it is the cry testifying to the life of its ideas, which have burst the orderly hieroglyphic husk of the system and become citizens of the world. The Corybantes and Cabiri, whose loud fanfares announce to the world the birth of the infant Zeus, attack first of all the religious section of the philosophers, partly because the inquisitorial instinct is more certain to have an appeal for the sentimental side of the public, partly because the public, which includes also the opponents of philosophy, can feel the sphere of philosophical ideas only by means of its ideal antennae, and the only circle of ideas in the value of which the public believes almost as much as in the system of material needs is the circle of religious ideas; and finally because religion polemises not against a particular system of philosophy, but against the philosophy of all particular systems.

The true philosophy of the present day does not differ from the true philosophies of the past by this destiny. On the contrary, this destiny is a proof which history owed to its truth.

For six years German newspapers have been drumming against, calumniating, distorting and bowdlerising the religious trend in philosophy. The Augsburg Allgemeine sang bravura arias, almost every overture played the leitmotif, to the effect that philosophy did not deserve to be discussed by this wise lady, that it was a rodomontade of youth, a fashion of blasé coteries. But, in spite of all this, it was impossible to get away from philosophy, and the drumming was continually renewed, for the Augsburg paper plays only one instrument in its anti-philosophical cat's concert, the monotonous kettle-drum. All German newspapers, from the Berliner politisches Wochenblatt and the Hamburger Correspondent down to the obscure local newspapers, down to the Kölnische Zeitung, reverberated with the names of Hegel and Schelling, Feuerbach and Bauer, the Deutsche Jahrbücher, etc. Finally, the public became eager to see the Leviathan itself, the more so because semi-official articles threatened to have a legal syllabus officially prescribed for philosophy, and it was precisely then that philosophy made its appearance in the newspapers. For a long time philosophy had remained silent in the face of the self-satisfied superficiality which boasted that by means of a few hackneyed newspaper phrases it would blow away like soap-bubbles the long years of study by
genius, the hard-won fruits of self-sacrificing solitude, the results of the unseen but slowly exhausting struggles of contemplative thought. Philosophy had even protested against the newspapers as an unsuitable arena, but finally it had to break its silence; it became a newspaper correspondent, and then—unheard-of diversion!—it suddenly occurred to the loquacious purveyors of newspapers that philosophy was not a fitting pabulum for their readers. They could not fail to bring to the notice of the governments that it was dishonest to introduce philosophical and religious questions into the sphere of the newspapers not for the enlightenment of the public but to achieve external aims.

What could philosophy say about religion or about itself that would be worse than your newspaper hullabaloos had already long ago attributed to it in a worse and more frivolous form? It only has to repeat what you unphilosophical Capuchins preach about it in thousands and thousands of controversial speeches— and the worst will have been said.

But philosophy speaks about religious and philosophical matters in a different way than you have spoken about them. You speak without having studied them, philosophy speaks after studying them; you appeal to the emotions, it appeals to reason; you anathematise, it teaches; you promise heaven and earth, it promises nothing but the truth; you demand belief in your beliefs, it demands not belief in its results but the testing of doubts; you frighten, it calms. And, in truth, philosophy has enough knowledge of the world to realise that its results do not flatter the pleasure-seeking and egoism of either the heavenly or the earthly world. But the public, which loves truth and knowledge for their own sakes, will be well able to measure its judgment and morality against the judgment and morality of ignorant, servile, inconsistent and venal scribblers.

Of course, there may be some persons who misinterpret philosophy owing to the wretchedness of their understanding and attitude. But do not you Protestants believe that Catholics misinterpret Christianity, do you not reproach the Christian religion on account of the shameful times of the eighth and ninth centuries, or St. Bartholomew's night, or the Inquisition? There is clear proof that Protestant theology's hatred of philosophers arises largely from the tolerance shown by philosophy towards each particular creed as such. Feuerbach and Strauss have been more reproached for regarding Catholic dogmas as Christian than for declaring that the dogmas of Christianity are not dogmas of reason.
But if some individuals cannot digest modern philosophy and die of philosophical indigestion, that is no more evidence against philosophy than the occasional bursting of an engine boiler, with consequent injury to passengers, is evidence against the science of mechanics.

The question whether philosophical and religious matters ought to be discussed in the newspapers dissolves in its own lack of ideas.

When such questions begin to interest the public as questions for newspapers, they have become questions of the time. Then the problem is not whether they should be discussed, but where and how they should be discussed, whether in inner circles of the families and the salons, in schools and churches, but not by the press; by opponents of philosophy, but not by philosophers; in the obscure language of private opinion, but not in the clarifying language of public reason. Then the question is whether the sphere of the press should include what exists as a reality; it is no longer a matter of a particular content of the press, but of the general question whether the press ought to be a genuine press, i.e., a free press.

The second question we separate entirely from the first: “Should the newspapers treat politics philosophically in a so-called Christian state?”

When religion becomes a political factor, a subject-matter of politics, it hardly needs to be said that the newspapers not only may, but must discuss political questions. It seems obvious that philosophy, the wisdom of the world, has a greater right to concern itself with the realm of this world, with the state, than has the wisdom of the other world, religion. The question here is not whether there should be any philosophising about the state, but whether this should be done well or badly, philosophically or unphilosophically, with or without prejudice, with or without consciousness, consistently or inconsistently, quite rationally or semi-rationally. If you make religion into a theory of constitutional law, then you are making religion itself into a kind of philosophy.

Was it not Christianity above all that separated church and state?

Read St. Augustine’s De civitate Dei, study the Fathers of the Church and the spirit of Christianity, and then come back and tell us whether the state or the church is the “Christian state”? Or does not every moment of your practical life brand your theory as a lie? Do you consider it wrong to appeal to the courts if you have been cheated? But the apostle writes that it is wrong. If you have been struck on one cheek, do you turn the other also, or do you
not rather start an action for assault? But the gospel forbids it. Do you not demand rational right in this world, do you not grumble at the slightest raising of taxes, are you not beside yourself at the least infringement of your personal liberty? But you have been told that suffering in this life is not to be compared with the bliss of the future, that passive sufferance and blissful hope are the cardinal virtues.

Are not most of your court cases and most of your civil laws concerned with property? But you have been told that your treasure is not of this world. Or if you plead that you render unto Caesar the things that are Caesar's and to God the things that are God's, then you should regard not only golden Mammon, but at least as much free reason, as the ruler of this world, and the "action of free reason" is what we call philosophising.

When it was proposed to form a quasi-religious union of states in the shape of the Holy Alliance and to make religion the state emblem of Europe, the Pope, with profound intelligence and perfect consistency, refused to join it, on the grounds that the universal Christian link between peoples is the church and not diplomacy, not a secular union of states.

The truly religious state is the theocratic state; the head of such states must be either the God of religion, Jehovah himself, as in the Jewish state, or God's representative, the Dalai Lama, as in Tibet, or finally, as Görres rightly demands in his recent book, all the Christian states must subordinate themselves to a church which is an "infallible church". For where, as under Protestantism, there is no supreme head of the church, the rule of religion is nothing but the religion of rule, the cult of the government's will.

Once a state includes several creeds having equal rights, it can no longer be a religious state without being a violation of the rights of the particular creeds, a church which condemns all adherents of a different creed as heretics, which makes every morsel of bread depend on one's faith, and which makes dogma the link between individuals and their existence as citizens of the state. Ask the Catholic inhabitants of "poor green Erin"\(^a\), ask the Huguenots before the French revolution; they did not appeal to religion, for their religion was not the state religion; they appealed to the "Rights of Humanity", and philosophy interprets the rights of humanity and demands that the state should be a state of human nature.

\(^a\) Ireland.— Ed.
But, according to the assertions of half-hearted, narrow-minded rationalism, which is in equal measure unbelieving and theological, the general spirit of Christianity, irrespective of differences of creed, should be the spirit of the state! It is the greatest irreligion, it is the arrogance of secular reason, to divorce the general spirit of religion from actually existing religion. This separation of religion from its dogmas and institutions is tantamount to asserting that the general spirit of the law ought to prevail in the state irrespective of particular laws and positive legal institutions.

If you presume yourself raised so high above religion that you are entitled to separate its general spirit from its positive provisions, how can you reproach the philosophers if they carry out this separation completely and not halfway, if they call the general spirit of religion the human spirit, and not the Christian spirit?

Christians live in states with different political constitutions, some in a republic, others in an absolute monarchy, and others again in a constitutional monarchy. Christianity does not decide whether the constitutions are good, for it knows no distinction between them. It teaches, as religion is bound to teach: submit to authority, for all authority is from God. Therefore, you must judge the righteousness of state constitutions not on the basis of Christianity, but on the basis of the state's own nature and essence, not on the basis of the nature of Christian society, but on the basis of the nature of human society.

The Byzantine state was the real religious state, for in it dogmas were questions of state, but the Byzantine state was the worst of states. The states of the ancien régime were the most Christian states of all; nevertheless, they were states dependent on the "will of the court".

There exists a dilemma in the face of which "common" sense is powerless.

Either the Christian state corresponds to the concept of the state as the realisation of rational freedom, and then the state only needs to be a rational state in order to be a Christian state and it suffices to derive the state from the rational character of human relations, a task which philosophy accomplishes; or the state of rational freedom cannot be derived from Christianity, and then you yourself will admit that this derivation is not intended by Christianity, since it does not want a bad state, and a state that is not the realisation of rational freedom is a bad state.

You may solve this dilemma in whatever way you like, you will have to admit that the state must be built on the basis of free reason, and not of religion. Only the crassest ignorance could
assert that this theory, the conversion of the concept of the state into an independent concept, is a passing whim of recent philosophers.

In the political sphere, philosophy has done nothing that physics, mathematics, medicine, and every science, have not done in their respective spheres. Bacon of Verulam said that theological physics was a virgin dedicated to God and barren, he emancipated physics from theology and it became fertile. Just as you do not ask the physician whether he is a believer, you have no reason to ask the politician either. Immediately before and after the time of Copernicus' great discovery of the true solar system, the law of gravitation of the state was discovered, its own gravity was found in the state itself. The various European governments tried, in the superficial way of first practical attempts, to apply this result in order to establish a system of equilibrium of states. Earlier, however, Machiavelli and Campanella, and later Hobbes, Spinoza, Hugo Grotius, right down to Rousseau, Fichte and Hegel, began to regard the state through human eyes and to deduce its natural laws from reason and experience, and not from theology. In so doing, they were as little deterred as Copernicus was by the fact that Joshua bade the sun stand still over Gideon and the moon in the valley of Ajalon. Recent philosophy has only continued the work begun by Heraclitus and Aristotle. You wage a polemic, therefore, not against the rational character of recent philosophy, but against the ever new philosophy of reason. Of course, the ignorance which perhaps only yesterday or the day before yesterday discovered for the first time age-old ideas about the state in the Rheinische or the Königsberger Zeitung, regards these ideas of history as having suddenly occurred to certain individuals overnight, because they are new to it and reached it only overnight; it forgets that it itself is assuming the old role of the doctor of the Sorbonne who considered it his duty to accuse Montesquieu publicly of being so frivolous as to declare that the supreme merit of the state was political, not ecclesiastical, virtue. It forgets that it is assuming the role of Joachim Lange, who denounced Wolff on the ground that his doctrine of predestination would lead to desertion by the soldiers and thus the weakening of military discipline, and in the long run the collapse of the state. Finally, it forgets that Prussian Law was derived from the philosophical school of precisely "this Wolff", and that the French Napoleonic

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\(^{a}\) F. Baconi Baronis de Verulamio, De dignitate et augmentis scientiarum, Liber I, 3.—Ed.
Code was derived not from the Old Testament, but from the school of ideas of Voltaire, Rousseau, Condorcet, Mirabeau, and Montesquieu, and from the French revolution. Ignorance is a demon, we fear that it will yet be the cause of many a tragedy; the greatest Greek poets rightly depicted it as tragic fate in the soul-shattering dramas of the royal houses of Mycenae and Thebes.

Whereas the earlier philosophers of constitutional law proceeded in their account of the formation of the state from the instincts, either of ambition or gregariousness, or even from reason, though not social reason, but the reason of the individual, the more ideal and profound view of recent philosophy proceeds from the idea of the whole. It looks on the state as the great organism, in which legal, moral, and political freedom must be realised, and in which the individual citizen in obeying the laws of the state only obeys the natural laws of his own reason, of human reason. Sapienti sat.

In conclusion, we turn once more to the Kölnische Zeitung with a few philosophical words of farewell. It was very sensible of it to take a liberal “of a former day” into its service. One can very conveniently be both liberal and reactionary if only one is always adroit enough to address oneself to the liberals of the recent past who know no other dilemma than that of Vidocq: either “prisoner or gaoler”. It was still more sensible for the liberals of the recent past to join issue with the liberals of the present time. Without parties there is no development, without demarcation there is no progress. We hope that the leading article in No. 179 has opened a new era for the Kölnische Zeitung, the era of character.

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Printed according to the newspaper

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It is enough for the wise.—Ed.
It is commonly held that the historical school is a reaction against the frivolous spirit of the eighteenth century. The currency of this view is in inverse ratio to its truth. In fact, the eighteenth century had only one product, the essential character of which is frivolity, and this sole frivolous product is the historical school.

The historical school has taken the study of sources as its watchword, it has carried its love for sources to such an extreme that it calls on the boatman to ignore the river and row only on its source-head. Hence it will only find it right that we go back to its sources, to Hugo's natural law. Its philosophy is ahead of its development; therefore in its development one will search in vain for philosophy.

According to a fiction current in the eighteenth century, the natural state was considered the true state of human nature. People wanted to see the idea of man through the eyes of the body and created men of nature, Papagenos, the naivety of which idea extended even to covering the skin with feathers. During the last decades of the eighteenth century, it was supposed that peoples in a state of nature possessed primeval wisdom and everywhere one could hear bird-catchers imitating the twittering method of singing of the Iroquois, the Indians, etc., in the belief that by these arts the birds themselves could be enticed into a trap. All these eccentricities were based on the correct idea that the primitive state was a naive Dutch picture of the true state.

The man of nature of the historical school, still without any of the trappings of romantic culture, is Hugo. His textbook of natural law is the Old Testament of the historical school. Herder's view that natural men are poets, and that the sacred books of natural peoples
are *poetic* works, presents no obstacle to us, although Hugo talks the most trivial and sober prose, for just as every century has its own peculiar nature, so too it gives birth to its own peculiar natural men. Hence, although Hugo does not *write poetry*, he does *write fiction*, and *fiction* is the *poetry of prose* corresponding to the prosaic nature of the eighteenth century.

By describing Herr Hugo as the forefather and creator of the historical school, however, we are acting in accord with the latter's own view, as is proved by the *gala programme* of the most famous historical jurist in honour of Hugo's jubilee.\(^7\)\(^0\) By regarding Herr Hugo as a child of the eighteenth century, we are acting even in the *spirit* of Herr Hugo himself, as he testifies by his claim that he is a *pupil* of Kant and that his natural law is an offshoot of *Kantian philosophy*. We shall begin with this item of his *manifesto*.

Hugo *misinterprets* his teacher *Kant* by supposing that because we cannot know what is *true*, we consequently allow the *untrue*, if it exists at all, to pass as *fully valid*. He is a *sceptic* as regards the *necessary essence* of things, so as to be a *courtier* as regards their *accidental appearance*. Therefore, he by no means tries to prove that the *positive* is *rational*; he tries to prove that the *positive* is *irrational*. With self-satisfied zeal he adduces arguments from everywhere to provide additional evidence that no rational necessity is inherent in the positive institutions, e.g., property, the state constitution, marriage, etc., that they are even *contrary* to reason, and at most allow of idle *chatter* for and against. One must not in any way blame this *method* on his accidental individuality; it is rather the *method of his principle*, it is the *frank, naive, reckless* method of the historical school. If the *positive* is supposed to be *valid because* it is *positive*, then I have to *prove* that the *positive* is *not valid because* it is *rational*, and how could I make this more evident than by proving that the unreasonable is positive and the positive unreasonable, that the positive exists not *owing to* reason, but *in spite of* reason? If *reason* were the *measure of the positive*, the *positive* would not be the *measure of reason*. “Though this be madness, yet there is method in’t!”\(^b\) Hugo, therefore, *profanes* all that the just, moral, political man regards as holy, but he smashes these holy things only to be able to honour them as *historical relics*; he desecrates them in the *eyes of reason* in order afterwards to make them honourable in the *eyes of history*, and at the same time to make the *eyes of the historical school* honourable.

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\(^a\) F. C. Savigny.— *Ed.*

\(^b\) W. Shakespeare, *Hamlet, Prince of Denmark*, Act II, Scene 2.— *Ed.*
Hugo's reasoning, like his principle, is positive, i.e., uncritical. He knows no distinctions. Everything existing serves him as an authority, every authority serves him as an argument. Thus, in a single paragraph he quotes Moses and Voltaire, Richardson and Homer, Montaigne and Ammon, Rousseau's Contrat social and Augustine's De civitate Dei. The same levelling procedure is applied to peoples. According to Hugo, the Siamese, who considers it an eternal law of nature that his king should have the mouths of chatterers sewn up and the mouth of a clumsy orator slit to the ears, is just as positive as the Englishman, who would consider it a political anomaly if his king were autocratically to impose even a penny tax. The shameless Conci, who runs about naked and at most covers himself with mud, is as positive as the Frenchman, who not only dresses, but dresses elegantly. The German, who brings up his daughter as the jewel of the family, is not more positive than the Rajput, who kills his daughter to save himself the trouble of feeding her. In short, a rash is just as positive as the skin itself.

In one place, one thing is positive, in another something else; the one is as irrational as the other. Submit yourself to what is positive in your own home.

Hugo, therefore, is the complete sceptic. With him, the eighteenth-century scepticism in regard to the rationality of what exists appears as scepticism in regard to the existence of rationality. He accepts the Enlightenment, he no longer sees anything rational in the positive, but only in order no longer to see anything positive in the rational. He thinks the appearance of reason has been expelled from the positive in order to recognise the positive without the appearance of reason. He thinks the false flowers have been plucked from the chains in order to wear real chains without any flowers.

Hugo's relation to the other Enlighteners of the eighteenth century is about the same as that between the dissolution of the French state at the debauched court of the Regent and the dissolution of the French state during the National Assembly. In both cases there is dissolution! In the former case it appears as debauched frivolity, which realises and ridicules the hollow lack of ideas of the existing state of things, but only in order, having got rid of all rational and moral ties, to make sport of the decaying ruins, and then itself to be made sport of by them and dissolved. It is the corruption of the then existing world, which takes pleasure in itself. In the National Assembly, on the other hand, the dissolution appears as the liberation of the new spirit from old forms, which were no longer of any value.

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a Philippe II of Orleans.—Ed.
or capable of containing it. It is the new life's feeling of its own power, which shatters what has been shattered and rejects what has been rejected. If, therefore, Kant's philosophy must be rightly regarded as the German theory of the French revolution, Hugo's natural law is the German theory of the French ancien régime. We find in it once more the whole frivolity of those roues, the base scepticism, which, insolent towards ideas but most subservient towards what is palpably evident, begins to feel clever only where it has killed the spirit of the positive, in order to possess the purely positive as a residue and to feel comfortable in this animal state. Even when Hugo weighs up the force of the arguments, he finds with an unerring sure instinct that what is rational and moral in institutions is doubtful for reason. Only what is animal seems to his reason to be indubitable. But let us listen to our enlightener from the standpoint of the ancien régime! Hugo’s views must be heard from Hugo himself. To all his combinations should be added: αὐτὸς ἐφά.

Introduction

"The sole juristic distinguishing feature of man is his animal nature."

The Chapter on Freedom

"A limitation of freedom" (of a rational being) "lies even in the fact that it cannot of its own accord cease to be a rational being, i.e., a being which can and should act rationally."

"Absence of freedom in no way alters the animal and rational nature of the unfree man or of other men. All the obligations of conscience remain. Slavery is not only physically possible, but also possible from a rational standpoint, and any research which teaches us the contrary must be based on some kind of error. Of course, slavery is not absolutely lawful, i.e., it does not follow from man's animal nature, or from his rational nature, or from his nature as a citizen. But that it can be provisionally lawful, just as much as anything acknowledged by its opponents, is shown by comparison with private law and public law." The proof is: "From the point of view of animal nature, he that is owned by a rich man, who suffers a loss without him and is heedful of his needs, is obviously more secure against want than the poor man whom his fellow men make use of so long as he has anything for them to use, etc." "The right to maltreat and cripple servi is not essential, and even when it occurs it is not much worse than what the poor have to endure, and, as regards the body, it is not so bad as war, from participation in which slaves as such should everywhere be exempt. Even beauty is more likely to be found in a Circassian slave girl than in a beggar girl." (Listen to the old man!)

a Rogues.—Ed.
b He himself said.—Ed.
c Slaves.—Ed.
"As regards its rational nature, slavery has the advantage over poverty that the slave-owner, even from well-understood economic considerations, is much more likely to expend something on the education of a slave who shows ability than in the case of a beggar child. Under a constitution, the slave is spared very many kinds of oppression. Is the slave more unfortunate than the prisoner of war, whose guards' only concern is that they are temporarily responsible for him, or more unfortunate than the convict labourer over whom the government has placed an overseer?"

"Whether slavery as such is advantageous or disadvantageous for reproduction is a question still in dispute."

The Chapter on Marriage

"Regarded from the philosophical standpoint of positive law, marriage is already often considered much more essential and much more rational than would appear from a quite free examination."

It is precisely the satisfaction of the sexual instinct in marriage that suits Herr Hugo. He even draws a wholesome moral from this fact:

"From this, as from countless other circumstances, it should have been clear that to treat the human body as a means to an end is not always immoral, as people, including presumably Kant himself, have incorrectly understood this expression."

But the sanctification of the sexual instinct by exclusiveness, the bridling of this instinct through laws, the moral beauty which idealises the bidding of nature and makes it an element of spiritual union, the spiritual essence of marriage, that is precisely what Herr Hugo finds dubious in marriage. But before we go further into his frivolous shamelessness, let us listen for a moment to the French philosopher in contrast to the historical German.

"C'est en renonçant pour un seul homme à cette réserve mystérieuse, dont la règle divine est imprimée dans son coeur, que la femme se voe à cet homme, pour lequel elle suspend, dans un abandon momentané, cette pudeur, qui ne la quitte jamais; pour lequel seul elle écarte des voiles qui sont d'ailleurs son asile et sa parure. De là cette confiance intime dans son époux, résultat d'une relation exclusive, qui ne peut exister qu'entre elle et lui, sans qu'auxstit elle se sente flétrir; de là dans cet époux la reconnaissance pour un sacrifice et ce mélange de désir et de respect pour un être qui, même en partageant ses plaisirs, ne semble encore que lui céder; de là tout ce qu'il y a de régulier dans notre ordre social." a

So says the liberal philosophical Frenchman Benjamin Constant. And now let us listen to the servile, historical German:

a "By renouncing for one man alone that mysterious reserve which divine law has implanted in her heart, the woman pledges herself to this man for whose sake she momentarily suspends the modesty which she never loses, for whom alone she lifts the veils which otherwise are her refuge and her adornment. Hence this intimate confidence in her husband, the result of an exclusive relation which can only exist between her and him, and without which she feels herself dishonoured. Hence her husband's thankfulness for the sacrifice and that mixture of desire and respect for a being who, even while sharing his pleasures, seems only to be submitting to him. Hence the source of all that is orderly in our social system."—Ed.
"Much more dubious is the second circumstance, that outside marriage the satisfaction of this instinct is not permitted! Animal nature is against this restriction. Rational nature is still more so, because"... (guess!)... "because a man must be almost omniscient in order to foresee what result it will have, because it is therefore tempting God to pledge oneself to satisfy one of the most powerful natural instincts only when this can take place with one particular person!" "The sense of the beautiful, which is free by its very nature, has to be fettered and what depends on it has to be wholly divorced from it."

See what kind of schooling our Young Germans have received!72

"This institution conflicts with the nature of civil society insofar as... finally the police undertake an almost insoluble task!"

Clumsy philosophy, which has no such consideration for the police!

"Everything that follows as a consequence from a more precise definition of the marriage law, shows us that marriage, whatever principles are adopted in relation to it, is still a very imperfect institution."

"This restriction of the sexual instinct to marriage has nevertheless also important advantages, namely, by its means infectious diseases are usually avoided. Marriage saves the government a lot of trouble. Finally, there is also the consideration, which is everywhere so important, that in regard to marriage civil law is the customary one." "Fichte says: An unmarried man is only half a man. I" (i.e., Hugo) "am extremely sorry, however, to have to declare that such a beautiful utterance, putting me above Christ, Fénelon, Kant and Hume, is a monstrous exaggeration."

"As regards monogamy and polygamy, this is obviously a matter of man's animal nature"!!

The Chapter on Education

We learn at once that: "The art of education gives rise to no less objection against the juridical relation connected with it" (education in the family) "than the art of loving does against marriage."

"The difficulty that education may only be carried out within such a relation, however, gives rise to far fewer doubts than is the case with the satisfaction of the sexual instinct if for no other reason than that it is permissible to entrust education by contract to a third person, so that he who feels a very strong urge in this respect can easily satisfy it, only not, of course, necessarily in regard to the particular person whom he would like to engage. It is, however, also irrational that, by virtue of such a relationship, someone to whom no one would entrust a child, may carry on education and exclude others from education." "Finally, here also there is compulsion, partly because the educator is often not permitted by positive law to give up this relationship, and partly because the one to be educated is compelled to let himself be educated by this particular teacher." "The reality of this relationship depends mostly on the mere accident of birth, which is connected with the father through marriage. This way of originating the relationship is obviously not very rational, if only because it usually opens the way to preference, which itself is already an obstacle to a good education. That it is not even absolutely necessary is evident from the fact that education is given also to children whose parents are already dead."
The Chapter on Civil Law

§ 107 tells us that the "necessity of civil law in general is imaginary"

The Chapter on Constitutional Law

"It is a holy duty of conscience to obey the authorities in whose hands power lies." "As regards the division of governmental powers, it is true that no particular constitution is absolutely lawful, but every constitution is provisionally lawful, whatever the division of governmental powers."

Has not Hugo proved that man can cast off even the last fetter of freedom, namely, that of being a rational being?

These few extracts from the philosophical manifesto of the historical school suffice, we think, for pronouncing a historical verdict on this school, instead of unhistorical fantasies, vague figments of the brain, and deliberate fictions; they suffice for deciding whether Hugo's successors are fit to be the legislators of our time.73

At all events, in the course of time and civilisation, this crude genealogical tree of the historical school has been shrouded in mist by the smokescreen of mysticism, fantastically wrought by romanticism, and inoculated with speculation; the many fruits of erudition have been shaken off the tree, dried and deposited with much boasting in the great storehouse of German erudition. Truly, however, little criticism is needed to recognise behind all these fragrant modern phrases the dirty old idea of our enlightener of the ancien régime, and his dissolve frivolity behind all the extravagant unctuosity.

If Hugo says: "Animal nature is the distinctive jurist feature of man", from which it follows: law is animal law, the educated moderns say, instead of the crude, frank "animal" law, something like "organic" law, for who on hearing the word "organism" thinks at once of the animal organism? If Hugo says that marriage and other moral-legal institutions are irrational, the moderns say that these institutions are indeed not creations of human reason, but are representations of a higher "positive" reason, and so on in regard to all the other articles. Only one conclusion is voiced by all with equal crudity: the right of arbitrary power.

The juridical and historical theories of Haller, Stahl, Leo, and their fellow thinkers should be regarded only as codices rescripti of Hugo's natural law, which after some operations of critical analysis allow the old original text to be made legible again, as we shall show in more detail at a suitable time.

— Palimpsest. — Ed.
All the tricks of embellishment are the more in vain as we still have the old manifesto, which, if not intelligent, is nevertheless very easy to understand.

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Printed according to the newspaper text checked with the copy of the manuscript; "The Chapter on Marriage" is printed according to the copy of the manuscript
If someone in Germany wanted to write a comedy of dilettantism, Herr Dr. O. F. Gruppe would be an indispensable character in it. Fate has equipped him with that iron tenacity which great men cannot do without, least of all the great men of dilettantism. Even if most of his adventures, like those of Sancho Panza, meet with ambiguous signs of acknowledgment, the monotony of this success is relieved and varied by the comic ingenuousness and touching naivety with which Herr Gruppe accepts his laurels. One cannot fail to perceive even a certain magnanimity in the consistency which has taught Herr Gruppe to conclude: Because I have been thrown out of the schoolroom of philology, it will be my mission to be thrown out also from the ball-room of aesthetics and the halls of philosophy. That is a lot, but it is not all. I shall not have played out my role until I have been thrown out of the temple of theology: and Herr Gruppe is conscientious enough to play out his role.

In his latest performance, however, Herr Gruppe has to some extent departed from the height of his standpoint. We do not doubt for a moment that his latest work Bruno Bauer and Academic Freedom of Teaching has been by no means written "in the service of a party or under an influence". Herr Gruppe felt the need to be thrown out of theology, but worldly wisdom here came to the aid of his comic instinct. As is fitting for comic characters, Herr Gruppe up to now has worked with most delightful seriousness and most unusual pomposity. Incompleteness, superficiality, and misunderstandings were his fate, but they were not his tendency. The great man acted according to his nature, but he acted for himself and not for others. He was a buffoon by profession: we have
no doubt that in his latest performance he is a buffoon by order and for remuneration. The evil intention, the unscrupulous distortion, the base perfidy, will leave the reader, too, in no doubt about it.

It would be contrary to our view of comic characters to waste an extensive critical apparatus on Herr Gruppe. Who wants a critical account of Eulenspiegel? Anecdotes are wanted, and we give an anecdote about Herr Gruppe which is the anecdote of his pamphlet. It concerns Bauer's exposition of St. Matthew 12: 38-42. The kind reader will have to put up with theological matters for an instant, but he will not forget that it is our purpose to deal with Herr Gruppe and not with theology. He will find it only fair that the characteristic features of Bauer's opponents should be brought to the notice of the newspaper public, since Bauer's character and teaching has been made a newspaper myth.

We shall quote the passage in question from St. Matthew in its entirety.

"Then certain of the scribes and of the Pharisees answered, saying, Master, we would see a sign from thee.

"But he answered and said unto them. An evil and adulterous generation seeketh after a sign; and there shall no sign be given to it, but the sign of the prophet Jonas: For as Jonas was three days and three nights in the whale's belly; so shall the Son of man be three days and three nights in the heart of the earth. The men of Nineveh shall rise in the judgment with this generation, and shall condemn it: because they repented at the preaching of Jonas; and, behold, a greater than Jonas is here. The queen of the south shall rise up in the judgment with this generation, and shall condemn it: for she came from the uttermost parts of the earth to hear the wisdom of Solomon; and, behold, a greater than Solomon is here."

The Protestant theologians were struck by the contradiction that Jesus here rejects miracles, whereas otherwise he performs miracles. They were struck by the even greater contradiction that at the very time when the Lord refuses the demand for a miracle, he promises a miracle, and indeed a great miracle, his three days' stay in the underworld.

Since the Protestant theologians are too ungodly to admit a contradiction of the scripture with their understanding, since they are too sanctimonious to admit a contradiction of their understanding with the scripture, they falsify, distort and twist the clear words and the simple meaning of the scripture. They maintain that Jesus here does not counterpose his teaching and his spiritual personality to the demand for a sign; they maintain that

"he is speaking of the whole of his manifestation, which is more than the manifestation of Solomon and of Jonas, and of which 'in particular' his miracles also were a part".75
By the most thoroughgoing exegesis, Bauer proves to them the absurdity of this explanation. He quotes for them St. Luke [11:29-30], in which the troublesome passage about the whale and the three days’ stay under the earth is missing. It says:

“This is an evil generation: they seek a sign; and there shall no sign be given it, but the sign of Jonas the prophet. For as Jonas was a sign unto the Ninevites, so shall also the Son of man be to this generation”,

upon which St. Luke makes the Lord relate how the men of Nineveh repented at the preaching of Jonas and the queen of the south came from the uttermost parts of the earth to hear the wisdom of Solomon. Bauer shows that the crux is given still more simply in St. Mark [8:12-13].

“Why,” says Jesus, “doth this generation seek after a sign? verily I say unto you, There shall no sign be given unto this generation. And he left them.”

Bauer comes out against the theologians’ false interpretation and arbitrary distortion of the texts, and he refers them to what is actually written by once more summing up the meaning of Jesus’ speech in the following words:

“Keep away from me, theologian! For, it is written: a greater than Jonas is here, a greater than Solomon, that is to say, the men of Nineveh repented at the preaching of Jonas, the queen of the south came from the uttermost parts of the earth to hear the wisdom of Solomon. But you have given no credence to my words, to my speech, yet these words are the expression of a personality, whose spiritual compass is infinite, whereas the personalities of Jonas and Solomon were still limited. But so it shall be, only the sign of Jonas shall be given to you, you shall not see any other sign than this my person and its expression, even if infinite, in the word.”

After presenting Jesus’ speech in this way, Bauer adds:

“Where then in particular are the miracles?”

And Herr Gruppe? Herr Gruppe says:

“The most unusual thing in this connection is that Bauer in his own baroque manner presents himself as a prophet. On p. 296 we read the emphatic passage: keep away from me, theologian!” etc. (p. 20).

Herr Gruppe is so shameless as to want to make the reader believe that Bauer is speaking about himself, that he is making himself out to be the infinite personality, whereas Bauer is explaining Jesus’ speech. Much as we might like to, we cannot excuse this qui pro quo, this Eulenspiegel trick, as due to Herr Gruppe’s notorious weakness of intellect and dilettantist ignorance. The deception is obvious. It is not merely that Herr Gruppe does not tell the reader what it is all about. We might still think that the dilettante had accidentally opened Bauer’s work at p. 296 and in
the happy-go-lucky haste of compiling his book did not have time to read the preceding and following statements. But Herr Gruppe suppresses the conclusion of the “emphatic passage”, the conclusion, which is beyond all possible misunderstanding: “But so it shall be, only the sign of Jonas shall be given to you, you shall not see any other sign than this my person and its expression, even if infinite, in the word. Where then ‘in particular’ are the miracles?”

Herr Gruppe was aware that even the biased reader, the reader who was so foolish as to look for Bauer not in Bauer’s writings, but in the writings of Herr Gruppe, could not fail to be convinced that Bauer was not speaking on his own account, but that he was saying what is written. Disregarding all other absurdities, what else could have been implied by the words “Where then in particular are the miracles?”

We doubt whether German literature has a similar specimen of shamelessness to offer.

Herr Gruppe says in his foreword:

“During my work it has become increasingly evident to me that we are living in an age of rhetoricians and sophists” (p. iv).

If this is meant to be a confession, we must seriously protest against it. Herr Gruppe is neither a rhetorician nor a sophist. Until the period of his pamphlet on Bauer, he was a comical character, he was a rogue in the naive sense; since then he has lost nothing but his naivety, and hence he is now—but let his conscience tell him that. For the rest, Bauer can regard it an acknowledgment of his intellectual superiority that he could be opposed only by men so low in intelligence and so remote from any superiority that he could hit them only by allowing himself to fall to their level.

Written in early September 1842
First published in the journal Deutsche Jahrbücher für Wissenschaft und Kunst, 5. Jg., No. 273, November 16, 1842
Signed: K. M.
Cologne, October 15. No. 284 of the Augsburg newspaper has been so clumsy as to claim it has discovered that the Rheinische Zeitung is a Prussian woman Communist, true not a real Communist, but nevertheless one who in her imagination coquettes with communism and ogles it in a platonic fashion.

Whether this naughty flight of fancy on the part of the lady of Augsburg is unselfish, or whether this idle illusion of her overheated imagination is bound up with speculation and diplomatic dealings, we leave the reader to judge—after we have presented the alleged corpus delicti.

The Rheinische Zeitung, we are told, published a communist article on the Berlin family houses, and accompanied it with the following comment: This information “should not be without interest for the history of this important question of the time”. It follows, therefore, according to the Augsburg newspaper’s logic, that the Rheinische Zeitung

“served up this kind of unwashed stuff with a recommendation”.

So if I say, for instance, “the following information of the Mefisto-seles on the domestic affairs of the Augsburg newspaper should be not without interest for the history of this pompous lady”, am I then recommending the dirty “stuff” from which the lady of Augsburg tailors her gay wardrobe? Or should communism not be considered an important question of the time simply because it is not one suitable for drawing-rooms and because it wears dirty linen and does not smell of rose-water?

However, the lady of Augsburg quite rightly resents our lack of understanding. The importance of communism is not that it is a
highly serious question of the time for France and England. Communism has the European importance of having been used as a phrase by the Augsburg newspaper. One of its Paris correspondents, a convert who treats history as a pastry-cook does botany, recently had a sudden idea: the monarchy ought to try to appropriate socialist and communist ideas in its own way. You understand now the annoyance of the lady of Augsburg, who will never forgive us for presenting communism to the public in all its unwashed nakedness; you understand the sullen irony which exclaims: that is how you recommend communism, which once had the fortunate elegance of serving as a phrase for the Augsburg newspaper!

The second reproach levelled against the Rheinische Zeitung is the conclusion of a report from Strasbourg on the communist speeches delivered at the Congress there; the two stepsisters had divided the material between them in such a way that the Rhineland one took over the proceedings and the Bavarian one the dinners of the Strasbourg savants. The passage incriminated was literally as follows:

"The position of the middle estate today resembles that of the nobility in 1789; at that time, the middle estate claimed for itself the privileges of the nobility and obtained them; today the estate that owns nothing demands to share in the wealth of the middle classes, which are now at the helm. Today the middle estate is better protected against a sudden onslaught than were the nobility in 1789, and it is to be expected that the problem will be solved in a peaceful way."

That the prophecy of Sieyès came true and that the tiers état has become all, and wants to be all, is admitted with the most rueful indignation by Bülow-Cummerow, by the former Berliner politisches Wochenblatt, by Dr. Kosegarten, and all the feudal-minded writers. That the estate that today owns nothing demands to share in the wealth of the middle classes is a fact which, without the talk at Strasbourg, and in spite of Augsburg's silence, is obvious to everyone in Manchester, Paris and Lyons. Does the lady of Augsburg believe that her displeasure and her silence have refuted the facts of the time? She is impertinent even when fleeing. She shies away from insidious phenomena of the day and believes that the dust she raises behind her in doing so, as also the abuse which she nervously mutters between her teeth as she flees, will have blinded and confused both the uncomforting phenomena of the day and the comfortable reader.

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*a* Hint at Frederick William IV.—*Ed.*
Allgemeine Zeitung

Rheinische Zeitung

Politik, Handel und Gewerbe.

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Kais, Dienstag den 16. Oktober 1842

Am Flucht: Gemeinschafts- und Wahlrecht.

In Ihrer Zeitung, aus der ich Ihren Artikel "Communism and the Augsburg Allgemeine Zeitung" zur Kenntnis genommen habe, finden Sie eine deutliche These, geradezu eine These der Forderungen der Kommunisten. Stellen Sie sich vor, was es bedeutet, wenn die Menschen die gleiche Kompetenz erwirken, auf der gleichen Basis zu wählen und in gleicher Weise an der Regierung mitzumachen. Es ist eine Vision von Gleichheit und Freiheit, die auf den ersten Blick vorkommt, doch es bedarf einer tiefen Analyse, um die möglichen Auswirkungen dieser Idee zu verstehen.

Daher meine Bitte an Sie, Ihre Leser auf diesen Artikel aufmerksam zu machen. Es ist eine wichtige Diskussion, die wir alle heute benötigen, um ein besseres Verständnis der Zukunft zu gewinnen. Ich hoffe, Sie werden die Rezeption dieses Artikels als eine Möglichkeit zur Weiterung unseres Wissens betrachten.

Mit freundlichen Grüßen,

[Signature]
Or does the lady of Augsburg resent our correspondent's expectation that the undeniable collision will be settled "in a peaceful way"? Or does she reproach us for not having at once prescribed a proven remedy and supplied the astonished reader with a report as clear as the sun at noon on the solution of the problem which cannot be regarded as a standard one? We have not mastered the art of disposing by a single phrase of problems which two nations are working to solve.

But, dearest, most worthy lady of Augsburg, in connection with communism you have given us to understand that Germany at present is poor in people enjoying independence, that nine-tenths of the better-educated youth have to beg bread from the state to assure their future, that our rivers are neglected, that our shipping is at a standstill, that our once flourishing trading towns lack their former prosperity, that free institutions are achieved very slowly in Prussia, that our surplus population roams helplessly about, ceasing to exist as Germans among foreign nationalities; and for all these problems you offer not a single remedy, make no attempt to become "clearer about the means for accomplishing" the great deed that should absolve us from all these sins! Or do you expect no peaceful solution? There seems to be almost an indication of this in another article in the same issue, datelined from Karlsruhe, which even in regard to the Customs Union addresses the following insidious question to Prussia:

"Can one believe that such a crisis will pass away like a row about smoking tobacco in the Zoological Gardens?"

The reason you advance for your lack of belief is a communist one.

"Well, then, let a crisis break out in industry, let capital amounting to millions be lost, and thousands of workers find themselves without bread."

How inopportune you must have found our "peaceful expectation" once you had decided to allow a bloody crisis to break out, which is no doubt why in your article, in accordance with your own logic, you recommend Great Britain to take note of the demagogic physician, Dr. M'Douall, who emigrated to America because "there was nothing to be done with this royal breed".

Before we take leave of you, we should like in passing to call your attention to your own wisdom, since by your method of phrase-making you can hardly avoid now and again, in a harmless way, expressing an idea, although it is not your idea. You find that the polemic of Herr Hennequin from Paris against the parcellation of landed property puts him in surprising harmony with the
autonomists. Surprise, says Aristotle, is the beginning of philosophising. You have come to an end at the beginning. Would otherwise the surprising fact have escaped you that communist principles are being disseminated in Germany not by liberals, but by your reactionary friends?

Who is it that talks of artisans' corporations? The reactionaries. The artisans' estate, they say, ought to form a state within the state. Do you find it remarkable that such ideas, expressed in modern language, therefore take the form: "The state ought to be turned into an estate of the artisans"? If for the artisan his estate ought to be the state, and if the modern artisan, like every modern person, understands, and can understand, by the state only the sphere common to all his fellow citizens, how can you combine these two ideas except in the idea of an artisans' state?

Who carries on a polemic against parcellation of landed property? The reactionaries. In a quite recent work (Kosegarten on parcellation) written in a feudalistic spirit, the author goes so far as to call private property a privilege. That is Fourier's basic principle. Once there is unity on basic principles, cannot there be any dispute over consequences and application?

The Rheinische Zeitung, which does not admit that communist ideas in their present form possess even theoretical reality, and therefore can still less desire their practical realisation, or even consider it possible, will subject these ideas to thoroughgoing criticism. But if the lady of Augsburg demanded more, and was capable of more, than smooth-sounding phrases, it would be obvious to her that such writings as those of Leroux, Considérant, and above all the sharp-witted work by Proudhon, cannot be criticised on the basis of superficial flashes of thought, but only after long and profound study. We must take such theoretical works the more seriously because we do not agree with the Augsburg newspaper, which finds the "reality" of communist ideas not in Plato, but in its obscure acquaintance, who was not without merit in some fields of scientific research, but who gave up all he possessed at the time and washed plates and cleaned boots for his comrades in accordance with the wishes of Father Enfantin. We are firmly convinced that the real danger lies not in practical attempts, but in the theoretical elaboration of communist ideas, for practical attempts, even mass attempts, can be answered by cannon as soon as they become dangerous, whereas ideas, which have

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\[ ^{a} \text{Aristotle, Metaphysics, Book I, Ch. 2 (982 b).—Ed.} \]

\[ ^{b} \text{P. J. Proudhon, Qu'est-ce que la propriété? — Ed.} \]
conquered our intellect and taken possession of our minds, ideas to which reason has fettered our conscience, are chains from which one cannot free oneself without a broken heart; they are demons which human beings can vanquish only by submitting to them. But the Augsburg newspaper has never known the pangs of conscience called forth by the rebellion of man's subjective wishes against the objective views of his mind, since it has neither a mind of its own, nor views of its own, nor even a conscience of its own.

Written on October 15, 1842
First published in the Rheinische Zeitung
No. 289, October 16, 1842
Cologne, October 22. Following the reprint by the Rheinische Zeitung No. 292 of an article from the Mannheimer Abendzeitung “from Pfalz, October 12”, which begins with the words:

“I was really surprised when I found yesterday that the Augsburg Allgemeine Zeitung had printed an article (on communism), taken from Aachen news-sheets, which truly did not deserve to be accepted by a newspaper which otherwise has such good material”.

the Aachener Zeitung No. 293 has published a reply, extracts from which we certainly do not want to withhold from our readers, in view of a special wish expressed by the editorial board of this newspaper, and all the more since it affords us the opportunity we desire for a subsequent correction. The Aachener Zeitung rightly believes that the Rheinische

“could have known that the Augsburg Allgemeine Zeitung had torn out only a few passages from its article on the Communists (in No. 277 of the Aachener Zeitung) and added comments of its own, which of course gave a different complexion to the article”.

As stated, the Rheinische Zeitung was not only aware of this, but knew also that the Aachener Zeitung was quite innocent in regard to those fragments, insipidly and cunningly put together by the Augsburg newspaper No. 284, which were aimed solely at the Rheinische Zeitung. Therefore, in settling accounts with the Augsburg newspaper in No. 289, the Rheinische Zeitung very properly did not draw the Aachener Zeitung into the debate. But if someone

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a October 19, 1842.—Ed.
b October 22, 1842.—Ed.
c October 6, 1842.—Ed.
from Pfalz could be misled into a false assumption by the heading in spaced type of that Augsburg newspaper’s article: “We Read Aachen News-sheets”, that is at any rate an indication that the Aachener Zeitung could have anticipated earlier such a misunderstanding in respect of the Augsburg Allgemeine Zeitung. Having once undertaken to deal wholly on its own account with the Augsburg article, the Rheinische Zeitung could very well allow the incidental reprint of the note in the Mannheimer Abendzeitung to pass without any guide-mark since, of course, its readers already knew where that came from. The following passage from today’s article in the Aachener Zeitung requires no further comment:

“It knows that we are not against any free research, that we shall not weaken the efforts of those who are concerned for the welfare of any class of people. We are liberal towards all, which is more than the majority of liberals of many varieties can so far say about themselves. What we said, however, is that communism cannot find any soil among us, but that, on the other hand, it is a natural phenomenon in France and England. We added, lastly, that we were not ourselves opposed to communist efforts in Germany, but were very definitely against any club-like brotherhoods of the kind that are said to have sprung up in Silesia. Liberal ideas are not yet so firmly rooted among us, and have not yet made such progress among us, that every endeavour does not need to be carefully fostered. As a rule, however, we see in our country far too little harmony between newspapers of the same colour. They do not bear in mind that an isolated undertaking cannot cover the whole field, and that a total effect can be produced only by each in turn becoming the bearer and disseminator of the ideas of the other.”

The editorial board of the Rheinische Zeitung

Written on October 22, 1842
First published in the Rheinische Zeitung No. 296, October 23, 1842
Printed according to the newspaper Published in English for the first time
PROCEEDINGS OF THE SIXTH RHINE PROVINCE ASSEMBLY

Third Article*

DEBATES ON THE LAW ON THEFTS OF WOOD

[Rheinische Zeitung No. 298, October 25, 1842, Supplement]

So far we have described two most important state acts of the Provincial Assembly, namely, its confusion over freedom of the press and its unfreedom in regard to the confusion. We have now come down to ground level. Before we proceed to the really earthly question in all its life-size, the question of the parcellation of landed property, we shall give our readers some genre pictures which reflect in manifold ways the spirit and, we might say, even the actual physical nature of the Assembly.

It is true that the law on thefts of wood, like the law on offences in regard to hunting, forests and fields, deserves to be discussed not only in relation to the Assembly but equally on its own account. However, we do not have the draft of the law before us. Our material is limited to some vaguely indicated additions made by the Assembly and its commission to laws that figure only as paragraph numbers. The Assembly proceedings themselves are reported so extremely meagerly, incoherently and apocryphally that the report looks like an attempt at mystification. To judge from the truncated torso available to us, the Assembly wanted by this passive quietude to pay an act of respect to our province.

One is immediately struck by a fact which is characteristic of these debates. The Assembly acts as a supplementary legislator alongside the state legislator. It will prove most interesting to examine the legislative qualities of the Assembly by means of an example. In view of this, the reader will forgive us for demanding from him patience and endurance, two virtues which had to be

* We regret that we have not been able to publish the second article for our readers. Editorial board of the Rheinische Zeitung.
constantly exercised in analysing our barren subject-matter. In our account of the Assembly debates on the law on thefts we are directly describing the Assembly's debates on its legislative function.

At the very beginning of the debate, one of the urban deputies objected to the title of the law, which extends the category of "theft" to include simple offences against forest regulations.

A deputy of the knightly estate replied:

"It is precisely because the pilfering of wood is not regarded as theft that it occurs so often."

By analogy with this, the legislator would have to draw the conclusion: It is because a box on the ear is not regarded as murder that it has become so frequent. It should be decreed therefore that a box on the ear is murder.

Another deputy of the knightly estate finds it

"still more risky not to pronounce the word 'theft', because people who become acquainted with the discussion over this word could easily be led to believe that the Assembly does not regard the pilfering of wood also as theft".

The Assembly has to decide whether it considers pilfering of wood as theft; but if the Assembly does not declare it to be theft, people could believe that the Assembly really does not regard the pilfering of wood as theft. Hence it is best to leave this ticklish controversial question alone. It is a matter of a euphemism and euphemisms should be avoided. The forest owner prevents the legislator from speaking, for walls have ears.

The same deputy goes even further. He regards this whole examination of the expression "theft" as

"a dangerous preoccupation with correcting formulations on the part of the plenary assembly".

After these illuminating demonstrations, the Assembly voted the title of the law.

From the point of view recommended above, which mistakes the conversion of a citizen into a thief for a mere negligence in formulation and rejects all opposition to it as grammatical purism, it is obvious that even the pilfering of fallen wood or the gathering of dry wood is included under the heading of theft and punished as severely as the stealing of live growing timber.

It is true that the above-mentioned urban deputy remarks:

"Since the punishment could run to a long term of imprisonment, such severity would lead people who otherwise followed an honest path on to the path of crime. That would happen also because in prison they would be in the company of inveterate thieves; therefore he considered that the gathering or pilfering of dry fallen wood should be punished by a simple police penalty."
Another urban deputy, however, refuted him with the profound argument

"that in the forest areas of his region, at first only gashes were made in young trees, and later, when they were dead, they were treated as fallen wood".

It would be impossible to find a more elegant and at the same time more simple method of making the right of human beings give way to that of young trees. On the one hand, after the adoption of the paragraph, it is inevitable that many people not of a criminal disposition are cut off from the green tree of morality and cast like fallen wood into the hell of crime, infamy and misery. On the other hand, after rejection of the paragraph, there is the possibility that some young trees may be damaged, and it needs hardly be said that the wooden idols triumph and human beings are sacrificed!

The supreme penal code\(^90\) includes under theft of wood only the pilfering of hewn wood and the cutting of wood for the purpose of theft. Indeed—our Provincial Assembly will not believe it—it states:

"If, however, in daytime someone takes fruit for eating and by its removal does no great damage, then, taking into account his personal position and the circumstances, he is to be punished by civil" (therefore, not criminal!) "proceedings."

The supreme penal code of the sixteenth century requests us to defend it against the charge of excessive humanity made by a Rhine Province Assembly of the nineteenth century, and we comply with this request.

The gathering of fallen wood and the most composite wood theft! They both have a common definition. The appropriation of wood from someone else. Therefore both are theft. That is the sum and substance of the far-sighted logic which has just issued laws.

First of all, therefore, we call attention to the difference between them, and if it must be admitted that the two actions are essentially different, it can hardly be maintained that they are identical from the legal standpoint.

In order to appropriate growing timber, it has to be forcibly separated from its organic association. Since this is an obvious outrage against the tree, it is therefore an obvious outrage against the owner of the tree.

Further, if felled wood is stolen from a third person, this felled wood is material that has been produced by the owner. Felled wood is wood that has been worked on. The natural connection
with property has been replaced by an artificial one. Therefore, anyone who takes away felled wood takes away property.

In the case of fallen wood, on the contrary, nothing has been separated from property. It is only what has already been separated from property that is being separated from it. The wood thief pronounces on his own authority a sentence on property. The gatherer of fallen wood only carries out a sentence already pronounced by the very nature of the property, for the owner possesses only the tree, but the tree no longer possesses the branches that have fallen from it.

The gathering of fallen wood and the theft of wood are therefore essentially different things. The objects concerned are different, the actions in regard to them are no less different; hence the frame of mind must also be different, for what objective standard can be applied to the frame of mind other than the content of the action and its form? But, in spite of this essential difference, you call both of them theft and punish both of them as theft. Indeed, you punish the gathering of fallen wood more severely than the theft of wood, for you punish it already by declaring it to be theft, a punishment which you obviously do not pronounce on the actual theft of wood. You should have called it murder of wood and punished it as murder. The law is not exempt from the general obligation to tell the truth. It is doubly obliged to do so, for it is the universal and authentic exponent of the legal nature of things. Hence the legal nature of things cannot be regulated according to the law; on the contrary, the law must be regulated according to the legal nature of things. But if the law applies the term theft to an action that is scarcely even a violation of forest regulations, then the law lies, and the poor are sacrificed to a legal lie.

"Il y a deux genres de corruption," says Montesquieu, "l'un lorsque le peuple n'observe point les lois; l'autre lorsqu'il est corrompu par les lois: mal incurable parce qu'il est dans le remède même."\(^a\)

You will never succeed in making us believe that there is a crime where there is no crime, you will only succeed in converting crime itself into a legal act. You have wiped out the boundary between them, but you err if you believe that you have done so only to your advantage. The people sees the punishment, but it does not

\(^a\) "There are two kinds of corruption," says Montesquieu, "one when the people do not observe the laws, the other when they are corrupted by the laws: an incurable evil because it is in the very remedy itself." Ch. Montesquieu, _De l'esprit des lois_, Tome premier, livre sixième, chapitre XII.—Ed.
see the crime, and because it sees punishment where there is no crime, it will see no crime where there is punishment. By applying the category of theft where it ought not to be applied, you have also exonerated it where this category ought to be applied.

And does not this crude view, which lays down a common definition for different kinds of action and leaves the difference out of account, itself bring about its own destruction? If every violation of property without distinction, without a more exact definition, is termed theft, will not all private property be theft? By my private ownership do I not exclude every other person from this ownership? Do I not thereby violate his right of ownership? If you deny the difference between essentially different kinds of the same crime, you are denying that crime itself is different from right, you are abolishing right itself, for every crime has an aspect in common with right. Hence it is a fact, attested equally by history and reason, that undifferentiated severity makes punishment wholly unsuccessful, for it does away with punishment as a success for right.

But what are we arguing about? The Assembly, it is true, repudiates the difference between gathering fallen wood, infringement of forest regulations, and theft of wood. It repudiates the difference between these actions, refusing to regard it as determining the character of the action, when it is a question of the interests of the infringers of forest regulations, but it recognises this difference when it is a question of the interests of the forest owners.

Thus the commission proposes the following addition:

"to regard it as an aggravating circumstance if growing timber is hewn or cut off with edged tools and if a saw is used instead of an axe".

The Assembly approves this distinction. The same keen-sightedness which so conscientiously distinguishes between an axe and a saw when it is a matter of its own interests, is so lacking in conscience as to refuse to distinguish between fallen wood and growing wood when it is a question of other people's interests. The difference was found to be important as an aggravating circumstance but without any significance as a mitigating circumstance, although the former cannot exist if the latter is impossible.

The same logic occurred repeatedly during the debate.

In regard to §65, an urban deputy desired

"that the value of the stolen wood also should be used as a measure for fixing the punishment", "which was opposed by the commission's spokesman as unpractical".
The same urban deputy remarked in connection with §66:

"in general there is missing from the whole law any statement of value, in accordance with which the punishment would be increased or diminished".

The importance of value in determining punishment for violations of property is self-evident.

If the concept of crime involves that of punishment, the actual crime calls for a measure of punishment. An actual crime has its limit. The punishment will therefore have to be limited in order to be actual, it must be limited in accordance with a principle of law in order to be just. The problem is to make the punishment the actual consequence of the crime. It must be seen by the criminal as the necessary result of his act, and therefore as his own act. Hence the limit of his punishment must be the limit of his act. The definite content of a violation of the law is the limit of a definite crime. The measure of this content is therefore the measure of the crime. In the case of property this measure is its value. Whereas personality, whatever its limits, is always a whole, property always exists only within a definite limit that is not only determinable but determined, not only measurable but measured. Value is the civil mode of existence of property, the logical expression through which it first becomes socially comprehensible and communicable. It is clear that this objective defining element provided by the nature of the object itself must likewise be the objective and essential defining element for the punishment. Even if legislation here, where it is a matter of figures, can only be guided by external features so as not to be lost in an infinitude of definitions, it must at least regulate. It is not a question of an exhaustive definition of differences, but of establishing differences. But the Assembly was not at all disposed to devote its distinguished attention to such trifles.

But do you consider then that you can conclude that the Assembly completely excluded value in determining punishment? That would be an ill-considered, unpractical conclusion! The forest owner—we shall deal with this later in more detail—does not merely demand to be compensated by the thief for the simple general value. He even gives this value an individual character and bases his demand for special compensation on this poetic individuality. We can now understand what the commission's spokesman understands by practical. The practical forest owner argues as follows: This legal definition is good insofar as it is useful to me, for what is useful to me is good. But this legal definition is superfluous, it is harmful, it is unpractical, insofar as it is intended
to be applied to the accused on the basis of a purely theoretical legal whim. Since the accused is harmful to me, it stands to reason that everything is harmful to me that lessens the harm coming to him. That is practical wisdom.

We unpractical people, however, demand for the poor, politically and socially propertyless many what the learned and would-be learned servility of so-called historians has discovered to be the true philosopher’s stone for turning every sordid claim into the pure gold of right. We demand for the poor a customary right, and indeed one which is not of a local character but is a customary right of the poor in all countries. We go still further and maintain that a customary right by its very nature can only be a right of this lowest, propertyless and elemental mass.

The so-called customs of the privileged classes are understood to mean customs contrary to the law. Their origin dates to the period in which human history was part of natural history, and in which, according to Egyptian legend, all gods concealed themselves in the shape of animals. Mankind appeared to fall into definite species of animals which were connected not by equality, but by inequality, an inequality fixed by laws. The world condition of unfreedom required laws expressing this unfreedom, for whereas human law is the mode of existence of freedom, this animal law is the mode of existence of unfreedom. Feudalism in the broadest sense is the spiritual animal kingdom, the world of divided mankind, in contrast to the human world that creates its own distinctions and whose inequality is nothing but a refracted form of equality. In the countries of naive feudalism, in the countries of the caste system, where in the literal sense of the word people are put in separate boxes, and the noble, freely interchanging members of the great sacred body, the holy Humanus, are sawn and cleft asunder, forcibly torn apart, we find therefore also the worship of animals, animal religion in its primitive form, for man always regards as his highest being that which is his true being. The sole equality to be found in the actual life of animals is the equality between one animal and other animals of the same species; it is the equality of the given species with itself, but not the equality of the genus. The animal genus itself is seen only in the hostile behaviour of the different animal species, which assert their particular distinctive characteristics one against another. In the stomach of the beast of prey, nature has provided the battlefield of union, the crucible of closest fusion, the organ connecting the various animal species.

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a A pun on the German word Kasten, meaning both “castes” and “boxes”—Ed.
Similarly, under feudalism one species feeds at the expense of another, right down to the species which, like the polyp, grows on the ground and has only numerous arms with which to pluck the fruits of the earth for higher races while it itself eats dust; for whereas in the natural animal kingdom the worker bees kill the drones, in the spiritual animal kingdom the drones kill the worker bees, and precisely by labour. When the privileged classes appeal from legal right to their customary rights, they are demanding, instead of the human content of right, its animal form, which has now lost its reality and become a mere animal mask.

[Rheinische Zeitung No. 300, October 27, 1842, Supplement]

The customary rights of the aristocracy conflict by their content with the form of universal law. They cannot be given the form of law because they are formations of lawlessness. The fact that their content is contrary to the form of law—uni-versality and necessity—proves that they are customary wrongs and cannot be asserted in opposition to the law, but as such opposition they must be abolished and even punished if the occasion arises, for no one's action ceases to be wrongful because it is his custom, just as the bandit son of a robber is not exonerated because banditry is a family idiosyncrasy. If someone intentionally acts contrary to law, he is punished for his intention; if he acts by custom, this custom of his is punished as being a bad custom. At a time when universal laws prevail, rational customary right is nothing but the custom of legal right, for right has not ceased to be custom because it has been embodied in law, although it has ceased to be merely custom. For one who acts in accordance with right, right becomes his own custom, but it is enforced against one who violates it, although it is not his custom. Right no longer depends on chance, on whether custom is rational or not, but custom becomes rational because right is legal, because custom has become the custom of the state.

Customary right as a separate domain alongside legal right is therefore rational only where it exists alongside and in addition to law, where custom is the anticipation of a legal right. Hence one cannot speak of the customary rights of the privileged estates. The law recognises not only their rational right but often even their irrational pretensions. The privileged estates have no right of anticipation in regard to law, for law has anticipated all possible consequences of their right. Hence, too, the customary rights are demanded only as a domain for menus plaisirs, in order that the

* Little extras.—Ed.
same content which is dealt with in the law inside its rational limits should find in custom scope for whims and pretensions outside these rational limits.

But whereas these customary rights of the aristocracy are customs which are contrary to the conception of rational right, the customary rights of the poor are rights which are contrary to the customs of positive law. Their content does not conflict with legal form, but rather with its own lack of form. The form of law is not in contradiction to this content, on the contrary, the latter has not yet reached this form. Little thought is needed to perceive how one-sidedly enlightened legislation has treated and been compelled to treat the customary rights of the poor, of which the various Germanic rights can be considered the most prolific source.

In regard to civil law, the most liberal legislations have been confined to formulating and raising to a universal level those rights which they found already in existence. Where they did not find any such rights, neither did they create any. They abolished particular customs, but in so doing forgot that whereas the wrong of the estates took the form of arbitrary pretensions, the right of those without social estate appeared in the form of accidental concessions. This course of action was correct in regard to those who, besides right, enjoyed custom, but it was incorrect in regard to those who had only customs without rights. Just as these legislations converted arbitrary pretensions into legal claims, insofar as some rational content of right was to be found in those pretensions, they ought also to have converted accidental concessions into necessary ones. We can make this clear by taking the monasteries as an example. The monasteries were abolished, their property was secularised, and it was right to do so. But the accidental support which the poor found in the monasteries was not replaced by any other positive source of income. When the property of the monasteries was converted into private property and the monasteries received some compensation, the poor who lived by the monasteries were not compensated. On the contrary, a new restriction was imposed on them, while they were deprived of an ancient right. This occurred in all transformations of privileges into rights. A positive aspect of these abuses—which was also an abuse because it turned a right of one side into something accidental—was abolished not by the accidental being converted into a necessity, but by its being left out of consideration.

These legislations were necessarily one-sided, for all customary rights of the poor were based on the fact that certain forms of property were indeterminate in character, for they were not
definitely private property, but neither were they definitely common property, being a mixture of private and public right, such as we find in all the institutions of the Middle Ages. For the purpose of legislation, such ambiguous forms could be grasped only by understanding, and understanding is not only one-sided, but has the essential function of making the world one-sided, a great and remarkable work, for only one-sidedness can extract the particular from the unorganised mass of the whole and give it shape. The character of a thing is a product of understanding. Each thing must isolate itself and become isolated in order to be something. By confining each of the contents of the world in a stable definiteness and as it were solidifying the fluid essence of this content, understanding brings out the manifold diversity of the world, for the world would not be many-sided without the many one-sidednesses.

Understanding therefore abolished the hybrid, indeterminate forms of property by applying to them the existing categories of abstract civil law, the model for which was available in Roman law. The legislative mind considered it was the more justified in abolishing the obligations of this indeterminate property towards the class of the very poor, because it also abolished the state privileges of property. It forgot, however, that even from the standpoint of civil law a twofold private right was present here: a private right of the owner and a private right of the non-owner; and this apart from the fact that no legislation abolishes the privileges of property under constitutional law, but merely divests them of their strange character and gives them a civil character. If, however, every medieval form of right, and therefore of property also, was in every respect hybrid, dualistic, split into two, and understanding rightly asserted its principle of unity in respect of this contradictory determination, it nevertheless overlooked the fact that there exist objects of property which, by their very nature, can never acquire the character of predetermined private property, objects which, by their elemental nature and their accidental mode of existence, belong to the sphere of occupation rights, and therefore of the occupation right of that class which, precisely because of these occupation rights, is excluded from all other property and which has the same position in civil society as these objects have in nature.

It will be found that the customs which are customs of the entire poor class are based with a sure instinct on the indeterminate aspect of property; it will be found not only that this class feels an urge to satisfy a natural need, but equally that it feels the need to satisfy
a rightful urge. Fallen wood provides an example of this. Such wood has as little organic connection with the growing tree as the cast-off skin has with the snake. Nature itself presents as it were a model of the antithesis between poverty and wealth in the shape of the dry, snapped twigs and branches separated from organic life in contrast to the trees and stems which are firmly root-ed and full of sap, organically assimilating air, light, water and soil to develop their own proper form and individual life. It is a physical representation of poverty and wealth. Human poverty senses this kinship and deduces its right to property from this feeling of kinship. If, therefore, it claims physical organic wealth for the predetermined property owners, it claims physical poverty for need and its fortuity. In this play of elemental forces, poverty senses a beneficent power more humane than human power. The fortuitous arbitrary action of privileged individuals is replaced by the fortuitous operation of elemental forces, which take away from private property what the latter no longer voluntarily foregoes. Just as it is not fitting for the rich to lay claim to alms distributed in the street, so also in regard to these alms of nature. But it is by its activity, too, that poverty acquires its right. By its act of gathering, the elemental class of human society appoints itself to introduce order among the products of the elemental power of nature. The position is similar in regard to those products which, because of their wild growth, are a wholly accidental appendage of property and, if only because of their unimportance, are not an object for the activity of the actual owner. The same thing holds good also in regard to gleaning after the harvest and similar customary rights.

In these customs of the poor class, therefore, there is an instinctive sense of right; their roots are positive and legitimate, and the form of customary right here conforms all the more to nature because up to now the existence of the poor class itself has been a mere custom of civil society, a custom which has not found an appropriate place in the conscious organisation of the state.

The debate in question affords an example of the way in which these customary rights are treated, an example which exhaustively illustrates the method and spirit of the whole procedure.

An urban deputy opposed the provision by which the gathering of bilberries and cranberries is also treated as theft. He spoke primarily on behalf of the children of the poor, who pick these fruits to earn a trifling sum for their parents; an activity which has been permitted by the owners since time immemorial and has given rise to a customary right of the children. This fact was countered by another deputy, who remarked that
“in his area these berries have already become articles of commerce and are dispatched to Holland by the barrel”.

In one locality, therefore, things have actually gone so far that a customary right of the poor has been turned into a monopoly of the rich. That is exhaustive proof that common property can be monopolised, from which it naturally follows that it must be monopolised. The nature of the object calls for monopoly because private property interests here have invented this monopoly. The modern idea conceived by some money-grabbing petty traders becomes irrefutable when it provides profit for the age-old Teutonic landed interest.

The wise legislator will prevent crime in order not to have to punish it, but he will do so not by obstructing the sphere of right, but by doing away with the negative aspect of every instinct of right, giving the latter a positive sphere of action. He will not confine himself to removing the impossibility for members of one class to belong to a higher sphere of right, but will raise their class itself to the real possibility of enjoying its rights. But if the state is not humane, rich and high-minded enough for this, it is at least the legislator’s absolute duty not to convert into a crime what circumstances alone have caused to be an offence. He must exercise the utmost leniency in correcting as a social irregularity what it would be the height of injustice for him to punish as an anti-social crime. Otherwise he will be combating the social instinct while supposing that he is combating its anti-social form. In short, if popular customary rights are suppressed, the attempt to exercise them can only be treated as the simple contravention of a police regulation, but never punished as a crime. Punishment by police penalties is an expedient to be used against an act which circumstances characterise as a superficial irregularity not constituting any violation of the eternal rule of law. The punishment must not inspire more repugnance than the offence, the ignominy of crime must not be turned into the ignominy of law; the basis of the state is undermined if misfortune becomes a crime or crime becomes a misfortune. Far from upholding this point of view, the Provincial Assembly does not observe even the elementary rules of legislation.

The petty, wooden, mean and selfish soul of interest sees only one point, the point in which it is wounded, like a coarse person who regards a passer-by as the most infamous, vilest creature under the sun because this unfortunate creature has trodden on his corns. He makes his corns the basis for his views and judgment, he makes the one point where the passer-by comes into
contact with him into the only point where the very nature of this man comes into contact with the world. But a man may very well happen to tread on my corns without on that account ceasing to be an honest, indeed an excellent, man. Just as you must not judge people by your corns, you must not see them through the eyes of your private interest. Private interest makes the one sphere in which a person comes into conflict with this interest into this person’s whole sphere of life. It makes the law a rat-catcher, who wants only to destroy vermin, for he is not a naturalist and therefore regards rats only as vermin. But the state must regard the infringer of forest regulations as something more than a wood-pilferer, more than an enemy to wood. Is not the state linked with each of its citizens by a thousand vital nerves, and has it the right to sever all these nerves because this citizen has himself arbitrarily severed one of them? Therefore the state will regard even an infringer of forest regulations as a human being, a living member of the state, one in whom its heart’s blood flows, a soldier who has to defend his Fatherland, a witness whose voice must be heard by the court, a member of the community with public duties to perform, the father of a family, whose existence is sacred, and, above all, a citizen of the state. The state will not light-heartedly exclude one of its members from all these functions, for the state amputates itself whenever it turns a citizen into a criminal. Above all, the moral legislator will consider it a most serious, most painful, and most dangerous matter if an action which previously was not regarded as blameworthy is classed among criminal acts.

Interest, however, is practical, and nothing in the world is more practical than to strike down one’s enemy. “Hates any man the thing he would not kill?” we are already told by Shylock. The true legislator should fear nothing but wrong, but the legislative interest knows only fear of the consequences of rights, fear of the evil-doers against whom the laws are made. Cruelty is a characteristic feature of laws dictated by cowardice, for cowardice can be energetic only by being cruel. Private interest, however, is always cowardly, for its heart, its soul, is an external object which can always be wrenched away and injured, and who has not trembled at the danger of losing heart and soul? How could the selfish legislator be human when something inhuman, an alien material essence, is his supreme essence? “Quand il a peur, il est terrible,”

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*a* A pun on the German words *Hühneraugen*—corns, and *Augen*—eyes.—*Ed.*  
*W.* Shakespeare, *The Merchant of Venice*, Act IV, Scene 1.—*Ed.*  
*c* “When he is afraid, he is terrible.”—*Ed.*
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says the National about Guizot. These words could be inscribed as a motto over all legislation inspired by self-interest, and therefore by cowardice.

When the Samoyeds kill an animal, before skinning it they assure it in the most serious tones that only Russians have done it this injury, that it is being dismembered with a Russian knife, and therefore it should revenge itself only on Russians. Even without any claim to be a Samoyed, it is possible to turn the law into Russian knife. Let us see how this is done.

In connection with § 4, the commission proposed:

"At distances greater than two miles, the warden who makes the charge determines the value according to the existing local price."

An urban deputy protested against this as follows:

"The proposal to allow the valuation of the stolen wood to be made by the forester who brings the charge evokes serious doubt. Of course, this official has our full confidence, but only as regards the fact, by no means as regards the value. The latter should be determined according to a valuation made by the local authorities and confirmed by the district president. It is true that it has been proposed that § 14, according to which the penalty imposed should accrue to the forest owner, should not be adopted", etc. "If § 14 were to be retained, the proposed provision would be doubly dangerous. For, in the nature of things, the forester who is employed by the forest owner and paid by him would certainly have to put the value of the stolen wood as high as possible."

The Provincial Assembly approved the proposal of the commission.

We see here the enactment of patrimonial jurisdiction. The patrimonial warden is at the same time in part a judge. The valuation is part of the sentence. Hence the sentence is already partly anticipated in the record of the charge. The warden who made the charge sits in the collegium of judges; he is the expert whose decision is binding for the court, he performs a function from which the other judges are excluded by him. It is foolish to oppose inquisitorial methods when there exist even patrimonial gendarmes and denouncers who at the same time act as judges.

Apart from this fundamental violation of our institutions, it is obvious from an examination of the qualifications of the warden who makes the charge how little he is objectively able to be at the same time the valuer of the stolen wood.

As warden, he personifies the protecting genius of the forest. Protection, especially personal, physical protection, calls for an effective, energetic and loving attitude to the object of his care, an
attitude in which he as it were coalesces with the growing forest. The forest must be everything to him, its value for him must be absolute. The valuer's attitude to the stolen wood, on the other hand, is one of sceptical distrust. He measures it with a keen prosaic eye by an ordinary standard and reckons how much it is worth in hellers and pfennigs. A warden and a valuer are as different as a mineralogist and a trader in minerals. The forest warden cannot estimate the value of the stolen wood, for in any record for the court giving his estimate of the value of the stolen material he is estimating his own value, because it is the value of his own activity, and do you believe that he would not protect the value of the object under his care as much as the substance of it?

The functions entrusted to one man, for whom severity is an official duty, are contradictory not only in relation to the object under protection, but also in relation to the persons concerned.

As guardian of the wood, the warden has to protect the interests of the private owner, but as valuer he has just as much to protect the interests of the infringer of forest regulations against the extravagant demands of the private owner. While he has, perhaps, to use his fists on behalf of the forest, he has immediately thereafter to use his brains on behalf of the forest's enemy. While embodying the interests of the forest owner, he has at the same time to be a guarantee against these same interests.

The warden, furthermore, is the denouncer. The charge he draws up is a denunciation. The value of the object, therefore, becomes the subject-matter of the denunciation. The warden loses his dignity as a judge, and the function of judge is most profoundly debased, because at that moment it is indistinguishable from the function of denouncer.

Finally, this denouncing warden, who cannot rank as an expert, whether in his capacity of denouncer or in that of warden, is in the pay and service of the forest owner. One might just as well leave the valuation, under oath, to the forest owner himself, since in the person of his warden he has actually only assumed the shape of a third person.

Instead, however, of finding this position of the denouncing warden even somewhat dubious, the Provincial Assembly, on the contrary, regarded as dubious the sole provision which constitutes the last semblance of the state's power in the realm of forest glory, namely, life appointment of the denouncing wardens. This proposal evoked the most vehement protest, and the storm seems hardly to have been allayed by the explanation of the spokesman.
"that already previous Provincial Assemblies had called for life appointment of wardens to be abandoned, but that the government had not agreed to this and regarded life appointment as a protection for the state's subjects."

At an earlier date, therefore, the Provincial Assembly had already tried to bargain with the government so as to make it abandon protection for its subjects, but the Assembly did not go beyond bargaining. Let us examine the arguments, as generous as they are irrefutable, advanced *against* life appointment.

A deputy from the rural communities

"finds that life appointment of wardens as a condition for confidence in them is greatly to the detriment of the small forest owners; and another deputy insists that protection must be equally effective for small and big forest owners."

A member of the princely estate remarked

"that life appointment with private persons is very inadvisable, and in France it has not been found at all necessary for ensuring confidence in the records drawn up by the wardens, but that something must of necessity be done to prevent infringements from increasing".

An *urban* deputy said:

"Credence must be given to all testimony of properly appointed and sworn forest officials. Life appointment is, so to speak, an impossibility for many communities, and especially for owners of small estates. A decision that only forest officials who have been appointed for life should be trusted, would deprive these owners of all forest protection. In a large part of the province, communities and private owners would necessarily have to entrust the protection of their wooded areas to field wardens, because their forest area is not large enough to enable them to appoint special foresters for it. It would indeed be strange if these field wardens, who have also taken an oath to protect the forests, were not to enjoy complete confidence when they reported a theft of wood, but were trusted when they testified to the infringement of forest regulations."

* [Rheinische Zeitung* No. 303, October 30, 1842, Supplement*]  

Thus *town* and *countryside* and the *princely estate* have had their say. Instead of smoothing out the difference between the rights of the infringer of forest regulations and the claims of the forest owner, they found that this difference was not great enough. There was no attempt to afford equal protection to the forest owner and the infringer of forest regulations, it was only sought to make the protection of the small forest owner equal to that of the big forest owner. In this latter case, equality down to the minutest detail is imperative, whereas in the former case inequality is an axiom. Why does the small forest owner demand the same protection as the big forest owner? Because both are forest owners. But are not both the forest owners and the infringers of forest
regulations citizens of the state? If small and big forest owners have the same right to protection by the state, does this not apply even more to small and big citizens of the state?

When the member of the princely estate refers to France—for interest knows no political antipathies—he only forgets to add that in France the warden's charge concerns the fact but not the value. Similarly, the worthy urban spokesman forgets that it is inadmissible to rely on a field warden here because it is a matter not only of registering a theft of wood but also of establishing the value of the wood.

What is the gist of all the arguments we have just heard? It is that the small forest owner does not have the means for appointing a warden for life. What follows from this? It follows that the small forest owner is not entitled to undertake this task. But what conclusion is drawn by the small forest owner? That he is entitled to appoint a warden as a valuer who can be given notice of dismissal. His lack of means entitles him to a privilege.

Moreover, the small forest owner does not have the means to support an independent collegium of judges. Therefore let the state and the accused manage without an independent collegium of judges, let a manservant of the small forest owner have a seat on the tribunal, or if he has no manservant, let it be his maidservant; and if he has no maidservant, let him sit there himself. Has not the accused the same right in regard to the executive power, which is an organ of the state, as he has in regard to the judicial power? Why then should not the tribunal also be organised in accordance with the means of the small forest owner?

Can the relation between the state and the accused be altered because of the meagre resources of a private person, the forest owner? The state has a right in relation to the accused because it confronts him as the state. An immediate consequence of this is its duty to act towards the law-breaker as the state and in the manner of the state. The state has not only the means to act in a way which is as appropriate to its reason, its universality, and its dignity as it is to the right, the life and the property of the incriminated citizen; it is its absolute duty to possess and apply these means. No one will make this demand of the forest owner, whose forest is not the state and whose soul is not the soul of the state.—But what conclusion was drawn from that? It was concluded that since private property does not have means to raise itself to the standpoint of the state, the latter is obliged to lower itself to the irrational and illegal means of private property.
This claim on the part of private interest, the paltry soul of which was never illuminated and thrilled by thought of the state, is a serious and sound lesson for the latter. If the state, even in a single respect, stoops so low as to act in the manner of private property instead of in its own way, the immediate consequence is that it has to adapt itself in the form of its means to the narrow limits of private property. Private interest is sufficiently crafty to intensify this consequence to the point where private interest in its most restricted and paltry form makes itself the limit and rule for the action of the state. As a result of this, apart from the complete degradation of the state, we have the reverse effect that the most irrational and illegal means are put into operation against the accused; for supreme concern for the interests of limited private property necessarily turns into unlimited lack of concern for the interests of the accused. But if it becomes clearly evident here that private interest seeks to degrade, and is bound to degrade, the state into a means operating for the benefit of private interest, how can it fail to follow that a body representing private interests, the estates, will seek to degrade, and is bound to degrade, the state to the thoughts of private interest? Every modern state, however little it corresponds to its concept, will be compelled to exclaim at the first practical attempt at such legislative power: Your ways are not my ways, your thoughts are not my thoughts!

How completely unsound the temporary hiring of a denouncing warden is, cannot be more glaringly shown than by an argument advanced against life appointment, which cannot be attributed to a slip of the tongue, for it was read out. The following remark, namely, was read out by an urban deputy:

"Community forest wardens appointed for life are not, and cannot be, under such strict control as royal officials. Every spur to loyal fulfilment of duty is paralysed by life appointment. If the forest warden only half performs his duty and takes care that he cannot be charged with any real offence, he will always find sufficient advocacy in his favour to make a proposal for his dismissal under § 56 useless. In such circumstances the interested parties will not even dare to put forward such a proposal."

We recall that it was decreed that the warden making the charge should be given full confidence when it was a question of entrusting him with the task of valuation. We recall that § 4 was a vote of confidence in the warden.

We now learn for the first time that the denouncing warden needs to be controlled, and strictly controlled. For the first time he appears not merely as a man, but as a horse, since spurs and fodder are the only stimuli of his conscience, and the muscles for
performing his duty are not merely slackened but completely paralysed by life appointment. We see that selfishness has a double set of weights and measures for weighing and measuring people, and two world outlooks, two pairs of spectacles, one showing everything black and the other in rosy tints. When it is a matter of making other people the victim of its tools and giving a favourable appearance to dubious means, selfishness puts on its rose-coloured spectacles, which impart an imaginary glory to these tools and means, and deludes itself and others with the unpractical, delightful dreaming of a tender and trusting soul. Every wrinkle of its countenance expresses smiling bonhomie. It presses its opponent’s hand until it hurts, but it does so as a sign of its trust in him. But suddenly it is a question of personal advantage, of carefully testing the usefulness of tools and means behind the scenes where stage illusions are absent. Being a strict judge of people, it cautiously and distrustfully puts on its world-wise dark spectacles of practice. Like an experienced horse-dealer it subjects people to a lengthy ocular inspection, overlooking no detail, and they seem to it to be as petty, as pitiful, and as dirty, as selfishness itself.

We do not intend to argue with the world outlook of selfishness, but we want to compel it to be consistent. We do not want it to reserve all worldly wisdom for itself and leave only fantasies for others. We want to make the sophistical spirit of private interest abide for a moment by its own conclusions.

If the warden making the charge is a man such as you describe, a man whom life appointment, far from giving him a feeling of independence, security and dignity in the performance of his duty, has, on the contrary, deprived of any incentive to do his duty, how can we expect this man to behave impartially towards the accused when he is the unconditional slave of your arbitrary power? If only spurs force this man to do his duty, and if you are the wearer of the spurs, what fate must we prophesy for the accused, who wears no spurs? If even you yourself cannot exercise sufficiently strict control over this warden, how can the state or the accused side in the case control him? Does not what you say of life appointment apply instead to an appointment that can be terminated: "if the forest warden only half performs his duty, he will always find sufficient advocacy in his favour to make a proposal for his dismissal under § 56 useless"? Would not all of you be advocates for him as long as he performed half his duty, namely, the protection of your interests?

The conversion of naive, excessive confidence in the forest warden into abusive, censorious distrust reveals the gist of the
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matter. It is not in the forest warden but in yourselves that you place this tremendous confidence which you want the state and the infringer of forest regulations to accept as a dogma.

It is not the warden's official position, nor his oath, nor his conscience that should be the guarantee of the accused against you; on the contrary, your sense of justice, your humanity, your disinterestedness, your moderation should be the guarantee of the accused against the forest warden. Your control is his ultimate and only guarantee. Imbued with a vague notion of your personal excellence, wrapt in poetic self-delight, you offer the parties in the case your individual qualities as a means of protection against your laws. I confess that I do not share this romantic conception of the forest owners. I do not at all believe that persons can be a guarantee against laws; on the contrary, I believe that laws must be a guarantee against persons. And can even the most daring fantasy imagine that men who in the noble work of legislation cannot for a moment rise above the narrow, practically base standpoint of self-seeking to the theoretical height of a universal and objective point of view, men who tremble even at the thought of future disadvantages and seize on anything to defend their interests, can these men become philosophers in the face of real danger? But no one, not even the most excellent legislator, can be allowed to put himself above the law he has made. No one has the right to decree a vote of confidence in himself when it entails consequences for third persons.

But whether it is permissible for you even to demand that people should place special confidence in you, may be judged from the following facts.

"He must oppose § 87," stated an urban deputy, "since its provisions would give rise to extensive and fruitless investigations, as a result of which personal freedom and freedom of intercourse would be violated. It is not permissible beforehand to regard everyone as a criminal and to assume a crime before having proof that it has been committed."

Another urban deputy said that the paragraph ought to be deleted. The vexatious provision that "everyone has to prove where he obtained his wood", with the result that everyone could be under suspicion of stealing and concealing wood, was a gross and injurious intrusion into the life of the citizen. The paragraph was adopted.

In truth, you presume too much on people's inconsistency if you expect them to proclaim as a maxim that distrust is to
their detriment and confidence is to your advantage, and if you expect their confidence and distrust to see through the eyes of your private interest and feel through the heart of your private interest.

Yet another argument is advanced against life appointment, an argument of which it is impossible to say whether it is more calculated to evoke contempt or ridicule.

"It is also impermissible that the free will of private persons should be so greatly restricted in this way, for which reason only appointments that can be terminated should be allowed."

The news that man possesses free will which must not be restricted in all kinds of ways, is certainly as comforting as it is unexpected. The oracles which we have so far heard have resembled the ancient oracle at Dodona. They are dispensed from wood. Free will, however, does not have the quality of an estate. How are we to understand this sudden rebellious emergence of ideology, for as far as ideas are concerned we have before us only followers of Napoleon?

The will of the forest owner requires freedom to deal with the infringer of forest regulations as it sees fit and in the way it finds most convenient and least costly. This will wants the state to hand over the evil-doer to it to deal with at its discretion. It demands plein pouvoir. It does not oppose the restriction of free will, it opposes the manner of this restriction, which is so restrictive that it affects not only the infringer of forest regulations but also the owner of the wood. Does not this free will want to have numerous freedoms? Is it not a very free, an excellent, free will? And is it not scandalous in the nineteenth century to dare to restrict "so greatly in this way" the free will of those private persons who promulgate public laws? It is, indeed, scandalous.

Even that obstinate reformer, free will, must join the adherents of the good arguments headed by the sophistry of private interest. But this free will must have good manners, it must be a cautious, loyal free will, one which is able to arrange itself in such a way that its sphere coincides with the sphere of the arbitrary power of those same privileged private persons. Only once has there been mention of free will, and on this one occasion it appears in the shape of a squat private person who hurls blocks of wood at the

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a Full powers.—Ed.
spirit of rational will. Indeed, what need is there for this spirit where the will is chained to the most petty and selfish interests like a galley-slave to his rowing bench?

The climax of this whole argument is summarised in the following remark, which turns the relationship in question upside-down:

"While the royal forest wardens and gamekeepers may be appointed for life, in the case of rural communities and private persons this evokes the most serious misgivings."

As if the sole source of misgivings were not in that private servants act here in the place of state officials! As if life appointment was not aimed precisely against private persons, who are the ones that evoke misgivings! Rien n'est plus terrible que la logique dans l'absurdité, that is to say, nothing is more terrible than the logic of selfishness.

This logic, which turns the servant of the forest owner into a state authority, turns the authority of the state into a servant of the forest owner. The state structure, the purpose of the individual administrative authorities, everything must get out of hand so that everything is degraded into an instrument of the forest owner and his interest operates as the soul governing the entire mechanism. All the organs of the state become ears, eyes, arms, legs, by means of which the interest of the forest owner hears, observes, appraises, protects, reaches out, and runs.

The commission proposed the addition to §62 of a conclusion demanding that inability to pay be certified by the tax-collector, the burgomaster and two local officials of the community in which the infringer of forest regulations lives. A deputy from the rural communities considered that to make use of the tax-collector was contrary to existing legislation. Of course, no attention was paid to this contradiction.

In connection with §20, the commission proposed:

"In the Rhine Province the competent forest owner should be authorised to hand over convicted persons to the local authority to perform penal labour in such a way that their working days will be put to the account of the manual services on communal roads which the forest owner is obliged to render in the rural community, and accordingly subtracted from this obligation."

Against this, the objection was raised

"that burgomasters cannot be used as executors for individual members of the rural community and that the labour of convicts cannot be accepted as compensation for the work which has to be performed by paid day-labourers or servants".

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a Nothing is more terrible than logic carried to absurdity.— *Ed.*
The spokesman commented:

"Even if it is a burdensome task for the burgomasters to see that unwilling and insubordinate prisoners convicted of infringing forest regulations are made to work, nevertheless it is one of the functions of these officials to induce disobedient and evil-minded persons in their charge to return to the path of duty, and is it not a noble deed to lead the convict away from the wrong road back to the right path? Who in the countryside has more means of doing this than the burgomasters?"

Reineke put on an anxious and sorrowful mien,
Which excited the pity of many a good-natured man,
Lampe, the hare, especially was sore distressed.\(^a\)

The Provincial Assembly adopted the proposal.

[Rheinische Zeitung No. 305, November 1, 1842, Supplement]

The good burgomaster must undertake a burdensome task and perform a noble deed in order that the forest owner can fulfil his duty to the community without expense to himself. The forest owner could with equal right make use of the burgomaster as a chief cook or head waiter. Is it not a noble deed for the burgomaster to look after the kitchen or cellar of those in his charge? The convicted criminal is not in the charge of the burgomaster, but in the charge of the prison superintendent. Does not the burgomaster lose the strength and dignity of his position if, instead of representing the community, he is made an executor for individual members, if he is turned from a burgomaster into a taskmaster? Will not the other, free members of the community be insulted if their honest work for the general good is degraded to the level of penal labour for the benefit of particular individuals?

But it is superfluous to expose these sophistries. Let the spokesman be so good as to tell us himself how worldly-wise people judge humane phrases. He makes the forest owner address the following reply to the farm owner who displays humanity:

"If some ears of corn are pilfered from a landowner, the thief would say: 'I have no bread, so I take a few ears of corn from the large amount you possess', just as the wood thief says: 'I have no firewood, so I steal some wood.' The landowner is protected by Article 444 of the Criminal Code, which punishes the taking of ears of corn with 2-5 years' imprisonment. The forest owner has no such powerful protection."

This last envious exclamation of the forest owner contains a whole confession of faith. You farm owner, why are you so magnanimous where my interests are concerned? Because your interests are already looked after. So let there be no illusions! Magnanimity either costs nothing or brings something in. There-

\(^a\) J. Goethe, Reineke Fuchs, Sechster Gesang.— Ed.
fore, farm owner, you cannot deceive the forest owner! Therefore, forest owner, do not deceive the burgomaster!

This intermezzo alone would suffice to prove what little meaning "noble deeds" can have in our debate, if the whole debate did not prove that moral and humane reasons occur here merely as phrases. But interest is miserly even with phrases. It invents them only in case of need, when the results are of considerable advantage. Then it becomes eloquent, its blood circulates faster, it is not sparing even with noble deeds that yield it profit at the expense of others, with flattering words and sugary endearments. And all that, all of it, is exploited only in order to convert the infringement of forest regulations into current coin for the forest owner, to make the infringer of forest regulations into a lucrative source of income, to be able to invest the capital more conveniently—for the wood thief has become a capital for the forest owner. It is not a question of misusing the burgomaster for the benefit of the infringer of forest regulations, but of misusing the burgomaster for the benefit of the forest owner. What a remarkable trick of fate it is, what a remarkable fact, that on the rare occasions when a problematic benefit for the infringer of forest regulations is given a passing mention, the forest owner is guaranteed an unquestionable benefit!

The following is yet another example of these humane sentiments!

Spokesman: "French law does not acknowledge the commutation of imprisonment into forest labour; he considers this commutation a wise and beneficial measure, for imprisonment does not always lead to reform but very often to corruption."

Previously, when innocent persons were turned into criminals, when in connection with the gathering of fallen wood a deputy remarked that in prison they were brought into contact with inveterate thieves, prisons were said to be good. Suddenly reformatories have been metamorphosed into institutions for corruption, for at this moment it is of advantage to the interests of the forest owner that prisons corrupt. By reform of the criminal is understood improvement of the percentage of profit which it is the criminal's noble function to provide for the forest owner.

Interest has no memory, for it thinks only of itself. And the one thing about which it is concerned, itself, it never forgets. But it is not concerned about contradictions, for it never comes into contradiction with itself. It is a constant improviser, for it has no system, only expedients.
Whereas humane and rightful motives have no part to play except

Ce qu’au bal nous autres sots humains,
Nous appelons faire tapisserie.\(^a\)

expedients are the most active agents in the argumentative mechanism of private interest. Among these expedients, we note two that constantly recur in this debate and constitute the main categories, namely, "good motives" and "harmful results". We see sometimes the spokesman for the commission, sometimes another member of the Assembly, defending every ambiguous provision against hostile shafts of objections by means of the shield of shrewd, wise and good motives. We see every conclusion drawn from the standpoint of right rejected by referring to its harmful or dangerous results. Let us examine for a moment these extensive expedients, these expedients \textit{par excellence}, these expedients covering everything and a little more.

Interest knows how to denigrate right by presenting a prospect of harmful results due to its effects in the external world; it knows how to whitewash what is wrong by ascribing good motives to it, that is, by retreating into the internal world of its thoughts. Law produces bad results in the external world among bad people, wrong springs from good motives in the breast of the honest man who decrees it; but both, the good motives and the harmful results, have in common the peculiar feature that they do not look at a thing in relation to itself, that they do not treat the law as an independent object, but direct attention away from the law either to the external world or to their own mind, that therefore they manoeuvre \textit{behind the back of the law}.

What are harmful results? Our whole account has shown that they are not to be understood as harmful results for the state, the law, or the accused. Moreover, we should like to make quite clear in a few lines that they do not include harmful results for the \textit{safety of citizens}.

We have already heard from members of the Assembly themselves that the provision by which "everyone has to prove where he obtained his wood" is a gross and injurious intrusion into the life of the citizen and makes every citizen the victim of vexatious bullying. Another provision declares that everyone in whose \textit{keeping} stolen wood is found is to be regarded as a thief, although a deputy stated:

\(^a\) What, at a ball, we simple folk call being wallflowers.—\textit{Ed.}
"This could be dangerous for many an honest man. Wood stolen by someone nearby might be thrown into his courtyard and the innocent man punished."

Under §66 any citizen who buys a broom that is not issued under monopoly is punishable by hard labour from four weeks to two years. On this, an urban deputy commented as follows:

"This paragraph threatens with hard labour each and every citizen of the Elberfeld, Lennep and Solingen districts."

Finally, supervision and management of the game and forest police have been made not only a right but a duty of the military, although Article 9 of the Criminal Code speaks only of officials who are under the supervision of state prosecutors and can therefore be the object of immediate proceedings on the part of the latter, which is not the case with the military. This is a threat both to the independence of the courts and to the freedom and security of citizens.

Hence, far from there being any talk of possible harmful results for the safety of citizens, their safety itself is treated as a circumstance having harmful results.

What then are harmful results? Harmful is that which is harmful to the interests of the forest owner. If, therefore, the law does not result in the furtherance of his interests, its results are harmful. And in this respect interest is keen-sighted. Whereas previously it did not see what was obvious to the naked eye, it now sees even what is only visible through a microscope. The whole world is a thorn in the side of private interest, a world full of dangers, precisely because it is the world not of a single interest but of many interests. Private interest considers itself the ultimate purpose of the world. Hence if the law does not realise this ultimate purpose, it becomes inexpedient law. Law which is harmful to private interests is therefore law with harmful results.

Are good motives considered to be better than harmful results? Interest does not think, it calculates. Motives are its figures. Motive is an incentive for abolishing the basis of law, and who can doubt that private interest will have many incentives for doing so? The goodness of a motive lies in the casual flexibility with which it can set aside the objective facts of the case and lull itself and others into the illusion that it is not necessary to keep one's mind on what is good, but that it suffices to have good thoughts while doing a bad thing.

Resuming the thread of our argument, we mention first of all a side line to the noble deeds recommended to the Herr Burgomaster.
"The commission proposed an amended version of §34 along the following lines: if the accused demands that the warden who drew up the charge be summoned, then he must also deposit with the forestry court in advance all the costs thereby incurred."

The state and the court must not do anything gratis in the interests of the accused. They must demand payment in advance which obviously in advance makes difficult any confrontation of the warden making the charge and the accused.

A noble deed! Just one single noble deed! A kingdom for a noble deed! But the only noble deed proposed is that which the Herr Burgomaster has to perform for the benefit of the Herr Forest Owner. The burgomaster is the representative of noble deeds, their humanised expression, and the series of noble deeds is exhausted and ended for ever with the burden which was imposed with melancholy sacrifice on the burgomaster.

If, for the good of the state and the moral benefit of the criminal, the Herr Burgomaster must do more than his duty, should not the forest owners, for the sake of the same good, demand less than their private interest requires?

One might think that the reply to this question had been given in the part of the debate already dealt with, but that is a mistake. We come to the penal provisions.

"A deputy from the knightly estate considered that the forest owner would still be inadequately compensated even if he received (over and above the simple replacement of the value) the amount of the fine imposed, which would often not be obtainable."

An urban deputy remarked:

"The provisions of this paragraph (§ 15) could have the most serious consequences. The forest owner would receive in this way threefold compensation, namely: the value, then the four-, six-, or eightfold fine, and in addition a special sum as compensation for loss, which will often be assessed quite arbitrarily and will be the result of a fiction rather than of reality. In any case, it seemed necessary to him to direct that the special compensation in question should be claimed at once at the forestry court and awarded in the court’s sentence. It was obvious from the nature of the case that proof of loss sustained should be supplied separately and could not be based merely on the warden’s report."

Opposing this, the spokesman and another member explained how the additional value mentioned here could arise in various cases indicated by them. The paragraph was adopted.

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a These words are reminiscent of “A horse, a horse! My kingdom for a horse!” W. Shakespeare, King Richard III, Act V, Scene 4.—Ed.
Crime becomes a lottery in which the forest owner, if he is lucky, can even win a prize. There can be additional value, but the forest owner, who already receives the simple value, can also make a profitable business out of the four-, six-, or eightfold fine. But if, besides the simple value, he receives special compensation for loss, the four-, six-, or eightfold fine is also sheer profit. If a member of the knightly estate thinks the money accruing as a fine is an inadequate guarantee because it would often not be obtainable, it would certainly not become more obtainable by the value and the compensation for loss having to be recovered as well. We shall see presently how this difficulty of receiving money from the accused is overcome.

Could the forest owner have any better insurance for his wood than that instituted here, whereby crime has been turned into a source of income? Like a clever general he converts the attack against him into an infallible opportunity for a profitable victory, since even the additional value of the wood, an economic fantasy, is turned into a substance by theft. The forest owner has to be guaranteed not only his wood, but also his wood business, while the convenient homage he pays to his business manager, the state, consists in not paying for its services. It is a remarkable idea to turn the punishment of crime from a victory of the law over attacks on it into a victory of selfishness over attacks on selfishness.

In particular, however, we draw the attention of our readers to the provision of §14, which compels us to abandon the customary idea that leges barbarorum are laws of barbaric peoples. Punishment as such, the restoration of the law, which must certainly be distinguished from restitution of the value and compensation for loss, the restoration of private property, is transformed from a public punishment into a private compensation, the fines going not to the state treasury, but to the private coffers of the forest owner.

True, an urban deputy stated: “This is contrary to the dignity of the state and the principles of correct criminal jurisprudence”, but a deputy from the knightly estate appealed to the Assembly's sense of right and fairness to protect the rights of the forest owner, that is to say, he appealed to a special sense of right and fairness.

Barbaric peoples order the payment of a definite monetary compensation (atonement money) to the injured person for a definite crime. The notion of public punishment arose only in opposition to this view, which regards a crime merely as an injury to the individual, but the people and the theory have yet to be
discovered which are so complacent as to allow an individual to claim for himself both the private punishment and that imposed by the state.

The Assembly of the Estates must have been led astray by a complete *qui pro quo*. The law-giving forest owner confused for a moment his two roles, that of legislator and that of forest owner. In one case as a forest owner he made the thief pay him for the wood, and in the other as a legislator he made the thief pay him for the thief's *criminal frame of mind*, and it quite accidentally happened that in both cases it was the forest owner who was paid. So we are no longer faced by the simple *droit du seigneur*. We have passed through the era of public law to the era of double patrimonial right, patrimonial right raised to the second power. The patrimonial property owners have taken advantage of the progress of time, which is the refutation of their demands, to usurp not only the private punishment typical of the barbaric world outlook, but also the public punishment typical of the modern world outlook.

Owing to the refunding of the value and in addition a special compensation for loss, the relation between the wood thief and the forest owner has ceased to exist, for the infringement of forest regulations has been completely abolished. Both thief and property owner have returned to their former state in its entirety. The forest owner has suffered by the theft of wood only insofar as the wood has suffered, but not insofar as the law has been violated. Only the sensuously perceptible aspect of the crime affects him, but the criminal nature of the act does not consist in the attack on the wood as a material object, but in the attack on the wood as part of the state system, an attack on the right to property as such, the realisation of a wrongful frame of mind. Has the forest owner any private claims to a law-abiding frame of mind on the part of the thief? And what is the multiplication of the punishment for a repetition of the offence except a punishment for a criminal frame of mind? Can the forest owner present private demands where he has no private claims? Was the forest owner the state, prior to the theft of wood? He was not, but he becomes it after the theft. The wood possesses the remarkable property that as soon as it is stolen it bestows on its owner state qualities which previously he did not possess. But the forest owner can only get back what has been taken from him. If the state is given back to him—and it is actually given him when he is given not only a private right, but

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*a Right of the (feudal) lord.—Ed.*
the state's right over the law-breaker—then he must have been robbed of the state, the state must have been his private property. Therefore the wood thief, like a second St. Christopher, bore the state itself on his back in the form of the stolen wood.

Public punishment is satisfaction for the crime to the reason of the state; it is therefore a right of the state, but it is a right which the state can no more transfer to private persons than one person can hand over his conscience to another. Every right of the state in relation to the criminal is at the same time a right of the criminal in relation to the state. No interposing of intermediate links can convert the relation of a criminal to the state into a relation between him and private persons. Even if it were desired to allow the state to give up its rights, i.e., to commit suicide, such an abandonment of its obligations on the part of the state would be not merely negligence, but a crime.

It is therefore as impossible for the forest owner to obtain from the state a private right to public punishment as it is for him to have any conceivable right, in and for himself, to impose public punishment. If, in the absence of a rightful claim to do so, I make the criminal act of a third person an independent source of income for myself, do I not thus become his accomplice? Or am I any the less his accomplice because to him falls the punishment and to me the fruit of the crime? The guilt is not attenuated by a private person abusing his status as a legislator to arrogate to himself rights belonging to the state because of a crime committed by a third person. The embezzling of public, state funds is a crime against the state, and is not the money from fines public money belonging to the state?

The wood thief has robbed the forest owner of wood, but the forest owner has made use of the wood thief to purloin the state itself. How literally true this is can be seen from § 19, the provisions of which do not stop at imposing a fine but also lay claim to the body and life of the accused. According to § 19, the infringer of forest regulations is handed over completely to the forest owner, for whom he has to perform forest labour. According to an urban deputy, this “could lead to great inconvenience. He wished merely to call attention to the danger of this procedure in the case of persons of the other sex”.

A deputy from the knightly estate gave the following eternally memorable reply:

“It is, indeed, as necessary as it is expedient when discussing a draft law to examine and firmly establish its principles in advance, but once this has been done, there can be no going back to them in discussing each separate paragraph.”
After this, the paragraph was adopted without opposition.

Be clever enough to start out from bad principles, and you cannot fail to be rightfully entitled to the bad consequences. You might think, of course, that the worthlessness of the principle would be revealed in the abnormality of its consequences, but if you knew the world you would realize that the clever man takes full advantage of every consequence of what he has once succeeded in carrying through. We are only surprised that the forest owner is not allowed to heat his stove with the wood thieves. Since it is a question not of right, but of the principles which the Provincial Assembly has chosen to take as its starting point, there is not the slightest obstacle in the way of this consequence.

In direct contradiction to the dogma enunciated above, a brief retrospective glance shows us how necessary it would have been to discuss the principles afresh in respect of each paragraph; how, through the voting on paragraphs which were apparently unconnected and far remote from one another, one provision after another was surreptitiously slipped through, and once the first has been put through in this way, then in regard to the subsequent ones even the semblance of the condition under which alone the first could be accepted was discarded.

[Rheinische Zeitung No. 307, November 3, 1842, Supplement]

When in connection with § 4 the question arose of entrusting valuation to the warden making the charge, an urban deputy remarked:

“If the proposal that fines should be paid into the state treasury is not approved, the provision under discussion will be doubly dangerous.”

It is clear that the forest warden will not have the same motive for overestimating if his valuation is made for the state and not for his employer. Discussion of this point was skilfully avoided, the impression being given that § 14, which awards the money from the fine to the forest owner, could be rejected. § 4 was put through. After voting ten paragraphs, the Assembly arrived at § 14, by which § 4 was given an altered and dangerous meaning. But this connection was totally ignored; § 14 was adopted, providing for fines to be paid into the private coffers of the forest owners. The main, indeed the only, reason adduced for this is that it is in the interests of the forest owner, who is not adequately compensated by the replacement of the simple value. But in § 15 it has been forgotten that it was voted that the fine should be paid to
the forest owner and it is decreed that he should receive, besides
the simple value, a special compensation for loss, because it was
thought proper that he should have an additional value, as if he
had not already received such an addition thanks to the fines
flowing into his coffer. It was also pointed out that the fines were
not always obtainable from the accused. Thus the impression was
given that only in regard to the money was it intended to take the
place of the state, but in §19 the mask is discarded and a claim
advanced not only for the money, but for the criminal himself, not
only for the man's purse, but for himself.

At this point the method of the deception stands out in sharp
and undisguised relief, indeed in self-confessed clarity, for there is
no longer any hesitation to proclaim it as a principle.

The right to replacement of the simple value and compensation
for loss obviously gave the forest owner only a private claim against
the wood thief, for the implementation of which the civil courts
were available. If the wood thief is unable to pay, the forest owner
is in the position of any private person faced with an impecunious
debtor, and, of course, that does not give him any right to
compulsory labour, corvée services, or in short, temporary servitude
of the debtor. What then is the basis of this claim of the forest
owner? The fine. As we have seen, by appropriating the fine for
himself, the forest owner claims not only his private right, but also
the state's right to the wood thief, and so puts himself in the place
of the state. In adjudging the fine to himself, however, the forest
owner has cleverly concealed that he has adjudged himself the
right of punishment itself. Whereas previously he spoke of the fine
simply as a sum of money, he now refers to it as a punishment and
triumphantly admits that by means of the fine he has converted a
public right into his private property. Instead of recoiling in
horror before this consequence, which is as criminal as it is
revolting, people accept it precisely because it is a consequence.
Common sense may maintain that it is contrary to our concept of
right, to every kind of right, to hand over one citizen to another as
a temporary serf, but shrugging their shoulders, people declare
that the principle has been discussed, although there has been
neither any principle nor any discussion. In this way, by means of
the fine, the forest owner surreptitiously obtains control over the
person of the wood thief. Only §19 reveals the double meaning of
§14.

Thus we see that §4 should have been impossible because of
§14, §14 because of §15, §15 because of §19, and §19 itself is
simply impossible and should have made impossible the entire prin-
ciple of the punishment, precisely because in it all the viciousness of this principle is revealed.

The principle of *divide et impera* could not be more adroitly exploited. In considering one paragraph, no attention is paid to the next one, and when the turn of that one comes, the previous one is forgotten. One paragraph has already been discussed, the other has not yet been discussed, so for opposite reasons both of them are raised to a position above all discussion. But the acknowledged principle is "the sense of right and fairness in protecting the interests of the forest owner", which is directly opposed to the sense of right and fairness in protecting the interests of those whose property consists of life, freedom, humanity, and citizenship of the state, who own nothing except themselves.

We have, however, reached a point where the forest owner, in exchange for his piece of wood, receives what was once a human being.

*Shylock.* Most learned judge! — A sentence! come, prepare!

*Portia.* Tarry a little; there is something else.

This bond doth give thee here no jot of blood;
The words expressly are "a pound of flesh":
Take then thy bond, take thou thy pound of flesh;
But, in the cutting it, if thou dost shed
One drop of Christian blood, thy lands and goods
Are, by the laws of Venice, confiscate
Unto the state of Venice.

*Gratiano.* O upright judge! Mark, Jew. O learned judge!

*Shylock.* Is that the law?

*Portia.* Thyself shalt see the act.  

You, too, should see the act!

What is the basis of your claim to make the wood thief into a serf? The fine. We have shown that you have no right to the fine money. Leaving this out of account, what is your basic principle? It is that the interests of the forest owner shall be safeguarded even if this results in destroying the world of law and freedom. You are unshakeably determined that in some way or other the wood thief must *compensate* you for the *loss* of your *wood*. This firm wooden foundation of your argument is so rotten that a single breath of sound common sense is sufficient to shatter it into a thousand fragments.

The state can and must say: I guarantee right against all

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*a* Divide and rule. — *Ed.*

*b* W. Shakespeare, *The Merchant of Venice*, Act IV, Scene 1. — *Ed.*
contingencies. Right alone is immortal in me, and therefore I prove to you the mortality of crime by doing away with it. But the state cannot and must not say: a private interest, a particular existence of property, a wooded plot of land, a tree, a chip of wood (and compared to the state the greatest tree is hardly more than a chip of wood) is guaranteed against all contingencies, is immortal. The state cannot go against the nature of things, it cannot make the finite proof against the conditions of the finite, against accident. Just as your property cannot be guaranteed by the state against all contingencies before a crime, so also a crime cannot convert this uncertain nature of your property into its opposite. Of course, the state will safeguard your private interests insofar as these can be safeguarded by rational laws and rational measures of prevention, but the state cannot concede to your private demand in respect of the criminal any other right than the right of private demands, the protection given by civil jurisdiction. If you cannot obtain any compensation from the criminal in this way owing to his lack of means, the only consequence is that all legal means to secure this compensation have come to an end. The world will not be unhinged on that account, nor will the state forsake the sunlit path of justice, but you will have learned that everything earthly is transitory, which will hardly be a piquant novelty for you in view of your pure religiosity, or appear more astonishing than storms, conflagrations or fevers. If, however, the state wanted to make the criminal your temporary serf, it would be sacrificing the immortality of the law to your finite private interests. It would prove thereby to the criminal the mortality of the law, whereas by punishment it ought to prove to him its immortality.

When, during the reign of King Philip, Antwerp could easily have kept the Spaniards at bay by flooding its region, the butchers' guild would not agree to this because they had fat oxen in the pastures. You demand that the state should abandon its spiritual region in order to avenge your pieces of wood.

Some subsidiary provisions of § 16 should also be mentioned. An urban deputy remarked:

"According to existing legislation, eight days' imprisonment is reckoned as equivalent to a fine of 5 talers. There is no sufficient reason for departing from this." (Namely, for making it fourteen days instead of eight.)

The commission proposed the following addition to the same paragraph:

"that in no case a prison sentence should be less than 24 hours". 
When someone suggested that this minimum was too great, a deputy from the knightly estate retorted:

"The French forestry law does not have any punishment of less than three days."

In the same breath as it opposed the provision of the French law by making fourteen days' imprisonment instead of eight the equivalent of a fine of 5 talers, the Assembly, out of devotion to the French law, opposed the three days being altered to 24 hours.

The above-mentioned urban deputy remarked further:

"It would be very severe at least to impose fourteen days' imprisonment as an equivalent for a fine of 5 talers for pilfering wood, which after all cannot be regarded as a crime deserving heavy punishment. The result would be that one who has the means to buy his freedom would suffer simple punishment, whereas the punishment of a poor person would be doubled."

A deputy from the knightly estate mentioned that in the neighbourhood of Cleve many wood thefts took place merely in order to secure arrest and prison fare. Does not this deputy from the knightly estate prove precisely what he wants to refute, namely, that people are driven to steal wood by the sheer necessity of saving themselves from starvation and homelessness? Is this terrible need an aggravating circumstance?

The previously mentioned urban deputy said also:

"The cut in prison fare, which has already been condemned, must be regarded as too severe and, especially in the case of penal labour, quite impracticable."

A number of deputies denounced the reduction of food to bread and water as being too severe. But a deputy from a rural community remarked that in the Trier district the food cut had already been introduced and had proved to be very effective.

Why did the worthy speaker find that the beneficial effect in Trier was due precisely to bread and water and not, perhaps, to the intensification of religious sentiment, about which the Assembly was able to speak so much and so movingly? Who could have dreamed at that time that bread and water were the true means for salvation? During certain debates one could believe that the English Holy Parliament had been revived. And now? Instead of prayer and trust and song, we have bread and water, prison and labour in the forest! How prodigal the Assembly is with words in order to procure the Rhinelanders a seat in heaven! How prodigal
it is too, with words, in order that a whole class of Rhinelanders should be fed on bread and water and driven with whips to labour in the forest—an idea which a Dutch planter would hardly dare to entertain in regard to his Negroes. What does all this prove? That it is easy to be holy if one is not willing to be human. That is the way in which the following passage can be understood:

“A member of the Assembly considered the provision in §23 inhuman; nevertheless it was adopted.”

Apart from its inhumanity, no information was given about this paragraph.

Our whole account has shown how the Assembly degrades the executive power, the administrative authorities, the life of the accused, the idea of the state, crime itself, and punishment as well, to material means of private interest. It will be found consistent, therefore, that the sentence of the court also is treated as a mere means, and the legal validity of the sentence as a superfluous prolixity.

“In §6 the commission proposed to delete the words ‘legally valid,’ since, in cases of judgment by default, their adoption would give the wood thief a ready means of avoiding an increased punishment for a repetition of the offence. Many deputies, however, protested against this, declaring that it was necessary to oppose the commission’s proposed deletion of the expression ‘legally valid sentence’ in §6 of the draft. This characterisation applied to sentences in this passage, as also in the paragraph, was certainly not made without juridical consideration. If every first sentence pronounced by the judge sufficed as grounds for imposing a severer punishment, then, of course, the intention of punishing repeated offenders more severely would be more easily and frequently achieved. It had to be considered, however, whether one was willing to sacrifice in this way an essential legal principle to the interests of forest protection stressed by the spokesman. One could not agree that the violation of an indisputable basic principle of judicial procedure could give such a result to a sentence which was still without legal validity. Another urban deputy also called for the rejection of the commission’s amendment. He said the amendment violated the provisions of the criminal law by which there could be no increase of punishment until the first punishment had been established by a legally valid sentence. The spokesman for the commission retorted: ‘The whole forms an exceptional law, and therefore also an exceptional provision, such as has been proposed, is permissible in it.’ The commission’s proposal to delete the words ‘legally valid’ was approved.”

The sentence exists merely to identify recidivism. The judicial forms seem to the greedy restlessness of private interest to be irksome and superfluous obstacles of a pedantic legal etiquette. The trial is merely a reliable escort for the adversary on his way to prison, a mere preliminary to execution, and if the trial seeks to be more than that it has to be silenced. The anxiety of self-interest
spies out, calculates and conjectures most carefully how the adversary could exploit the legal terrain on which, as a necessary evil, he has to be encountered, and the most circumspect counter-manœuvres are undertaken to forestall him. In the unbridled pursuit of private interest you come up against the law itself as an obstacle and you treat it as such. You haggle and bargain with it to secure the abrogation of a basic principle here and there, you try to silence it by the most suppliant references to the right of private interest, you slap it on the shoulder and whisper in its ear: these are exceptions and there are no rules without an exception. You try, by permitting the law as it were terrorism and meticulousness in relation to the enemy, to compensate it for the slippery ease of conscience with which you treat it as a guarantee of the accused and as an independent object. The interest of the law is allowed to speak insofar as it is the law of private interest, but it has to be silent as soon as it comes into conflict with this holy of holies.

The forest owner, who himself punishes, is so consistent that he himself also judges, for he obviously acts as a judge by declaring a sentence legally binding although it has no legal validity. How altogether foolish and impractical an illusion is an impartial judge when the legislator is not impartial! What is the use of a disinterested sentence when the law favours self-interest! The judge can only puritanically formulate the self-interest of the law, only implement it without reservation. Impartiality is then only in the form, not in the content of the sentence. The content has been anticipated by the law. If the trial is nothing but an empty form, then such a trifling formality has no independent value. According to this view, Chinese law would become French law if it was forced into the French procedure, but material law has its own necessary, native form of trial. Just as the rod necessarily figures in Chinese law, and just as torture has a place in the medieval criminal code as a form of trial, so the public, free trial, in accordance with its own nature, necessarily has a public content dictated by freedom and not by private interest. Court trial and the law are no more indifferent to each other than, for instance, the forms of plants are indifferent to the plants themselves, and the forms of animals to their flesh and blood. There must be a single spirit animating the trial and the law, for the trial is only the form of life of the law, the manifestation of its inner life.

The pirates of Tidong break the arms and legs of their prisoners to ensure control over them. To ensure control over wood thieves, the Provincial Assembly has not only broken the
arms and legs but has even pierced the heart of the law. We consider its merit in regard to re-establishing some categories of our trial procedure as absolutely nil; on the contrary, we must acknowledge the frankness and consistency with which it gives an unfree form to the unfree content. If private interest, which cannot bear the light of publicity, is introduced materially into our law, let it be given its appropriate form, that of secret procedure so that at least no dangerous, complacent illusions will be evoked and entertained. We consider that at the present moment it is the duty of all Rhinelanders, and especially of Rhenish jurists, to devote their main attention to the content of the law, so that we should not be left in the end with only an empty mask. The form is of no value if it is not the form of the content.

The commission's proposal which we have just examined and the Assembly's vote approving it are the climax to the whole debate, for here the Assembly itself becomes conscious of the conflict between the interest of forest protection and the principles of law, principles endorsed by our own laws. The Assembly therefore put it to the vote whether the principles of law should be sacrificed to the interest of forest protection or whether this interest should be sacrificed to the principles of law, and interest outvoted law. It was even realised that the whole law was an exception to the law, and therefore the conclusion was drawn that every exceptional provision it contained was permissible. The Assembly confined itself to drawing consequences that the legislator had neglected. Wherever the legislator had forgotten that it was a question of an exception to the law, and not of a law, wherever he put forward the legal point of view, our Assembly by its activity intervened with confident tactfulness to correct and supplement him, and to make private interest lay down laws to the law where the law had laid down laws to private interest.

The Provincial Assembly, therefore, completely fulfilled its mission. In accordance with its function, it represented a definite particular interest and treated it as the final goal. That in doing so it trampled the law under foot is a simple consequence of its task, for interest by its very nature is blind, immoderate, one-sided; in short, it is lawless natural instinct, and can lawlessness lay down laws? Private interest is no more made capable of legislating by being installed on the throne of the legislator than a mute is made capable of speech by being given an enormously long speaking-trumpet.

It is with reluctance that we have followed the course of this
tedious and uninspired debate, but we considered it our duty to show by means of an example what is to be expected from an *Assembly of the Estates of particular interests* if it were ever seriously called upon to make laws.

We repeat once again: our estates have fulfilled their function as such, but far be it from us to desire to justify them on that account. In them, the Rhinelander ought to have been victorious over the estate, the human being ought to have been victorious over the forest owner. They themselves are legally entrusted not only with the representation of particular interests but also with the representation of the interests of the province, and however contradictory these two tasks may be, in case of conflict there should not be a moment's delay in sacrificing representation of particular interest to representation of the interests of the province. The sense of right and legality is the *most important provincial characteristic* of the Rhinelander. But it goes without saying that a particular interest, caring no more for the province than it does for the Fatherland, has also no concern for local spirit, any more than for the general spirit. In direct contradiction to those writers of fantasy who profess to find in the representation of private interests ideal romanticism, immeasurable depths of feeling, and the most fruitful source of individual and specific forms of morality, such representation on the contrary abolishes all natural and spiritual distinctions by enthroning in their stead the immoral, irrational and soulless abstraction of a particular material object and a particular consciousness which is slavishly subordinated to this object.

Wood remains wood in Siberia as in France; forest owners remain forest owners in Kamchatka as in the Rhine Province. Hence, if wood and its owners as such make laws, these laws will differ from one another only by the place of origin and the language in which they are written. This *abject materialism*, this sin against the holy spirit of the people and humanity, is an immediate consequence of the doctrine which the *Preussische Staats-Zeitung* preaches to the legislator, namely, that in connection with the law concerning wood he should think only of wood and forest and should solve each material problem in a *non-political way*, i.e., without any connection with the whole of the reason and morality of the state.

The *savages of Cuba* regarded gold as a *fetish of the Spaniards*. They celebrated a feast in its honour, sang in a circle around it and then threw it into the sea. If the Cuban savages had been present at the sitting of the Rhine Province Assembly, would they
not have regarded wood as the Rhinelanders' fetish? But a subsequent sitting would have taught them that the worship of animals is connected with this fetishism, and they would have thrown the hares into the sea in order to save the human beings.96

Written in October 1842
First published in the Supplement to the Rheinische Zeitung Nos. 298, 300, 303, 305 and 307, October 25, 27 and 30, November 1 and 3, 1842

Signed: By a Rhinelander

Printed according to the newspaper
Published in English for the first time
Since the expression "liberal opposition" in the title originated not with the author of the article in question, but with the editorial board, the latter takes this occasion to add something to explain this designation.

Two reasons are put forward against this expression. As regards its form, it is said that the opposition is not liberal, because it is conservative, because it aims at the continuance of an existing legal situation. According to this dialectic, the July revolution was a conservative and therefore illiberal revolution, for it aimed first of all at preserving the Charte. Nevertheless, liberalism claimed the July revolution as its own. Liberalism, of course, is conservative, it conserves freedom and, in the face of the assaults of crude, material force, even the stunted status quo forms of freedom. It should be added that, if such an abstraction wishes to be consistent, from its own point of view the opposition of a legal situation dating from the year 1833 must be regarded as progressive and liberal compared with a reaction which is forcing the year 33 back to the year 19.

As regards the content, it is further contended that the content of the opposition, the fundamental state law of 1833, is not a content of freedom. Granted! However little the fundamental state law of 1833 is an embodiment of freedom when measured by the idea of freedom, it is very much an embodiment of freedom when measured by the existence of the fundamental state law of 1819. Altogether, it is not a question primarily of the particular content of this law; it is a question of opposing illegal usurpation in favour of legal content.
The editorial board was the more entitled to call the Hanover opposition liberal since almost all German assemblies acclaimed it as a liberal opposition, as an opposition of legal freedom. Whether it deserves this predicate when looked at from the judgment seat of criticism, whether it has progressed beyond the mere opinion and pretension of being liberal to real liberalism, to examine this was precisely the task of the article in question.

Incidentally, we point out that in our view true liberalism in Hanover in the future has neither to champion the fundamental state law of 1833 nor to hark back to the law of 1819, but must strive for a completely new form of state corresponding to a more profound, more thoroughly educated and freer popular consciousness.

The editorial board of the *Rheinische Zeitung*

Written about November 8, 1842

First published in the Supplement to the *Rheinische Zeitung* No. 312, November 8, 1842

Printed according to the newspaper

Published in English for the first time
Cologne, November 7. We have not considered it appropriate when discussing the question of the Communal Reform to take into account what has appeared on the subject in the provincial papers, and in particular in the Kölnische Zeitung. We shall easily justify ourselves if we show by an example the approximate strength of the argument which has been advanced in defence of the separation of the urban and rural communities.

The Supplement to No. 309 of the Kölnische Zeitung adduces under the heading "Summing Up" the authorities for the affirmative and negative answers to the question of separation. Among other curiosities we find as grounds against the separation "some newspaper articles", and in favour of the separation "likewise newspaper articles", just as newspaper articles have "likewise" appeared in favour of censorship. In any case we must mention with the greatest praise a devotion which considers an article a ground for the mere reason that it is a newspaper article as indeed a very uncritical, but despite its comical tone, rare recognition of the periodical press. Credit for an equally praiseworthy ingenuousness by no means attaches to the juxtaposition of two other authorities for and against the separation of the urban and rural communities. Said to have been against this separation is the Provincial Assembly of 1833, which moreover was prevailed upon by a single energetic personality, and accordingly therefore only this personality was against the separation; in favour of the separation was the whole Provincial Assembly of 1827 with the exception of one vote; but, honourable Summing Up, if the 1833 Provincial Assembly is only worth as much as the single personality which it followed, then what rules out the possibility that the 1827
Provincial Assembly is worth less than the single vote which it opposed; and yet the Provincial Assembly, which is so hesitating, so unable to depend on itself, still remains an authority! If further the petitions from Cologne, Aachen and Koblenz are adduced as petitions for the separation of the urban and rural communities because these petitions are limited to Cologne, Aachen and Koblenz, in the best of cases this can prove only the limitation of these petitions, but by no means their reasonableness; besides, having in their initial haste grasped so little the generality of the question and considered the interest of the whole province, these cities have just as little conceived their particular reform in any kind of opposition to the general reform. They made a petition only for themselves, but by no means against the province. We admired immediately at the beginning the comical ingenuousness of the "Summing Up", and although it does not preserve this quality throughout but, as we have just heard, could not but occasionally lapse into small intentional subtleties, this comicality and ingenuousness nevertheless victoriously reasserts itself in the end. Said to be in favour of the separation of the city and the countryside are also

"the remaining cities of the Rhine Province, whose petitions are unknown as far as their content is concerned, but which in making their requests could presumably only speak for themselves, since no single locality can be the organ of a whole province".

So not only a newspaper article in the abstract is an authority, but even the decided mediocrity of a "presumably only" can puzzle out the unknown content of the remaining cities' petitions. That this prophet who is called "presumably only" is a false prophet is proved by the petition of the city of Trier. At the end of the "Summing Up" emerges the inner ground which is the real ground for a separation of the city and the countryside. What is wanted is not only to separate the city from the countryside, but to separate the individual cities from one another and from the province, to separate the province from its own intelligence. A single locality could not be the organ of a whole province? Correct. The single locality must not be the whole organ, but it must be a part of this organ, and hence must be for its part the organ of the whole and general interest. And does not such a view remove all possibility of even a single city communal system? If a single locality cannot be the organ of the whole province, can a single citizen be the organ of a whole city? This citizen, as follows from the argument advanced above, can only request something for himself, and not for the whole city, and since the whole city
consists only of single citizens, nothing at all can be requested for the city as a whole. The "Summing Up" ends with what the separation of the city and the countryside must in general end with if it is to be consistent, with making not only the city, not only the province, but even the state itself impossible. Once the particular is to be asserted in hostile opposition to the general, in the end all political and social institutions must be made to disappear before the ultimate indivisible particular, the single individual in his physical appetites and aims. The troops that the "Summing Up" puts into the field on its side resemble, with few exceptions, Falstaff's recruits: all they are good for is to fill the breach with the corpses of thoughts.⁢[a] Enough of the grave-digger business!

Finally, a well-intended recollection of the Kölnische Zeitung. For the first time a sense of modesty and mistrust of its own strength has crept into the leading article, although it is otherwise accustomed to behave as if it were the criterion de omnibus rebus et de quibusdam aliis.⁢[b] Not for the first time, but indeed for all time can the Kölnische Zeitung become convinced on this occasion of the untenability of its editorial principle. Since all unpaid contributors are welcome, a few fingers with an itch to write and set in motion by a mediocre brain suffice to falsify the expression of public opinion. When one casts a glance at the columns of the Kölnische Zeitung, one would think the view favouring the separation of the city and the countryside is predominant in the Rhine Province. But if one casts a glance at the Rhine Province, one would think the Rhine Province is not predominant in the Kölnische Zeitung.

[Rheinische Zeitung No. 316, November 12, 1842]

Cologne, November 11. Our appeal to the Rhineland "provincial papers" regarding the communal reform question did not fail to produce results. The Kölnische Zeitung found itself moved to dip its issue of Nov. 11 into a false bright instead of the usual twilight colour and to recognise, though with unmistakable ill humour, hesitant reservations, suspicious side-glances, and deliberate ambiguity, the equal rights of town and countryside. Today once again we seize the opportunity to make the Kölnische Zeitung conscious of its state of mind and will not abandon the pleasant,

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⁢[a] Paraphrase of Falstaff's words from Shakespeare's King Henry IV, Part One, Act IV, Scene 2.—Ed.

⁢[b] Of all things and certain others.—Ed.
though fantastic hope that it will renounce its point of view as soon as it has gained consciousness of its point of view.

"Incidentally," the Kölnische Zeitung concludes its article today, "as regards the communal system question, which has such a high claim to the general interest, the editorial board of the Kölnische Zeitung considers it appropriate to state that in this respect also it pays allegiance to the principle of equality of rights but considers it its duty to give as free scope as possible to discussion of the forms in which an improvement of the present situation, which is thoroughly unfree and acknowledged by all parties to be no longer tolerable, is to be effected."

The Kölnische Zeitung has so far not carried a single article about the forms in which the communal reform is to be effected while maintaining the principle of equality of rights. It was therefore impossible for us to fight a non-existent opponent. Or does the Kölnische Zeitung consider that the "separation of town and countryside", a separation which a number of its articles suggested should be simulated legally by means of a separate communal system, is likewise one of the forms in which the principle of equality of rights is crystallised? Does it hold that the established inequality of rights is a form of equality of rights? The struggle in the Kölnische Zeitung centred not on the different forms of one and the same principle, but rather on the difference of the principle itself, and, indeed, in this struggle, if we consider the articles of the Kölnische Zeitung, according to that paper's own suggestion, as mere articles, i.e., according to their numerical mass, most of the troops belonged to the opponents of equality. We said to the Kölnische Zeitung: Be honest, do not falsify the expression of public opinion, fulfil the calling of a Rhineland paper, which is to represent the spirit of the Rhineland, disregard personal considerations, in a vital question for the province close your columns to all individual opinions which have the defect of wishing to assert a separate attitude in opposition to the will of the people. And how does the Kölnische Zeitung reply!

It finds it "appropriate" to pay allegiance to the principle of equality of rights in relation to the communal reform, a "finding appropriate" that will be considered very clever in respect of the Rhine Province, and not precisely as a proof of the inventiveness of the Kölnische Zeitung. Alongside this moderate allegiance to the spirit of the province, however, the Kölnische Zeitung considers it its "duty" to give as free scope as possible to discussion of the "forms" of the communal reform, among which forms it also includes the forms of "inequality". This "devotion to duty" will be found appropriate from the standpoint of its private interests and private considerations, however inappropriate this standpoint itself
is. To cut off all hiding places for the Kölnische Zeitung, which creeps into concealment behind the difference between form and content, we pose the categorical question whether it declares an inequality of town and countryside legally established by means of a separate communal system to be a "form" of equality of rights and believes it can continue to keep its columns open to pretences of such equality as a mere question of form. Tomorrow we shall return to the article of the Kölnische Zeitung in question.

[Rheinische Zeitung No. 317, November 13, 1842]

Cologne, November 12. The article in No. 314 of the Rheinische Zeitung on the question of the communal system, which has such a high claim to the general interest, is nothing but an avant-propos to the detailed discussion of communal equality for town and country which is being carried on in our supplement. The Kölnische Zeitung introduces its reference to this, that is, to the matter itself, with "Incidentally", just as the worker at the craftsmen's banquet begins his speech with "In general", but this must not at all diminish the merits of the Kölnische Zeitung in respect of originality, since we recognise it rather as a habit of the paper, a habit which is just as original as praiseworthy, that in dealing with a question of general interest it "incidentally" touches also on the "matter itself". This method of treatment, which is somewhat intentional, possesses a wonderful elasticity which makes the most curious misunderstandings possible and for a third party even probable as the proper understanding of the matter.

So the Kölnische Zeitung begins its article in question of November 4 with the anecdote that a "neighbouring paper", namely, the Rheinische Zeitung, has called on "all Rhine Province papers to join forces against the threat, allegedly coming from Berlin, to the equality before the law of urban and rural communities" and issued the common slogan: "Equality for all, for townspeople and for peasants." The Kölnische Zeitung declares itself prepared to take up this slogan

"insofar as by equality is understood not the foolish dream of the Communists, but, as we presume, the only possible equality, equality of rights".

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a Here Marx has an untranslatable pun on the German articles der, die, das, ridiculing the stilted style of the Kölnische Zeitung.—Ed.


c Obviously a misprint. It should be: "November 11".—Ed.
This cunning side-glance at the communist dreams would have been just as impossible as the magnanimous presumption of our non-communist tendency would have been unnecessary had the Kölnische Zeitung begun its report with the matter itself, with the fact that the Rheinische Zeitung wants an equal communal system for town and countryside and even designates this equality expressly in the article quoted as "equality of rights of urban and rural communities". But if the Kölnische Zeitung were to see this equality itself as communist foolishness, then it would simply have to be referred to its own credo introduced by the Catonic “Caeterum”.a

The ridiculous communist side-cut is not enough. The Kölnische Zeitung considers it necessary to associate another confession of faith with that of equality of rights.

"But," it says, "we must admit that we cannot at all share the concern that the wise government of Frederick William IV is contemplating an infringement of equality of rights in the Rhineland. Before we believe this we must be presented with facts and not with assertions, which, we hope, are without any foundation."

With this clumsy and perfidious insinuation imputing to us fears of and the spreading of rumours about an intentional infringement of equality of rights in the Rhineland by the wise government of Frederick William IV, the Kölnische Zeitung flees from the field of argument to the field of suspicion and denunciation and convinces us anew that the impotence of understanding seeks as a last resort to assert itself through impotence of character, through the vain recklessness of demoralisation. What is the insinuation of the Kölnische Zeitung based on? Basing ourselves on information from Berlin, we reported that the Rhineland deputies to the Central Commissionsb had before them a draft of a communal system which did not recognise the equality of town and countryside; we recommended that in this case the Rhine press should adopt the attitude and energy of truth.c

If the government submits to the opinion of the Rhineland deputies a communal system which separates town and countryside, it follows from this simple fact that the government, far from having any concealed intention, rather entertains the complete conviction that by such a separation it will not infringe equality of rights in the Rhine Province. If the Rhine press, the organ of the Rhine Province, is convinced that the province is of

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a The opening word of Cato's famous dictum: "Ceterum censeo Carthaginem esse delendam."— Ed.
b Joint Estates Commissions of the Provincial Assemblies.— Ed.
c Reference to the article headlined "Kölín, 9. Nov." in the Rheinische Zeitung No. 314, November 10, 1842.— Ed.
the opposite view, it follows just as simply that it must prove that a common communal system for town and countryside is a necessary consequence of equality of rights in the Rhine Province; or is it not even a duty of the press to the government not only to express the popular conviction without consideration for the exceptional opinion of single individuals, but also to prove the reasonable content of this conviction?

Finally, it is more than indecent on the part of the Kölnische Zeitung to bring the All-high person of His Majesty into controversies of this kind. It needs really a minimum of intelligence and a maximum of irresponsibility to make any political discussion impossible in a purely monarchical state by the simple and easy manoeuvre of disregarding the true content of the discussion, bringing in a personal relationship to the monarch and thereby turning every objective debate into a debate on a question of confidence. We expressed the hope that all Rhine Province papers would represent the view of the Rhine Province, because and insofar as we entertain the unshakeable conviction that His Majesty would not refuse to recognise the great significance of the general view of the Rhine Province, even if our Berlin information is grounded—which we have no occasion to doubt—even if the Rhine deputies approve a separation of town and countryside, which can appear to be all the less beyond all doubta since just recently the articles of the Kölnische Zeitung proved that not all Rhinelanders are capable of understanding and sharing the conviction of the vastly overwhelming majority.

The Rheinische Zeitung advanced the slogan of equality of rights for town and countryside, and the Kölnische Zeitung accepted this slogan with the cautious condition that by “equality of rights” we understand equality of rights and no communist dream. The Rheinische Zeitung accompanied the Berlin information with an appeal to the feelings of the Rhine Province papers, and the Kölnische Zeitung denounces it for suspicions concerning His Majesty’s intentions. The Rheinische Zeitung called on the various editorial boards of our provincial papers to sacrifice individual considerations and preconceived opinions to the Fatherland, and the Kölnische Zeitung comes out with a flat, entirely unexplained recognition of equality of rights for town and countryside, a recognition whose formal merit it itself nullifies, by declaring the “separation” of town and countryside to be a “form” of equality.
of rights. Is it possible to write in a more illogical, unprincipled and wretched manner? Is it possible to proclaim more clearly freedom with the lips and unfreedom with the heart? But the Kölnische Zeitung knows the Shakespeare saying:

"... to be honest, as this world goes, is to be one man picked out of ten thousand", a

and the Kölnische Zeitung did not succumb to the temptation to be one out of ten thousand.

Finally, a word about the "separation of town and countryside". Even apart from general grounds, the law can only be the ideal, self-conscious image of reality, the theoretical expression, made independent, of the practical vital forces. In the Rhine Province town and countryside are not separated in reality. Therefore the law cannot decree this separation without decreeing its own nullity.

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a W. Shakespeare, Hamlet, Act II, Scene 2.—Ed.
THE DIVORCE BILL

Editorial Note

CRITICISM OF A CRITICISM

The criticism of the Divorce Bill given here has been outlined from the standpoint of Rhenish jurisprudence just as the criticism published earlier (see the Supplement to No. 310 of the Rhein. Ztg.) was based on the standpoint and practice of old Prussian jurisprudence. A third criticism remains to be made, a criticism from a pre-eminently general point of view, that of the philosophy of law. It will no longer suffice to examine the individual reasons for divorce, pro et contra. It will be necessary to set forth the concept of marriage and the consequences of this concept. The two articles we have so far published agree in condemning the interference of religion in matters of law, without, however, expounding to what extent the essence of marriage in and for itself is or is not religious, and without, therefore, being able to explain how the consistent legislator must necessarily proceed if he is guided by the essence of things and cannot be at all satisfied with a mere abstraction of the definition of this essence. If the legislator considers that the essence of marriage is not human morality, but spiritual sanctity, and therefore puts determination from above in the place of self-determination, a supernatural sanction in the place of inner natural consecration, and in the place of loyal subordination to the nature of the relationship puts passive obedience to commandments that stand above the nature of this relationship, can then this religious legislator be blamed if he also subordinates marriage to the church, which has the mission of implementing the demands and claims of religion, and if he places secular marriage under the supervision of the ecclesiastical au-

a Of November 6, 1842.—Ed.
authorities? Is that not a simple and necessary consequence? It is self-deception to believe that the religious legislator can be refuted by proving that one or other of his rulings is contrary to the secular nature of marriage. The religious legislator does not engage in a polemic against the dissolution of secular marriage; his polemic is rather against the secular essence of marriage, and he seeks partly to purge it of this secularity and partly, where this is impossible, to bring home at all times to this secularity, as a merely tolerated party, its limits and to counteract the sinful defiance of its consequences. Wholly inadequate, however, is the point of view of Rhenish jurisprudence, which is shrewdly expounded in the criticism published above. It is inadequate to divide the nature of marriage into two parts, a spiritual essence and a secular one, in such a way that one is assigned to the church and the individual conscience, the other to the state and the citizens’ sense of law. The contradiction is not abolished by being divided between two different spheres; on the contrary, the result is a contradiction and an unresolved conflict between these two spheres of life themselves. And can the legislator be obliged to adopt a dualism, a double world outlook? Is not the conscientious legislator who adheres to the religious point of view bound to elevate to the sole authority in the real world and in secular forms that which he recognises as truth itself in the spiritual world and in religious forms, and which he worships as the sole authority? This reveals the basic defect of Rhenish jurisprudence, its dual world outlook, which, by a superficial separation of conscience and the sense of law, does not solve but cuts in two the most difficult conflicts, which severs the world of law from the world of the spirit, therefore law from the spirit, and hence jurisprudence from philosophy. On the other hand, the opposition to the present Bill reveals even more glaringly the utter lack of foundation of the old Prussian jurisprudence. If it is true that no legislation can decree morality, it is still truer that no legislation can recognise it as binding in law. Prussian law\textsuperscript{102} is based on an intellectual abstraction which, being in itself devoid of content, conceived the natural, legal, moral content as external matter which in itself knows no laws and then tried to model, organise and arrange this spiritless and lawless matter in accordance with an external aim. It treats the objective world not in accordance with the latter’s inherent laws, but in accordance with arbitrary, subjective ideas and an intention that is extraneous to the matter itself. The old Prussian jurists have shown but little insight into this character of Prussian law. They have criticised not its essence, but only individual
external features of its existence. Hence, too, they have attacked not the nature and style of the new Divorce Bill, but its reforming tendency. They thought they could find in bad morals proof that the laws were bad. We demand from criticism above all that it should have a critical attitude to itself and not overlook the difficulty of its subject-matter.

The editorial board of the *Rhein. Ztg.*

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No. 319, November 15, 1842

Printed according to the newspaper
Cologne, November 16. The stoutest champion of the "separation of town and countryside" in the Kölnische Zeitung today again raises his rumbling voice, and today it is not the province but the Rheinische Zeitung which he selects for the honour of being the victim of his private intelligence and his private illusions. We believe the good man when he says that the reading of the articles on communal constitution in the Rheinische Zeitung at breakfast numbed his head and hurled him back into "exceedingly confused dreams". We believe that it is very inconvenient for one who knows Cologne and Bickendorf well to be bustled through the Orient, through Greece, Rome, the German Empire, Gaul and France and even through thoughts which necessarily appear as "sophistries" and "dialectical tricks" to the routine of practical intercourse and narrowly limited outlook. We do not want to judge this cheerful self-complacency amiss for the by no means moderate courtesies which it is capable of bestowing on its own achievements, for it belongs to the character of narrow-mindedness to consider its own limitations as the limitations and the pillars of the world. And as our good and humorous friend adduces no new grounds but supports the view that a ground which has been rejected and refuted at its first presentation can, like an importunate petitioner, achieve its aim in the end if only it has the obstinacy to return again and again; as therefore our friend, true to the principles established in respect of newspaper articles, expects the effect of his well-worded and correctly ordered

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a [H. Claessen,] "Die Reform der rheinischen Gemeinde-Ordnung". Rheinische Zeitung, Beiblatt, Nr. 307, 310, 312, 314, 317, November 3, 6, 8, 10, 13, 1842.—Ed.
grounds not from themselves, but from their repetition, nothing else remains for us but finally to banish from the real world a few phantasmagoria that may have come to him in "sleep" and in "confused dreams" and so to contribute as much as is in our power to eliminating the reappearing belief in ghosts, which is known to confuse its dreams of things with the things themselves. Our somnambulist saw in a dream how the peasants were alerted by the Rheinische Zeitung to march with spades and hoes on the towns because the latter harboured tyrannical intentions.

In his intervals of clear consciousness our somnambulist will have to agree with himself that the "towns" do not lie in the Kölnische Zeitung, that we have even rejected its arbitrary interpretation of the towns' intentions, and that finally a work\(^a\) which even goes beyond the range of vision of "one who knows Cologne and Bickendorf well" is still less able to provoke the peasant to a demonstration with "spades and hoes"—which probably play their role as a sample of "unprejudiced views" drawn "from practical life and intercourse". On awakening, our somnambulist will further find it beyond all doubt that to put right an alleged "correspondent" of the Kölnische Zeitung is no "distortion of the truth", that provoking "dissatisfaction" with the Kölnische Zeitung and taking sides against its contemplative correspondent is no "arousing of dissatisfaction and frenzy of parties" against the state; or can it be that not only the "towns" lie in the Kölnische Zeitung, but the state itself is embodied in it and its contributors! Our friend will then also grasp that one may have the "boundless arrogance" to irritate the literary productions of the sign—\(^b\) without "challenging by indecent sallies" "the highest state authorities", whom he makes responsible not only for his opinions but even for his arguments and who would like to disavow this self-styled ally.

With the present level of German science it will be more than an upheaval if the hollow theories which strain to conceive themselves as the result of world history, and the general range of vision of today's doctrine were to experience the bitter fate of finding their critical yardstick in the "unprejudiced" views, drawn from civil intercourse and practical life, of "one who knows Cologne and Bickendorf well". This gentleman will find it understandable that pending the epoch of this Reformation and of the conjectural

\(^a\) See previous footnote.—Ed.

\(^b\) The sign occurring under a series of anonymous articles in the Kölnische Zeitung.—Ed.
literary magnitude of the sign—.—, we consider his present isolated endeavours too fragmentary, and, with his permission, too insignificant in every respect to nourish and cultivate the dream of their importance by any further assessment of them.

Written on November 16, 1842
Published in the Rheinische Zeitung No. 321, November 17, 1842

Printed according to the newspaper
Published in English for the first time
Cologne, November 15. Today's Kölnische Zeitung carries the following royal Cabinet Order, which was sent to all provincial ministries in the course of last month:

“I have already frequently pointed out that the tendency of the bad part of the daily press to mislead public opinion on matters of general concern by disseminating untruths or distorted facts should be countered by contrasting every such false report at once with the truth through a correction of the facts published in the same newspapers that were guilty of the falsifications. It does not suffice to leave counteraction against the evil tendencies of a daily newspaper, which have a pernicious effect on the public mind, to other papers that are imbued with a better spirit and to expect it only from them. The poison of corruption must be rendered harmless in the very place where it has been dispensed; that is not only the duty of the authorities to the circle of readers to whom the poison has been proffered, it is at the same time the most effective means for destroying tendencies to deception and lying as they manifest themselves, by compelling the editors themselves to publish the judgment passed on them. I have therefore noted with displeasure that little or no use has been made so far of this means, which is as legitimate as it is essential, for curbing manifestations of degeneration on the part of the press. Inasmuch as the present laws may not have sufficiently established the obligation of our domestic newspapers to publish without demur, and, moreover, without any comments or introductory remarks, all factual corrections officially sent them, I expect from the state ministry immediate proposals for the necessary supplementary legislation. If, however, they are already adequate for the purpose, it is My will that they should be vigorously implemented by My magistrates for the protection of law and truth, and I recommend this, not only to the ministries themselves, but in particular to the immediate attention of the Oberpräsidents, to whom the state ministry shall give directives to this end.

“The more deeply I have it at heart that the noble, loyal and commendably frank frame of mind, wherever it may be displayed, shall not find its freedom of speech curtailed, and that truth shall be as little as possible restricted in the sphere of public discussion, the more ruthlessly must the spirit that employs the weapons of lying and misleading be held under restraint so that freedom of speech cannot be cheated of its fruits and its blessings by being misused.

“Sanssouci, October 14, 1842

(signed) Frederick William"
We hasten the more urgently to communicate the above royal Cabinet Order to our readers, because we see in it a guarantee for the Prussian press. Every loyal newspaper can only regard it as significant support on the part of the government if untruths or distorted facts, the publication of which cannot always be avoided even with the greatest circumspection on the part of the editorial board, are corrected from an authoritative source. By these official explanations the government not only guarantees a certain historical correctness of the factual content of the daily press, but also, what is still more important, recognises the great significance of the press by positive participation, which will restrict within ever narrower bounds negative participation by prohibition, suppression and censorship. At the same time, the royal Cabinet Order presupposes a certain independence of the daily press, for if without such independence tendencies to deception, lying and pernicious tendencies are not likely to spring up and establish themselves in the daily press, still less is a noble, loyal and commendably frank frame of mind. This royal presupposition of a certain independence of the daily press should be welcomed by Prussian newspapers as the most excellent guarantee of this independence and as an unambiguous expression of the royal will.

Written in mid-November 1842
First published in the Rheinische Zeitung
No. 320, November 16, 1842

Printed according to the newspaper
Published in English for the first time
Highly respected Herr Oberpräsident!
Your Excellency!

Through Regierungspräsident Herr von Gerlach in Cologne, on the 12th of this month, Your Excellency has put before me a reascript of the censorship ministry and, in addition, two decrees, and called for my observations on them to be minuted. Considering the importance of the explanations demanded of me, rather than making a statement to be minuted, I have preferred to address myself today to Your Excellency in writing.

1. As regards the reascript of the censorship ministry and in particular the demand that the Rheinische Zeitung should alter its tendency and adopt one agreeable to the government, I am able to interpret this demand only in relation to the form, a moderation of which, insofar as the content allows, can be conceded. Judging by the recently issued censorship instruction, and also by His Majesty’s views frequently expressed elsewhere, it seems to us that the tendency of a newspaper which, like the Rheinische, is not a mere unprincipled amalgam of dry reports and fulsome praise, but throws light on state conditions and institutions through conscious\(^a\) criticism inspired by a noble purpose, can only be a tendency acceptable to the government. Moreover, until now the responsible editor has never been informed of any disapproval of this tendency. Furthermore, since the Rh. Ztg. is subjected to the strictest censorship, how could its suppression be justified as a first warning?

\(^a\) The words “even if sharply expressed” have been deleted here.— *Ed.*
I can assure Your Excellency that in the future, too, the Rh. Ztg. will continue to the best of its ability to help in paving the path of progress, along which Prussia leads the rest of Germany. For that very reason, however, I must reject the reproach levelled at me in the rescript that the Rh. Ztg. has sought to spread French sympathies and ideas in the Rhineland. The Rh. Ztg. has, on the contrary, made its main task to direct towards Germany the glances which so many people still fastened on France, and to evoke a German instead of a French liberalism, which can surely not be disagreeable to the government of Frederick William IV. In this connection, the Rh. Ztg. has always pointed to Prussia, on whose development that of the rest of Germany depends. Proof of this tendency is provided by the articles on "Prussian hegemony", aimed polemically against the anti-Prussian strivings of the Augsburg newspaper. Proof is provided by all the articles on the Prussian Customs Union aimed against the articles of the Hamburg Correspondent and other newspapers, in which the Rh. Ztg. depicted to the greatest detail the accession of Hanover, Mecklenburg and the Hanseatic towns as the only beneficial course. Proof is provided above all by the continual reference to North-German science in contrast to the superficiality not only of French, but also of South-German theories. The Rh. Zeitung was the first Rhenish, and in general the first South-German, newspaper to introduce the North-German spirit in the Rhine Province and in South Germany, and how could the divided races be more inseparably linked than by spiritual unity, which is the soul of political unity and its only guarantee against all external storms?

As to the alleged irreligious tendency of the Rh. Ztg., it cannot be unknown to the supreme authorities that in regard to the content of a certain positive creed—and it is a question only of this and not of religion, which we have never attacked and never will attack—the whole of Germany, and especially Prussia, is divided into two camps, both of which include among their champions men occupying high positions in science and the state. In an unresolved controversy, should a newspaper take neither side or only one that has been officially prescribed to

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a After "contrary", the words "contributed not a little" have been deleted.— Ed.
b After "anti-Prussian", the word "tendencies" has been deleted.— Ed.
c After "North-German spirit", the words "the Protestant spirit" have been deleted in pencil.— Ed.
Moreover, we have never gone outside the terrain proper to a newspaper, but have touched on dogmas such as church doctrines and conditions in general only insofar as other newspapers make religion into constitutional law and transfer it from its own sphere into that of politics. It will even be easy to cover each of our utterances with the similar and stronger utterances of a Prussian king, Frederick the Great, and we consider this authority to be one which Prussian publicists may very well invoke.

The Rheinische Zeitung is therefore entitled to believe that it has pre-eminently carried out the wish for an independent free-minded press which His Majesty formulated in the censorship instruction, and that it has thereby contributed not a little towards the benedictions which at the present time the whole of Germany conveys to His Majesty our King in his ascendant career.

The Rh. Ztg., Your Excellency, was not founded as a commercial speculation or in expectation of any profit. A large number of the most esteemed men of Cologne and the Rhine Province, justly displeased with the pitiful state of the German press, believed that they could not better honour the will of His Majesty the King than by founding the Rh. Ztg. as a monument of the nation, a newspaper which voices the speech of free men in a principled and fearless way and, what is at all events a rare phenomenon, enables the King to hear the true voice of the people. The unprecedentedly rapid growth of this newspaper's circulation proves how well it has understood the wishes of the people. This was the aim for which those men contributed their capital, and for which they shrank from no sacrifice. Let Your Excellency now decide for yourself whether it is possible or permissible for me, as the spokesman of these men, to declare that the Rheinische Zeitung will alter its tendency, and whether its suppression would be not so much an act of violence against a private individual, but rather an act of violence against the Rhine Province and the German spirit in general.

In order, however, to prove to the government how very ready I am to comply with its wishes, insofar as they are compatible with

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a The following has been deleted in pencil: "If Luther is not blamed for having attacked, in defiance of emperor and realm, the sole mode of existence of Christianity at that time, the Catholic Church, in a form that was even unbridled and exceeded all bounds, should it be forbidden in a Protestant state to advocate a view opposed to current dogma, not by isolated frivolous invectives, but by the consistent exposition of serious and primarily German science?" — Ed.

b The words "they have been utilised for political theories, maxims and prescriptions" have been deleted.— Ed.
the function of an independent newspaper, I am willing, as has been the case for some time past, as far as possible to set aside all ecclesiastical or religious subjects, so long as other newspapers or political conditions themselves do not necessitate reference to them.\(^a\)

2. Secondly, as regards Your Excellency's demand for the immediate dismissal of Dr. Rutenberg, I already told Regierungspräsident von Gerlach on February 14 that Dr. Rutenberg was in no way an editor of the *Rheinische Zeitung*, but only did the work of a translator. In response to the threat, conveyed to me through Regierungspräsident von Gerlach, of the immediate suppression of the newspaper if Rutenberg were not at once dismissed, I have yielded to force and have for the time being removed him from any participation in the newspaper. Since, however, I am not aware of any legal provision which would justify this point of the rescript, I request Your Excellency to specify any such provision, and, if necessary, to give a speedy ruling whether the decision reached is to remain in force or not, so that I can claim my legal rights through the appropriate channels.

3. As regards the third point, the submission of an editor for approval, according to the censorship law of October 18, 1819, §[IX], only the supreme censorship authorities are entitled to demand the submission of an editor for approval. I know of no provision which transfers this entitlement to the Oberpräsidents. Therefore I request specification of any such provision or, if necessary, of a censorship ministry decree which orders this. Very willingly, but only in that case, will I submit an editor for approval.

Written on November 17, 1842


Printed according to the manuscript

Published in English for the first time

\(^a\) This paragraph was inserted subsequently. Its place was marked by ** and it is to be found at the end of the manuscript.—Ed.
We can acknowledge the historical basis of the author's reasoning, and we can further concede, as the facts testify, that during the last 400-500 years England, especially, has done a great deal to protect its industry and crafts, although we need not necessarily agree with the system of protective tariffs. England's example is its own refutation because it is precisely in England that the pernicious results come into prominence of a system which is no longer the system of our time, however much it might have corresponded to medieval conditions, based on division and not on unity, which, in the absence of general protection, a rational state and a rational system of individual states, had to provide special protection for each particular sphere. Trade and industry ought to be protected, but the debatable point is precisely whether protective tariffs do in reality protect trade and industry. We regard such a system much more as the organisation of a state of war in time of peace, a state of war which, aimed in the first place against foreign countries, necessarily turns in its implementation against the country which organises it. But in any case an individual country, however much it may recognise the principle of free trade, is dependent on the state of the world in general, and therefore the question can be decided only by a congress of nations, and not by an individual government.

The editorial board of the Rheinische Zeitung

Written in November 1842
First published in the Supplement to the Rheinische Zeitung No. 326, November 22, 1842
Printed according to the newspaper
Published in English for the first time
Berlin, November 25. The Elberfelder Zeitung and, from it, the Didaskalia contain the news that Herwegh has visited the society of "The Free", but found it beneath all criticism. Herwegh has not visited this society, and therefore could have found it neither beneath nor above criticism. Herwegh and Ruge found that "The Free" are compromising the cause and the party of freedom by their political romanticism, their mania for genius and boasting, and this moreover was frankly stated by them and perhaps may have given offence. Consequently, if Herwegh did not visit the society of "The Free", who as individuals are excellent people for the most part, it was not because he upholds some other cause, but solely because, as one who wants to be free from French authorities, he hates and finds ludicrous the frivolity, the typically Berlin style of behaviour, and the insipid aping of the French clubs. Rowdiness, blackguardism, must be loudly and resolutely repudiated in a period which demands serious, manly and sober-minded persons for the achievement of its lofty aims.

Written in November 1842
First published in the Rheinische Zeitung
No. 333, November 29, 1842

Printed according to the newspaper
Published in English for the first time

a As the result of a misprint the Rheinische Zeitung had "irresolutely".— Ed.
THE POLEMICAL TACTICS
OF THE AUGSBURG NEWSPAPER

"It is merely a lust of the blood
and a permission of the will." a

Cologne, November 29. In its occasional polemic against the Rheinische Zeitung, the Augsburg Allgemeine Zeitung employs tactics which are as characteristic as they are laudable and which, if consistently pursued, cannot fail to impress the superficial section of the public. To every rebuff merited by its attacks on the principles and trend of the Rheinische Zeitung, to every essential subject of dispute, to every principled attack on the part of the Rheinische Zeitung, the response of the Augsburg newspaper has been to wrap itself in the ambiguous cloak of silence, so that it always remains impossible to decide whether this silence owes its inconspicuous existence to a consciousness of weakness which makes it unable to reply, or to a consciousness of superiority which makes it unwilling to reply. We have no special reproaches to make to the Augsburg newspaper on this account, since it merely treats us as it treats Germany, for which it believes it can most beneficially show its sympathy by a thoughtful silence, only rarely interrupted by travel notes, health bulletins and paraphrased nuptial poems. It may well be that the Augsburg newspaper is right to regard its silence as a contribution to the public welfare.

Besides tactics of silence, however, the lady of Augsburg employs another method of controversy, which by its verbose, complacent and arrogant loquacity is, as it were, the active complement to the previous passive and melancholy quietude. The lady of Augsburg is silent when it is a question of a fight over principles, over the essence of a matter, but she lies in wait, observes from afar, and seizes the opportunity when her opponent

a W. Shakespeare, Othello, Act I, Scene 3.—Ed.
neglects her dress, makes a *faux pas* in the dance, or drops her handkerchief—and then she "minces virtue and does shake the head".\(^b\) She blares into the air her long-suppressed, well-meant anger with imperturbable aplomb, with all the indignation of prudery in dress, and calls out to Germany: "There you see, that is the character, that is the frame of mind, that is the consistency of the *Rheinische Zeitung*!"

“There’s hell, there’s darkness, there is the sulphurous pit, burning, scalding stench, consumption; fie, fie, fie! pah; pah! Give me an ounce of civet; good apothecary!"\(^c\)

By means of such noisy impromptus, the lady of Augsburg is able not only to remind the forgetful public of her vanished virtue, her honourable character and mature age, not only to adorn her sunken temples with outdated and faded recollections, but even to gain surreptitiously some other practical successes besides these petty, harmless successes of coquetry. She confronts the *Rheinische Zeitung* as a sturdy fighter, *quasi re bene gesta*,\(^d\) blustering, upbraiding, provoking, and her petulant provocations make the world forget her senile silence and quite recent retreat. In addition, the appearance is created and diligently cultivated, that the fight between the Augsburg A. Z. and the *Rheinische Zeitung* turns on this kind of paltriness, scandalmongering and sartorial solecisms. The host of unintelligent and irresponsible people who fail to understand the essential fight in which we speak and the lady of Augsburg is silent, but who, on the other hand, recognise their own beautiful soul in the captious faultfinding and petty criticisms of the Augsburg A. Z., applaud and pay homage to the honourable lady who castigates her unruly opponent with such skill and moderation, more to educate than to hurt her. In No. 329 of the Augsburg A. Z. there is another sample of this over-subtle, repellent, small-town polemic.

A correspondent reports from the Main that the Augsburg Allg. Ztg. praised Julius Mosen’s political novel *The Congress of Verona* because it was put out by Cotta’s publishing house. We confess that, owing to its worthlessness, we only occasionally glance at the literary criticism section of the Augsburg A. Z., and are not acquainted with its criticism of Mosen. In this matter we put our trust à *discrétion* in the conscience of the correspondent. Assuming

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\(^a\) A false step.—*Ed.*

\(^b\) W. Shakespeare, *King Lear*, Act IV, Scene 6.—*Ed.*

\(^c\) Ibid.—*Ed.*

\(^d\) As if everything had been done well.—*Ed.*
the fact to be correct, the report is not in itself improbable for, according to recent explanations which have been met with a refutation based on trickery and not solid reasons, the independence of the critical conscience of the Augsburg A. Z. in respect of the place of printing in Stuttgart is at least open to doubt. Hence all that remains is that we did not know where the political novel was printed, and enfin, not to know that is not a mortal political sin.

Later, apprised of the misstatement about the place of printing, the editorial board stated in a note:

"We have just learnt that The Congress of Verona, by the poet Julius Mosen, was not published by Cotta and we therefore request our readers to make this correction to the report from the Main in No. 317 of this year." \(^{108}\)

Since the chief reproach levelled by the Main correspondent against the Augsburg Allgemeine Zeitung was based solely on the premise that The Congress of Verona had been published by Cotta, since we have explained that this was not the case, and since every argument is invalidated if its premise is abandoned, we were entitled at any rate to make the extravagant demand on our readers' intelligence that they should correct the report from the Main in the light of this statement, and we could believe that we had atoned for our injustice to the Augsburg A. Z. But look at the Augsburg's logic! The Augsburg's logic interprets our correction as follows:

"If Mosen's Congress of Verona had been published by Cotta, it would have to be regarded by all friends of right and freedom as a nasty and unsaleable book; since, however, we have subsequently learnt that it was published in Berlin, we request our respected readers to welcome it, in the poet's own words, as one of the spirits of eternal youth, which stride on along their radiant path and mercilessly trample on the old gang." \(^{109}\)

"That fellow handles his bow like a crow-keeper: draw me a clothier's yard.—I' the clout, i' the clout, hewgh!"\(^{a}\)

"That," exclaims the lady of Augsburg triumphantly, "that is what the Rheinische Zeitung calls its frame of mind, its consistency!"

Has the Rheinische Zeitung ever declared the consistencies of the Augsburg's logic to be its consistency or the frame of mind on which this logic is based to be its frame of mind? The lady of Augsburg was entitled only to conclude: "That is the way in which consistency and frame of mind are misunderstood in Augsburg!" Or does the Augsburg Allgemeine Zeitung seriously believe that by means of Mosen's toast we would have liked to provide a

\(^{a}\) W. Shakespere, King Lear, Act IV, Scene 6.— Ed.
corrective commentary to assess The Congress of Verona? We discussed the Schiller festival at rather great length in a feature article. We pointed to Schiller "as the prophet of the new movement of minds" (No. 326, correspondence from Leipzig) and noted the resulting significance of the Schiller festival. Why had we to repudiate Mosen's toast, which emphasised this significance? Could it be because it contains a sally against the Augsburg Allgemeine Zeitung, which the latter had already deserved because of its condemnation of Herwegh? All that, however, had nothing to do with the report from the Main, for then we should have had to write, as the lady of Augsburg imputes to us, "The reader must judge the report from the Main in No. 317 in the light of Mosen's poem in No. 320." The Augsburg's logic deliberately invents this nonsense in order to be able to throw it at us. The verdict of the Rheinische Zeitung in the feature article of No. 317 on Mosen's "Bernhard von Weimar" proves, although it needs no proof, that in regard to Mosen it has not departed by a hair's breadth from its customary factual criticism.

For the rest, we admit to the lady of Augsburg that even the Rheinische Zeitung is scarcely able to ward off the literary condottieri, that importunate and disgusting rabble which has sprung up all over Germany in the newspaper era of which the Augsburg A. Z. is the embodiment.

Finally, the Augsburg newspaper reminds us of the ballista which

"throws out big words and phrases that leave reality untouched".

The Augsburg A. Z., of course, touches on every possible reality, Mexican reality, Brazilian reality, but not German reality, not even Bavarian reality, and if for once it does touch on something of the kind, it invariably takes appearance for reality and the reality for appearance. When it is a matter of spiritual and true reality, the Rheinische Zeitung could exclaim to the lady of Augsburg in the words of Lear: "Do thy worst, blind Cupid.... Read thou this challenge", and the lady of Augsburg would reply with Gloucester: "Were all thy letters suns, I could not see."b

Written on November 29, 1842
First published in the Rheinische Zeitung No. 334, November 30, 1842

Printed according to the newspaper
Published in English for the first time

a Of November 22, 1842.—Ed.
b W. Shakespeare, King Lear, Act IV, Scene 6.—Ed.
Cologne, December 10. In the Supplement to No. 335 of the Augsburg Allgemeine Zeitung there is a not uninteresting essay on the commissions of the estates in Prussia. Since we wish to criticise it, we must preface our remarks by stressing a simple principle which, however, is often overlooked in a passionate party controversy. The presentation of a state institution is not the state institution itself. Hence a polemic against this presentation is not a polemic against the state institution. The conservative press, which continually reminds us that the view held by the critical press should be rejected as being merely an individual opinion and a distortion of reality, continually forgets that it itself is not the object in question, but only an opinion on that object, and that therefore to combat it is not always to combat that object. Every object that is made a matter for praise or blame in the press becomes a literary object, hence an object for literary discussion.

What makes the press the most powerful lever for promoting culture and the intellectual education of the people is precisely the fact that it transforms the material struggle into an ideological struggle, the struggle of flesh and blood into a struggle of minds, the struggle of need, desire, empiricism into a struggle of theory, of reason, of form.

The essay in question reduces the arguments against the institution of the commissions of the estates to two main heads, to arguments against their composition and arguments against their purpose.

At the outset we must condemn as a basic logical defect that the composition has been the first object of discussion, the examina-
tion of the purpose being reserved for a subsequent article. The composition cannot be anything but the external mechanism, the guiding and regulating soul of which lies in its purpose. But who would think of judging the expediency of a machine's composition before examining and ascertaining its purpose? It could be that the composition of the commissions is open to criticism because it corresponds to their purpose, inasmuch as this purpose itself cannot be recognised as a true purpose. It could also be that the composition of the commissions is worthy of recognition because it does not correspond to their purpose, going beyond the latter. Hence this order of the presentation is an initial mistake, but one which vitiates the whole presentation.

On almost all sides, the essay states, the complaint has been made with remarkable unanimity that

"predominantly only landed property has been taken into account in connection with the right of representation in the estates".

In opposition to this, attention has been drawn, on the one hand, to the progress of industry and, on the other hand, "with still greater emphasis" to intelligence and "its right to participate in the representation of the estates".

By the basic law on the provincial assemblies of the estates, landed property is made the condition for estate membership, a provision which was logically continued in regard to the commissions of the estates formed of members of the provincial assemblies. Thus, although landed property is the general condition for participating in the right of estate representation, it is by no means the sole criterion. Confusion of those two essentially different principles, however, underlay

"to a great extent the lively objections which have been raised against the composition of the commissions of the estates".

Landownership represents all estates. This fact the author admits. He adds, however, that it is not simply landownership as such, not abstract landownership, but landownership under certain secondary circumstances, landownership of a particular kind. Landownership is the general condition for estate representation, but it is not the sole condition.

We fully agree with the author when he asserts that the additional conditions essentially alter the general principle of representation through landownership. At the same time, however, we must declare that opponents who consider that the general principle is already too restricted cannot by any means be
refuted by proof that this principle, which is restricted in itself, has been regarded as still not restricted enough, but as necessarily requiring that further restrictions alien to its nature should be added to it. Apart from the very general requirements of an unblemished reputation and a minimum age of thirty years—the former being, on the one hand, self-evident and, on the other hand, open to indefinite interpretation—there are the following special conditions:

"1. Ten years' uninterrupted landownership; 2. membership of a Christian church; 3. possession of land formerly held directly under the emperor for the first estate; 4. possession of property entailing imperial knighthood for the second estate; 5. a magistracy or civil profession for the urban estate; 6. self-management of landed property as the main occupation for the fourth estate."\[111\]

These are not conditions which arise from the essence of landownership, but which, from considerations foreign to the latter, add limits that are foreign to it, restrict its essence instead of making it more general.

According to the general principle of representation through landownership, there would be no distinction between Jewish and Christian landownership, between landownership by a lawyer and by a merchant, between landownership that is ten years old and one that is one year old. According to this general principle, all these distinctions do not exist. Hence if we ask what the author has shown, we can only reply: the restriction of the general condition of landownership by special conditions which are not part of its nature, by considerations based on the difference between the estates.

And the author admits:

"Closely connected is the complaint heard from many sides that, in regard to these commissions of the estates too, the difference between estates which belongs only to the past has been brought in again and applied as a principle of estate organisation, in alleged contradiction with the present state of our social conditions, and with the demands of the spirit of the time."

The author does not examine whether the general condition of landownership is in contradiction with representation of the estates or even makes it impossible! Otherwise it could hardly have escaped him that, if the estate principle were consistently applied, a condition which forms an essential feature only of the peasant estate could not possibly be made a general condition for the representation of the other estates, whose existence in no way depends on landownership. For the representation of the estates can only be determined by the essential difference between them,
and hence not by anything which lies outside this essence. If, therefore, the principle of representation of landownership is annulled because of special estate considerations, then this principle of representation of the estates is annulled because of the general condition of landownership, and neither principle comes into its own. Furthermore, even if a difference between the estates is accepted, the author does not examine whether this difference which is presumed to exist in the institution in question characterises the estates of the past or those of the present. Instead he discusses the difference between the estates in general. It will be as little possible to eradicate it, he says,

"as to destroy the difference existing in nature between the elements and to go back to a chaotic unity".

One could reply to the author: just as no one would think of destroying the difference between the natural elements and going back to a chaotic unity, no one would want to eradicate the difference between the estates. At the same time, however, one would have to demand of the author that he should make a more thorough study of nature and rise from the first sensuous perception of the various elements to a rational perception of the organic life of nature. Instead of the spectre of a chaotic unity, he would become aware of the spirit of a living unity. Even the elements do not persist in inert separation. They are continually being transformed into one another and this transforming alone forms the first stage of the physical life of the earth, the meteorological process. In the living organism, all trace of the different elements as such has disappeared. The difference no longer consists in the separate existence of the various elements, but in the living movement of distinct functions, which are all inspired by one and the same life, so that the very difference between them does not exist ready-made prior to this life but, on the contrary, continually arises out of this life itself and as continually vanishes within it and becomes paralysed. Just as nature does not confine itself to the elements already present, but even at the lowest stage of its life proves that this diversity is a mere sensuous phenomenon that has no spiritual truth, so also the state, this natural realm of the spirit, must not and cannot seek and find its true essence in a fact apparent to the senses. The author, therefore, has provided only a superficial basis for the "divine order of the world" by confining himself to the difference between the estates as its final and definitive result.
But, in the author's opinion,

"care must be taken that the people is not set in motion as a crude, inorganic mass".

Therefore, there can be

"no question as to whether in general estates ought to exist, but only the question of establishing to what extent and in what proportion the existing estates are called upon to take part in political activity".

The question that arises here, of course, is not to what extent the estates exist, but to what extent they ought to continue their existence right up to the highest sphere of state life. If it would be unfitting to set the people in motion as a crude, inorganic mass, it would be just as much impossible to achieve an organised movement of the people if it were resolved mechanically into rigid and abstract constituents, and an independent movement, which could only be a convulsive one, were demanded of these inorganic, forcibly established parts. The author starts out from the view that in the actual state the people exists as a crude, inorganic mass, apart from some arbitrarily seized on differences of estate. Hence he knows no organism of the state's life itself, but only a juxtaposition of heterogeneous parts which are encompassed superficially and mechanically by the state. But let us be frank. We do not demand that in the representation of the people actually existing differences should be left out of account. On the contrary, we demand that one should proceed from the actual differences created and conditioned by the internal structure of the state, and not fall back from the actual life of the state into imaginary spheres which that life has already robbed of their significance. And now take a look at the reality of the Prussian state as it is known and obvious to everyone. The true spheres, in accordance with which the state is ruled, judged, administered, taxed, trained and schooled, the spheres in which its entire movement takes place, are the districts, rural communities, governments, provincial administrations, and military departments, but not the four categories of the estates, which are intermingled in a diverse array among these higher units and owe the distinctions between them not to life itself, but only to dossiers and registers. And those distinctions, which owing to their very essence are dissolved at every moment in the unity of the whole, are free creations of the spirit of the Prussian state, but are by no means raw materials imposed on the present time by blind natural necessity and the dissolution process of a past period! They are members but not
parts, they are movements but not states, they are differences of unity but not units of difference. Just as our author will not wish to assert that, for instance, the great movement by which the Prussian state changes daily into a standing army and a militia is the motion of a crude, inorganic mass, so must he not assert this of a representation of the people which is based on similar principles. We repeat once more: we demand only that the Prussian state should not break off its real state life at a sphere which should be the conscious flowering of this state life; we demand only the consistent and comprehensive implementation of the fundamental institutions of Prussia, we demand that the real organic life of the state should not be suddenly abandoned in order to sink back into unreal, mechanical, subordinated, non-state spheres of life. We demand that the state should not dissolve itself in carrying out the act that should be the supreme act of its internal unification. We shall give further criticism of the essay in question in a subsequent article.

[Rheinische Zeitung No. 354, December 20, 1842]

Cologne, December 19. The author wants to establish according to his point of view

“to what extent the existing estates are called upon to take part in political activity”.

As already pointed out, our author does not examine to what extent the estates presupposed by the electoral law are the existing estates, to what extent estates exist at all; on the contrary, he takes as the basis of his examination something which it should have been the main task of his investigation to prove. Hence, he goes on to argue:

“The purpose of the commissions is so clearly laid down, both in the ordinances of June 21 of this year on their formation and in the royal Cabinet Order of August 19 on their convocation to form a central commission, that there can be absolutely no doubt on the subject. According to the wording of the above-mentioned Cabinet Order, the estate advisory council in the individual provinces should be supplemented by an element of unity. In accordance with this, therefore, first of all the general purpose of the commissions of the estates is the same as that of the provincial estates, insofar as it is likewise a matter of advisory co-operation in public affairs, and especially in the work of legislation. And, on the other hand, the characteristic feature of the activity assigned to them is its centralisation. Hence, concerning the doubts which have been raised as to the composition of the commissions of the estates, what would have to be done is to prove to what extent

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* A pun on the German word *Stand*, which means “state” as well as “estate.”—*Ed.*
their union in a central commission contains grounds why the elements from which they are formed cannot correspond to the purpose of their central activity. Instead of such a proof being attempted, it has merely been asserted that the composition of the commissions of the estates (which is based on the same principle as the composition of the provincial estates) may well suffice for advising on subordinate provincial interests, but not for an activity embracing the whole state. In contradiction to this were advanced the above-mentioned complaints, which, if they were well founded, would be applicable also to the provincial estates."

From the very beginning we have drawn attention to the illogicality of wanting to examine the expediency of the composition of the commissions of the estates before criticising their purpose. It was bound to happen that in an unguarded moment our author would presuppose the expediency of their "purpose" in order to be able to deduce the expediency of their "composition". He tells us that the purpose of the commissions is clear!

Granting this clarity, this formal correctness of the "purpose", does that even so much as touch on the content and the truth of this content? The commissions, according to our author, differ from the "provincial estates" only by their "centralisation". Hence it has to be proved, he says, "to what extent their union in a central commission contains grounds why the elements from which they are formed cannot correspond to the purpose of their central activity".

We must reject this demand as illogical. The question that arises is not to what extent the union of the provincial estates in a central commission contains grounds why the component elements cannot correspond to their central activity. On the contrary, the question is to what extent the component elements of the provincial estates contain grounds which paralyse a true union in a real central commission, and hence also real central activity. The union cannot make the component elements impossible, but the component elements can make the union impossible. If, however, a real union, a true centralisation is presupposed, then the question of the possibility of a central activity loses all meaning, for the central activity is merely the expression, the result, the vitality of a true centralisation. A central commission in itself involves a central activity. How then does the author prove that the component elements of the provincial estates are suitable for central commissions? How, therefore, does he prove the real and not illusory existence of a central commission?

He says:

"If they" (the complaints advanced against the composition of the commissions) "were well founded, they would be applicable also to the provincial estates."

Of course, for what is asserted is precisely that these elements are not suitable for a central whole. But can the author believe
that he has refuted his opponents merely by himself becoming aware of and formulating their objections?

Instead of confining himself to the statement that complaints against the composition of the commissions of the estates are complaints against the composition of the provincial estates, he ought to show to what extent objections against the provincial estates cease to be objections against the commissions of the estates. The author should not ask himself why the commissions of the estates are not in accord with a central activity, he should ask himself by what means they should be made capable of a central activity. It has been shown at some length and with concrete examples in these pages how little the provincial estates are called upon to participate in legislation (whether this participation is in the shape of advice or joint action, which can make a difference in the power but by no means in the capability of the provincial estates). Moreover, the commissions do not even arise from the provincial assemblies as moral persons; on the contrary, they arise from the provincial assemblies resolved into their mechanical component parts. It is not the Provincial Assembly which elects the commissions, but the diverse isolated parts of the Assembly, which each separately elect their deputies to the commission. This election is therefore based on a mechanical dissolution of the body of the Assembly into its individual component parts, on an itio in partes. Hence it is possible that not the majority, but the minority of the Assembly is represented in the commissions, for a deputy from the knightly estate, for instance can have a majority in his estate although he has no majority in the Assembly, since such a majority may in fact arise by the minority representing the knightly estate combining with representatives of the urban or the peasant estate. Consequently, the objections raised against the composition of the Assembly are not just simply, but doubly applicable to the commissions, since in the latter the individual estate is withdrawn from the influence of the Assembly as a whole and kept within its own special limits. But let us leave even this out of account.

We take as our starting point a fact which the author will concede without argument. We assume that the composition of the provincial estates fully corresponds to their purpose, that is to say, the purpose of representing their particular provincial interests from the standpoint of their particular estate interests. This character of the provincial assemblies will be the character of all their activities.

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*a Division into parts.—Ed.*
It will therefore also be the character of their elections to the commissions and the character of the commission deputies themselves, for an assembly which corresponds to its purpose will certainly remain true to its purpose in regard to its most important activity, in regard to the representatives whom it itself elects. What new element then suddenly turns the representatives of provincial interests into representatives of state interests and gives their particular activity the nature of a general activity? Obviously, it cannot be any other element than the fact of a common place of assembly. But can mere abstract space give a man of character a new character and chemically decompose his spiritual essence? It would be paying homage to the most materialistic mechanism to ascribe such an organising soul to mere space, particularly in view of the fact that at the meeting of the commission the existing separateness is also spatially recognised and represented.

After what has been said above, we can only regard the further grounds by which our author seeks to justify the composition of the commissions as attempts to justify the composition of the provincial estates.

[Cologne, December 30. As we have shown in a previous article, what the eulogist of the commissions of the estates defends in the Augsburg Allgemeine Zeitung is not their composition, but the composition of the provincial assemblies.

It seems to him,

"surprising to find intelligence put forward as a particular element requiring representation as an estate alongside industry and landed property".]

We are glad to agree for once with the author and to be able to restrict ourselves to explaining his statement instead of refuting it. What does this surprise at those claims of intelligence amount to? Does he consider that intelligence is not at all an element of estate representation, or are we to believe perhaps that the article in question merely asserts that it is not a particular element? Estate representation, however, recognises only particular elements, which exist side by side. Hence something that is not a particular element, is not at all an element for estate representation. The article in question quite rightly calls the way in which intelligence enters into the representation of estates "the general property of intelligent beings", hence not a particular property of estate representatives, for a property which I have in common with everyone else and to the same extent as everyone else, cannot constitute my character, my
superiority, my special nature. In an assembly of naturalists it is
not sufficient to share in the "general property" of an intelligent
being, but in an estate assembly it is sufficient to possess intel-
gence as a general property, to belong to the natural-historical
genus\(^a\) of "intelligent beings".

Intelligence should have a place in the provincial estate as a
general human property, but intelligence should not belong to
man as a particular property of a provincial estate; that is to say,
intelligence does not make man a member of a provincial estate, it
merely makes the member of a provincial estate a man. Our
author will concede that, consequently, no special position is
allotted to intelligence in the Assembly. Every newspaper adver-
tisement is a fact of intelligence.\(^b\) But who on that account would
seek representatives of literature in advertisements? A field cannot
speak, only the owner of the field can. Hence the field must
appear in an intelligent form in order to make its voice heard.
Wishes, interests, do not speak; only man speaks. But do field,
interest, wish, lose their limitation because they assert themselves
as something human, something intelligent? It is not a question of
mere form, it is a question of the content of intelligence. If, as we
readily concede to the author, intelligence not only does not need
any representation as an estate, but even needs a non-estate
representation, conversely, estate representation needs intelligence,
but only a very limited intelligence, just as every man needs
sufficient reason to realise his aims and interests, which still does
not in any way make his aims and interests the aims and interests
of "reason".

The utilitarian intelligence which fights for its hearth and home
differs, of course, from the free intelligence which fights for what
is right despite its hearth and home. There is a kind of intelli-
gence which serves a particular purpose, a particular matter, and
there is another kind of intelligence which masters every matter
and serves only itself.

The author, therefore, desires only to say: intelligence is not a
property of any estate; he does not ask whether estate is an
intelligent property! He comforts himself with the idea that
intelligence is a general property of the estate, but he refuses us
the comfort of a proof that estate is a particular property of
intelligence!

\(^a\) In the newspaper: "genius".—Ed.
\(^b\) A pun on the German word Intelligenzblatt, which means "an advertising
sheet", literally "an intelligence sheet".—Ed.
It is quite consistent, not only with our author's principles, but with those of estate representation, for him to convert the question of the right of representation of "intelligence" in the provincial assemblies into the question of the right of representation of the learned estates, of the estates which have made a monopoly of intelligence, of intelligence which has become an estate. Our author is right to the extent that, given estate representation, it can also only be a question of intelligence that has become an estate. But he is wrong in not acknowledging the right of the learned estates, for where the estate principle prevails all estates must be represented. Just as he errs in excluding clerics, teachers and private men of learning, and does not even mention lawyers, physicians, etc., as possible candidates, he completely misconceives the nature of estate representation when he puts "state servants" belonging to the government on the same footing as the above-mentioned estates of learned men. In a state based on estates, government officials are the representatives of state interests as such, and therefore are hostile towards the representatives of the private interests of the estates. Although government officials are not a contradiction under people's representation, they are very much so under estate representation.

The article in question seeks further to prove that in the French and English constitutions the representation of landed property is as great as, if not greater than, in the Prussian constitution based on estates. Even if this were really the case, would it cease to be a defect in Prussia because it occurs also in England and France? We do not need to explain that this comparison is quite inadmissible if only because the French and English deputies are elected not as representatives of landownership but as representatives of the people, and, as far as particular interests are concerned, a Fouil, for instance, remains a representative of industry although he pays a comparatively insignificant land tax in some corner of France. We will not repeat what we pointed out in our first article, namely, that the principle of estate representation annuls the principle of landownership representation, and vice versa, and that hence there is neither real landownership representation nor real estate representation, but only an inconsistent amalgamation of the two principles. We do not intend to examine further the basic error of a comparison which seizes on the different figures for England, France and Prussia, without taking into account their necessary connection with the different conditions in these countries. We stress only one aspect, namely, that in France and England account is taken of the benefit the state derives from landed
property and of the burdens the owner has to bear, whereas in Prussia, on the contrary, what is taken into account, for instance, in connection with the majority of manorial estates and mediatised lands is how free they are from state burdens and how independent their private use is. Not what someone possesses, but what he possesses of advantage to the state, not ownership, but, so to speak, the state activity of ownership, gives the right to representation in France and England, whose systems, by the way, we by no means agree with.

The author seeks further to prove that big landed property is not disproportionately represented compared with small landed property. On this point, as on that discussed above, we refer the reader to the work *Ueber ständische Verfassung in Preussen* (Cotta's publishing house, Stuttgart and Tübingen) and to Ludwig Buhl's book on the Prussian provincial estates. How incorrect the existing distribution is, quite apart from the difference between big and small landed property, can be shown from the following examples. The land value of the city of Berlin is 100 million talers, whereas that of the manorial estates in the Mark of Brandenburg is only 90 million talers. Yet the former sends only three deputies to the Assembly, whereas the owners of the latter elect 20 deputies from among themselves. Even among the towns, distribution according to the accepted scale of landownership is not consistently adhered to. Potsdam sends one deputy to the Assembly, although the value of its landed property is hardly one-tenth of that of Berlin. Potsdam has one deputy per 30,000 inhabitants, whereas Berlin has one per 100,000 inhabitants. The contrast is still more glaring if the smaller towns, which for historical reasons have been granted an individual vote [Virilstimme], are compared with the capital.

For the rest, in order to establish the true relations between representation of intelligence and representation of landed property as an estate, let us return once more to the author's classical thesis, his above-mentioned justified surprise at finding "intelligence put forward as a particular element requiring representation as an estate alongside industry and landed property".

The author rightly does not seek the origin of the provincial assemblies in state necessity, and he regards them not as a state need, but as a need of particular interests against the state. It is not the basic rational mind of the state, but the pressing need of private interests that is the architect of the political system based on estates, and at all events intellect is no needy, egoistic interest, but the general interest. Hence representation of intelligence in an assem-
bly of the estates is a contradiction, a nonsensical demand. Moreover, we call the author's attention to the consequences which so inevitably follow if need is made the principle of people's representation that our author himself for a moment recoils from them in horror and rejects not merely particular demands coming from the representation of particular interests, but the demand for this representation itself.

Either the need is real, and then the state is unreal because it fosters particular elements which do not find their legitimate satisfaction in the state, and therefore become organised as special bodies alongside the state and have to enter into a contractual relation with the state. Or the need really receives satisfaction in the state, and hence its representation against the state is illusory or dangerous. For a moment the author comes down on the side of illusion. He remarks as regards industry that even if it were not adequately represented in the provincial assemblies, it would still have ways enough for giving effect to its interests in the state and in relation to the government. Hence he maintains that estate representation, representation based on the principle of need, is an illusion, because the need itself is illusory. For what holds good of industry as an estate holds good for all estates, but for the estate of landed property even to a higher degree than for industry, since the former is already represented through the district president [Landrat], the district estates, etc., that is to say, through fully constituted state bodies.

From what has been said, it is obvious that not only can we not agree with the complaints about the restricted scope of the standing orders of the commissions, but, on the contrary, we must seriously protest against any extension of them as being against state interests. The liberalism which wants representation of intelligence in the Provincial Assembly is equally wrong. Not only is intelligence not a particular element of representation, it is not an element at all; it is a principle which cannot take part in any compound of elements, but can only produce a division into parts based on itself. There can be no question of intelligence as an integrating part, but only as the organising soul. We are concerned here not with a complement but with an antithesis. The question is: "representation of intelligence" or "representation of estates". The question is whether a particular interest should represent political intelligence or whether the latter should represent particular interests. Political intelligence will, for example, regulate landed property according to state principles, but it will not regulate state principles according to landed property. Political intelligence will assert landed
property not in accordance with its private egoism, but in accordance with the state nature of landed property. It will not determine the essence of the whole in accordance with this particular essence, but will determine the latter in accordance with the essence of the whole. On the contrary, landed property with the right of representation does not adapt itself to intelligence but adapts intelligence to itself, like a watch-maker who does not want to set his watch by the sun, but wants to make the sun follow his watch. The question can be summed up in a few words: Should landed property criticise and be master over political intelligence or should it be the other way round?

For intelligence nothing is external, because it is the inner determining soul of everything, whereas, conversely, for a definite element like landed property everything is external that is not landed property itself. Hence not only the composition of the Provincial Assembly, but its activities also are mechanical, for it must treat all general interests and even particular interests different from itself as things extraneous and alien. All that is particular, such as landed property, is in itself limited. It must therefore be dealt with as something limited, that is to say, it must be dealt with by a general power superior to it, but it cannot deal with the general power according to its own needs.

The provincial assemblies, owing to their specific composition, are nothing but an association of particular interests which are privileged to assert their particular limits against the state. They are therefore a legitimised self-constituted body of non-state elements in the state. Hence by their very essence they are hostile towards the state, for the particular in its isolated activity is always the enemy of the whole, since precisely this whole makes it feel its insignificance by making it feel its limitations.

If this granting of political independence to particular interests were a necessity for the state, it would be merely the external sign of an internal sickness of the state, just as an unhealthy body must break out in boils according to natural laws. One would have to decide between two views: either that the particular interests, assuming the upper hand and becoming alien to the political spirit of the state, seek to impose limits on the state, or that the state becomes concentrated solely in government and as compensation concedes to the restricted spirit of the people merely a field for airing its particular interests. Finally, the two views could be combined. If, therefore, the demand for representation of intellect is to have any meaning, we must expound it as the demand for conscious representation of the intelligence of the people, a rep-
representation which does not seek to assert individual needs against the state, but one whose supreme need is to assert the state itself, and indeed as its own achievement, as its own state. In general, to be represented is something passive; only what is material, spiritless, unable to rely on itself, imperilled, requires to be represented; but no element of the state should be material, spiritless, unable to rely on itself, imperilled. Representation must not be conceived as the representation of something that is not the people itself. It must be conceived only as the people's self-representation, as a state action which, not being its sole, exceptional state action, is distinguished from other expressions of its state life merely by the universality of its content. Representation must not be regarded as a concession to defenceless weakness, to impotence, but rather as the self-reliant vitality of the supreme force. In a true state there is no landed property, no industry, no material thing, which as a crude element of this kind could make a bargain with the state; in it there are only spiritual forces, and only in their state form of resurrection, in their political rebirth, are these natural forces entitled to a voice in the state. The state pervades the whole of nature with spiritual nerves, and at every point it must be apparent that what is dominant is not matter, but form, not nature without the state, but the nature of the state, not the unfree object, but the free human being.

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THE DIVORCE BILL

Cologne, December 18. In regard to the Divorce Bill the Rheinische Zeitung has adopted quite a special position, and so far no proof has been given anywhere that this position is untenable. The Rheinische Zeitung agrees with the Bill inasmuch as it considers the hitherto existing Prussian legislation on marriage immoral, the hitherto innumerable and frivolous grounds for divorce impermissible, and the existing procedure not in accord with the dignity of the matter concerned, which, incidentally, can be said of the old Prussian court procedure as a whole. On the other hand, the Rheinische Zeitung has put forward the following main objections to the new Bill: 1) Instead of reform there has been a mere revision, hence Prussian law was retained as the basic law, which has resulted in considerable half-heartedness and uncertainty; 2) the legislation treats marriage not as a moral, but as a religious and church institution, hence the secular essence of marriage is ignored; 3) the procedure is very defective and consists of a superficial combination of contradictory elements; 4) it cannot be ignored that there are, on the one hand, severities of a police nature which are contrary to the concept of marriage and, on the other, too great leniency in regard to what are called considerations of fairness; 5) the whole formulation of the Bill leaves much to be desired as regards logical consistency, precision, clarity and comprehensive points of view.

Insofar as opponents of the Bill condemn one or other of these defects, we agree with them; on the other hand, we can by no means approve of their unconditional apologia for the former system. We repeat once more the statement we made previously:
"If legislation cannot decree morality, it can still less pronounce immorality to be legally valid." When we ask these opponents (who are not opponents of the church conception and of the other shortcomings we have indicated) on what they base their arguments, they always speak to us about the unfortunate position of the husband and wife tied together against their will. They adopt a eudemonic standpoint, they think only of the two individuals and forget about the family. They forget that almost every divorce is the break-up of a family and that even from the purely juridical standpoint the children and their property cannot be made to depend on arbitrary will and its whims. If marriage were not the basis of the family, it would no more be the subject of legislation than, for example, friendship is. Thus, the above-mentioned opponents take into account only the individual will or, more correctly, the arbitrary desire of the married couple, but pay no attention to the will of marriage, the moral substance of this relationship. The legislator, however, should regard himself as a naturalist. He does not make the laws, he does not invent them, he only formulates them, expressing in conscious, positive laws the inner laws of spiritual relations. Just as one would have to reproach the legislator for the most unbridled arbitrary behaviour if he replaced the essence of the matter by his own notions, so also the legislator is certainly no less entitled to regard it as the most unbridled arbitrariness if private persons seek to enforce their caprices in opposition to the essence of the matter. No one is forced to contract marriage, but everyone who has done so must be compelled to obey the laws of marriage. A person who contracts marriage does not create marriage, does not invent it, any more than a swimmer creates or invents the nature and laws of water and gravity. Hence marriage cannot be subordinated to his arbitrary wishes; on the contrary, his arbitrary wishes must be subordinated to marriage. Anyone who arbitrarily breaks a marriage thereby asserts that arbitrariness, lawlessness, is the law of marriage, for no rational person will have the presumption to consider his actions as privileged, as concerning him alone; on the contrary, he will maintain that his actions are legitimate, that they concern everybody. But what do you oppose? You oppose the legislation of arbitrariness, but surely you do not want to raise arbitrariness to the level of a law at the very moment when you are accusing the legislator of arbitrariness.

See this volume, p. 275.— Ed.
Hegel says: *In itself*, according to the concept, marriage is indissoluble, but *only* in itself, i.e., only according to the concept. This says nothing *specific* about marriage. All moral relations are indissoluble according to the concept, as is easily realised if their *truth* is presupposed. A *true* state, a *true* marriage, a *true* friendship are indissoluble, but no state, no marriage, no friendship corresponds fully to its concept, and like real friendship, even in the family, like the real state in world history, so, too, real marriage in the state is *dissoluble*. No moral *existence* corresponds to its *essence* or, at least, it does not have to correspond to it. Just as in nature decay and death appear of themselves where an existence has totally ceased to correspond to its function, just as world history decides whether a state has so greatly departed from the idea of the state that it no longer deserves to exist, so, too, the state decides in what circumstances an existing marriage has ceased to be a marriage. Divorce is nothing but the statement of the fact that the marriage in question is a *dead* marriage, the existence of which is mere semblance and deception. It is obvious that neither the arbitrary decision of the legislator, nor the arbitrary desire of private persons, but only the *essence of the matter* can decide whether a marriage is dead or not, for it is well known that the *statement that death has occurred* depends on the facts, and not on the *desires* of the parties involved. But if, in the case of *physical* death, precise, irrefutable proof is required, is it not clear that the legislator should be allowed to register the fact of a *moral* death only on the basis of the most indubitable symptoms, since preserving the life of moral relationships is not only his right, but also his *duty*, the duty of his self-preservation!

*Certainty* that the *conditions* under which the *existence* of a moral relationship no longer corresponds to its *essence* are correctly registered, without preconceived opinions, in accordance with the level attained by science and with the generally accepted views—this certainty, of course, can only exist if the law is the conscious expression of the popular will, and therefore originates with it and is created by it. We will add a few words about making divorce easier or more difficult: Can you consider a natural object to be healthy, strong, truly organised, if every external impact, every injury, is capable of destroying it? Would you not feel insulted if someone put forward as an axiom that your friendship could not withstand the slightest accident and *must* be dissolved by

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\(^{a}\) G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*. Addendum to § 163.— Ed.
any caprice? In regard to marriage, the legislator can only establish when it is *permissible* to dissolve it, that is to say, when in its essence it is *already dissolved*. Juridical dissolution of marriage can only be the registering of its internal dissolution. The standpoint of the legislator is the standpoint of necessity. The legislator, consequently, *gives due honour* to marriage, acknowledges its profound moral essence, if he considers it strong enough to withstand a multitude of collisions without harm to itself. Indulgence of the wishes of individuals would turn into harshness towards the essence of the individuals, towards their moral reason, which is embodied in moral relationships.

Finally, we can only term it undue haste when from many quarters the accusation of *hypocrisy* is levelled against countries with *strict laws on divorce*, among which the Rhine Province is *proud* to be included. Only people whose field of vision does not go beyond the moral corruption around them can dare to make such accusations. In the Rhine Province, for example, these accusations are considered ridiculous and are regarded at most as proof that even the *idea* of moral relationships can be lost, and every moral fact regarded as a *fairy-tale* or a falsehood. This is the direct result of laws that are not dictated by respect for human beings; it is a mistake which is not done away with by contempt for the material nature of man becoming contempt for his ideal nature and blind obedience to a super-moral and supernatural authority being demanded instead of conscious subordination to moral and natural forces.

Written on December 18, 1842
First published in the Rheinische Zeitung
No. 353, December 19, 1842

Printed according to the newspaper
Cologne, December 31. The German press begins the New Year with apparently gloomy prospects. The ban that has just been imposed on the Leipziger Allgemeine Zeitung in the states of Prussia is surely a sufficiently convincing refutation of all the complacent dreams of gullible people about big concessions in the future. Since the Leipziger Allgemeine Zeitung, which is published under Saxon censorship, is being banned for its discussion of Prussian affairs, this at the same time puts an end to the hope of an uncensored discussion of our own internal affairs. This is a factual consequence which no one will deny.

The main accusations levelled against the Leipziger Allgemeine Zeitung were approximately the following:

"It continually reports rumours, at least half of which subsequently prove to be false. Moreover, it does not keep to the facts, but pries for hidden motives. And no matter how false its conclusions in this respect often are, it invariably voices them with all the ardour of infallibility and often with the most malicious passion. Its whole activity is unsteady, 'indiscreet' and 'immature'; in a word, it is bad activity."

Supposing all these accusations were well founded, are they accusations against the arbitrary character of the Leipziger Allgemeine Zeitung, or are they not rather accusations against the necessary character of the young popular press that is only just coming into being? Is it a question only of the existence of a certain kind of press or is it a question of the non-existence of a real press, i.e., a popular press?

The French, English and every kind of press began in the same way as the German press, and the same reproaches have been deserved by and made against each of them. The press is, and should be, nothing but the public, admittedly often "passionate,
exaggerated and mistaken, expression of the daily thoughts and feelings of a people that really thinks as a people". Like life itself, therefore, it is always in a state of becoming, and never of maturity. It is rooted in the people and honestly sympathises with all the latter's hopes and fears, love and hatred, joys and sorrows. What it has learned by listening in hope and fear, it proclaims loudly, and it delivers its own judgment on it, vigorously, passionately, one-sidedly, as prompted by its feelings and thoughts at the given moment. What is erroneous in the facts or judgments it puts forward today, it will itself refute tomorrow. It represents the real "naturally arising" policy, which its opponents love so much in other cases.

The reproaches which in recent days have been continuously levelled against the young "press" cancel each other out. See, it is said, what a firm, steady, definite policy the English and French newspapers pursue. They are based on real life, their views are the views of an existing, quite mature force. They impose no doctrines on the people, but are themselves the real doctrines of the people and its parties. You, however, do not voice the thoughts and interests of the people, you only manufacture them or, rather, you foist them on the people. You create the party spirit, you are not created by it. Thus, on one occasion, the press is blamed because there are no political parties, on another occasion it is accused of wanting to remedy this defect and create political parties. But it is self-evident that where the press is young, the popular spirit also is young, and the daily public political thinking of an only just awakening popular spirit will be less mature, more shapeless and hasty than that of the popular spirit which has become great, strong and self-confident in the course of political struggles. Above all, a people which is only just awakening to political consciousness is less concerned about the factual correctness of an occurrence than about its moral soul, through which it has its effect. Whether fact or fiction, it remains an embodiment of the thoughts, fears and hopes of the people, a truthful fairy-tale. The people see this, their own nature, reflected in the nature of their press, and if they did not see this, they would regard the press as something unessential and not worthy of sympathy, for the people do not allow themselves to be deceived. Hence, although the young press may daily compromise itself, may allow evil passions to penetrate it, the people see in it their own condition and they know that, despite all the poison which malice or lack of understanding introduces, its essence always remains true and pure, and in its ever flowing, ever
swelling stream, the poison becomes truth and a healing medicine. The people know that their press has shouldered their sins, that it is prepared to suffer humiliation for the sake of the people and that for their glory, renouncing distinction, self-satisfaction and irrefutability, it represents the rose of the moral spirit amid the thorns of the present.

We must, therefore, regard all the reproaches levelled against the Leipziger Allgemeine Zeitung as reproaches against the young popular press, hence against the real press, for it stands to reason that the press cannot become real without passing through the necessary stages of its development which arise from its inherent nature. We must, however, declare that to condemn the popular press is to condemn the political spirit of the people. Nevertheless, at the beginning of this article we described the prospects for the German press as apparently gloomy. And that is so, for the struggle against something that exists is the first form of its recognition, its reality and its power. And only struggle can convince both the government and the people, as well as the press itself, that the press has a real and necessary right to existence. Only struggle can show whether this right to existence is a concession or a necessity, an illusion or a truth.

THE KÖLNISCHE ZEITUNG AND THE BAN
ON THE LEIPZIGER ALLGEMEINE ZEITUNG

[Rheinische Zeitung No. 4, January 4, 1843]

Cologne, January 3. In its issue of December 31, the Kölnische Zeitung printed an article dated “Leipzig, 27th” by its correspondent, which reported the ban on the Leipziger Allgemeine Zeitung almost exultantly. Yet the Cabinet Order on the ban, contained in the issue of the Staats-Zeitung received here yesterday, is dated December 28. The riddle is solved by simply noting the fact that the news of the ban on the Leipziger Allgemeine Zeitung was received with the post here on December 31 and the Kölnische Zeitung considered it proper to fabricate not only the correspondence, but also the correspondent, and present its own voice as coming from the good city of Leipzig. The “mercantile” fantasy of the Kölnische Zeitung was so “adroit” as to confuse concepts. It transferred the residence of the Kölnische Zeitung to Leipzig, because it had become impossible for the residence of the Leipziger Zeitung to be in Cologne. If the editors of the Kölnische Zeitung, even after cooler reflection, had wanted to defend the exercise of
their fantasy as sober, factual truth, we should be compelled to report, in connection with the mysterious correspondence from Leipzig, yet another fact, which

"goes beyond all bounds of decency and even in our country" would seem "to every moderate and reasonable person to be an incomprehensible indiscretion".

As for the ban on the Leipziger Allgemeine Zeitung itself, we have already expressed our view. We have not disputed, as if they were sheer inventions, the shortcomings for which the Leipziger Allgemeine Zeitung has been condemned. But we have maintained that they are shortcomings which arise from the very nature of the popular press itself and therefore must be tolerated as arising in the course of its development, if people are at all willing to tolerate its course of development.

The Leipziger Allgemeine Zeitung is not the entire German popular press, but it is a necessary component part of it. In the natural development of the popular press, each of the different elements which determine the nature of this press must first of all discover for itself its specific form of development. Hence the whole body of the popular press will be divided into different newspapers with different complementary characteristics, and if, for example, the predominant interest of one is in political science, that of another will be in political practice, or if the predominant interest of one is in new ideas, that of another will be in new facts. Only if the elements of the popular press are given the opportunity of unhampered, independent and one-sided development and of achieving independent existence in separate organs, can a "good" popular press be formed, i.e., one which harmoniously combines all the true elements of the popular spirit, so that the true moral spirit will be entirely present in each newspaper, just as the fragrance and soul of the rose is present in each of its petals. But for the press to achieve its purpose it is above all necessary that it should not have any kind of purpose prescribed for it from outside, and that it should be accorded the recognition that is given even to a plant, namely, that it has its own inherent laws, which it cannot and should not arbitrarily evade.

THE GOOD AND THE BAD PRESS

[Rheinische Zeitung No. 6, January 6, 1843]

Cologne, January 5. We have already had to hear in abstracto a great deal about the difference between the "good" and the "bad" press. Let us illustrate this difference now with an example.
The Elberfelder Zeitung of January 5, in an article dated from Elberfeld, describes itself as a “good press”. The Elberfelder Zeitung of January 5 carries the following report:

“Berlin, December 30. The ban on the Leipziger Allgemeine Zeitung has on the whole made only a slight impression here.”

On the other hand, the Düsseldorfer Zeitung, agreeing with the Rheinische Zeitung, reports:

“Berlin, January 1. The unconditional ban on the Leipziger Allgemeine Zeitung is causing a very great sensation here, since it was very eagerly read by the Berliners”, etc.

Which press then, the “good” or the “bad”, is the “true” press? Which expresses actual reality, and which expresses it as it would like it to be? Which expresses public opinion, and which distorts it? Which, therefore, deserves the confidence of the state?

The explanation given by the Kölnische Zeitung does little to satisfy us. In its reply to our remark about its reporting “almost exultantly” the ban on the Leipziger Allgemeine Zeitung, it confines itself not only to the part concerning dates, but to a misprint. The Kölnische Zeitung itself must know very well that the sentence: “The riddle is solved by simply noting the fact that the news of the ban on the Leipziger Allgemeine Zeitung was received with the post here on December 31”, should have read “on December 30” and did not read so only because of a misprint. On December 30 at noon, as we can prove if necessary, the Rheinische Zeitung, and therefore probably also the Kölnische Zeitung, received this news through the local post-office.

REPLY TO THE ATTACK OF A “MODERATE” NEWSPAPER

[Rheinische Zeitung No. 8, January 8, 1843]

Cologne, January 7. A moderate Rhenish newspaper, as the Augsburg Allgemeine Zeitung in its diplomatic language calls it, i.e., a newspaper of moderate forces, of very moderate character and of the most moderate understanding, has distorted our assertion that “the Leipziger Allgemeine Zeitung is a necessary component part of the German popular press”, into the assertion that lying is a necessary part of the press. We will not take undue offence at

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a The Rhein- und Mosel-Zeitung.—Ed.
this moderate newspaper extracting a single sentence from our argument and not considering that the ideas put forward in the article in question as well as in an earlier one are worthy of its lofty and honourable attention. Just as we cannot demand of someone that he should jump out of his own skin, so we must not demand that an individual or party should jump out of its spiritual skin, and venture on a \textit{salto mortale} beyond the limits of its mental horizon; least of all can we demand this of a party which takes its narrow-mindedness for holiness. Therefore, we will not discuss what that inhabitant of the intellectual \textit{realm of mediocrity} should have done in order to refute us, but will only discuss its actual deeds.

First of all, the old sins of the \textit{Leipziger Allgemeine Zeitung} are enumerated: its attitude to the Hanover events,\textsuperscript{[118]} its party polemic against Catholicism (\textit{hinc illae lacrimae!}\textsuperscript{a}) Would our lady friend regard the same behaviour, only in the opposite direction, as one of the mortal sins of the \textit{Münchener politische Blätter}?), its bits of gossip, etc., etc. We recall, in this connection, some lines from Alphonse Karr's magazine \textit{Les Guêpes}. M. Guizot, the story goes, calls M. Thiers a traitor, and M. Thiers calls M. Guizot a traitor, and, unfortunately, both are right. If all German newspapers of the old style wanted to reproach one another for their past, the examination of the case would be reduced to the formal question whether they sinned through what they did or through what they did not do. We are prepared to grant our lady friend the innocent advantage over the \textit{Leipziger Allgemeine Zeitung} that she has not only not led a bad life, but that she has shown no signs of life at all.

Meanwhile, the article of ours which is incriminated spoke not of the past, but of the \textit{present} character of the \textit{Leipziger Allgemeine Zeitung}, although it stands to reason that we would have no less serious objections against a ban on the \textit{Elberfelder Zeitung}, the \textit{Hamburger Correspondent}, or the \textit{Rhein- und Mosel-Zeitung} published in Koblenz, since the \textit{legal position} is not altered by the moral character or even the political and religious opinions of individuals. On the contrary, the \textit{lack of rights} of the press is beyond all doubt once its \textit{existence} is made dependent on its \textit{frame of mind}. Up to now, indeed, there has been no legal code or court of law for a frame of mind.

The "moderate" newspaper accuses the \textit{last phase} of the \textit{Leipziger Allgemeine Zeitung} of false information, distortions and lies,

\textsuperscript{a} Hence those tears! (Terence, \textit{Andria}, Act I, Scene 1.) — \textit{Ed.}
and accuses us with righteous indignation of regarding *lying* as a necessary element of the *popular* press. Suppose we actually admitted this frightful conclusion, suppose we actually maintained that *lying* is a necessary element of the popular press, in particular of the *German* popular press? We do not mean a *lying frame of mind*, lying in the spiritual sense, but *lying in regard to facts*, lying in the material sense. Stone him! Stone him! our Christian-minded newspaper would cry. Stone him! Stone him! the whole chorus would join in. But let us not be too hasty, let us take the world as it is, let us not be ideologists— and we can certify that our lady friend is no ideologist. Let our “moderate” newspaper cast a critical eye over its own columns. Does it not, like the *Preussische Staats-Zeitung*, like all the German newspapers and all the world’s newspapers, daily report false information from *Paris*, gossip about imminent ministerial changes in France, fables that some Paris newspaper has concocted, which the following day, or even an hour later, will be refuted? Or perhaps the *Rhein- und Mosel-Zeitung* presumes that *lying in regard to facts* is a necessary element of columns headed *England, France, Spain or Turkey*, but a damnable crime, meriting the death penalty, in columns headed *Germany or Prussia*? Whence this double set of weights and measures? Whence this dual view of truth? Why should one and the same newspaper be allowed the frivolous light-heartedness of a gossip-monger in one column, and have to display the sober irrefutability of an official organ in another column? It is obviously because for German newspapers there should exist only a French, English, Turkish, Spanish time, but no German time, only a *German timelessness*. But should not rather those newspapers be praised, and praised *from the state point of view*, which wrest from *foreign countries* and win for the *Fatherland* the attention, the feverish interest and the dramatic tension which accompany every *coming into being*, and above all the *coming into being of contemporary history*! Suppose even that these newspapers have aroused dissatisfaction, ill humour! It is, after all, *German* dissatisfaction, *German* ill humour that they arouse; after all, they have given back to the state minds that had turned away from it, even though at first these minds are excited and ill-humoured! And they have aroused not only dissatisfaction and ill humour, they have also aroused fears and hopes, joy and sorrow, they have aroused, above all, real *sympathy* for the state, they have made the state *close to the heart*, a *domestic affair* of its members. Instead of St. Petersburg, London or Paris, they have made Berlin, Dresden, Hanover, etc., the capital cities on the map of the German political mind, a feat more
glorious than the transfer of the world capital from Rome to Byzantium.

And if the German and Prussian newspapers which have set themselves the task of making Germany and Prussia the main interest of the Germans and Prussians, the task of transforming the mysterious, priestly nature of the state into a clear-cut, secular nature accessible to all and belonging to all, and of making the state part of the flesh and blood of its citizens; if these newspapers are inferior to the French and English newspapers as regards factual truth, if their behaviour is often unskilful and fanciful, bear in mind that the German knows his state only from hearsay, that closed doors are not at all transparent to the eye, that a secret state organisation is not at all a public state organisation, and do not ascribe to the newspapers what is the defect of the state alone, a defect which precisely these newspapers are seeking to remedy.

Therefore, we repeat once more: "The 'Leipziger Allgemeine Zeitung' is a necessary component part of the German popular press." It has primarily satisfied immediate interest in political fact, we have primarily satisfied interest in political thought. In this connection, it stands to reason that fact does not preclude thought any more than thought precludes fact; but it is a matter here of the predominant character, the distinguishing feature.

REPLY TO THE DENUNCIATION
BY A "NEIGHBOUR" NEWSPAPER

[Rheinische Zeitung No. 10, January 10, 1843]

Cologne, January 9. It would be quite contrary to the nature of things if the "good" press everywhere did not try now to win its knightly spurs by attacking us, headed by the Augsburg prophetess Hulda, whom, in response to her repeated challenge, we shall presently take to task. Today we shall deal with our invalid neighbour, the most worthy Kölnische Zeitung! Toujours perdrix!a

First of all "something preliminary" or a "preliminary something", a reminder with which we wish to preface today's denunciation by this newspaper to make it intelligible, a most delightful little story of the way in which the Kölnische Zeitung tries to gain the "respect" of the government, how it asserts "true freedom" in contrast to "arbitrariness" and knows how to set itself "bounds"

a Always the same! — Ed.
from within. The kind reader will recall that No. 4 of the Rheinische Zeitung directly accused the Kölnische Zeitung of having fabricated its correspondence from Leipzig, which announced almost exultantly the much discussed ban. The reader will recall that at the same time the Kölnische Zeitung was given the friendly advice to refrain from any serious attempt to defend the genuineness of that document, with the definite warning that otherwise we should be compelled “in connection with the mysterious correspondence from Leipzig” to make public yet another unpleasant fact. The kind reader will also recall the timid, evasive reply of the Kölnische Zeitung of January 5, our corrective rejoinder in No. 6, and the “patient silence” which the Kölnische Zeitung thought best to observe in regard to this. The fact referred to is the following: the Kölnische Zeitung found that the ban on the Leipziger Allgemeine Zeitung was justified because that newspaper published a report which

“goes beyond all bounds of decency and even in our country must seem to every moderate and reasonable person to be an incomprehensible indiscretion”.

It is obvious that what was meant was the publication of Herwegh’s letter. It might perhaps have been possible to agree with this opinion of the Kölnische Zeitung if only the Kölnische Zeitung a few days earlier had not itself wanted to publish Herwegh’s letter, and only failed to do so because it came up against “bounds” imposed from “outside”, which thwarted its good intention.

In saying this we by no means want to accuse the Kölnische Zeitung of a disloyal yearning, but we must leave it to the public to judge whether it is a comprehensible discretion, or whether it is not, on the contrary, a violation of all the bounds of decency and public morals, when one accuses one’s neighbour, as if it were a crime deserving the death penalty, of the very action that one was oneself about to perform, and which only failed to be one’s own action because of an external obstacle. After this explanation, it will be understandable why the bad conscience of the Kölnische Zeitung has led it to reply to us today with a denunciation. It says:

“IT is asserted there” (in the Rheinische Zeitung) “that the exceptionally sharp, almost insulting, at any rate unpleasant, tone which the press adopts towards Prussia has no other basis than the desire to draw to oneself the attention of the government and to awaken it. For, according to the Rheinische Zeitung, the people has already far outgrown the existing state forms, which suffer from a peculiar hollowness; the people, like the press, has no faith in these institutions and still less in the possibility of their development from within.”
The Kölnische Zeitung accompanies these words with the following exclamation:

"Is it not astounding that side by side with such statements complaints are still heard about inadequate freedom of the press? Can one demand more than the freedom to tell the government to its face that 'all state institutions are old rubbish, unsuitable even as a transition to something better'."

First of all we should come to an agreement about how to quote. The author of the article122 in the Rheinische Zeitung raises the question: what is the explanation for this sharp tone of the press precisely in relation to Prussia? He replies: "I think that the reason is to be found chiefly in the following." He does not assert, as the Kölnische Zeitung falsely attributes to him, that there is no other reason; on the contrary, he gives his view merely as his own belief, as his personal opinion. The author further admits, about which the Kölnische Zeitung says nothing, that

"the upsurge in 1840 partially penetrated state forms, endeavouring to imbue them with a full content and life".

Nevertheless, it is felt

"that the popular spirit passes them by, hardly grazing them, and that it is almost unable as yet to recognise them or take them into account even as a transition to further development".

The author continues:

"We leave open the question whether these forms have a right to exist or not; it is enough that the people, like the press, has no complete faith in the state institutions, still less in the possibility of their development from within and from below."

The Kölnische Zeitung changes the words "has no complete faith" into "has no faith", and in the last part of the sentence quoted above it leaves out the words "and from below", thus substantially altering the meaning.

The press, our author continues, therefore constantly addressed itself to the government, because

"it seemed to be still a matter of the forms themselves, within which the government could be told freely, openly and weightily of the justified moral will of the people, its ardent desires, and its needs".

Summing up these quotations, does the article in question assert, as the Kölnische Zeitung alleges it tells "the government to its face", "that all state institutions are old rubbish, unsuitable even as a transition to something better"?

Is it a question here of all state institutions? It is a question only of the state forms in which "the will of the people" could be "freely, openly and weightily" expressed. And what until recently
were these state forms? Obviously, only the provincial estates. Has the people had special faith in these provincial estates? Has the people expected a great popular development out of them? Did loyal Bülow-Cummerow consider them a true expression of the people's will? But not only the people and the press, the government as well has admitted that we still lack state forms themselves, or would it, without such an admission, have had any reason for setting up a new state form in the shape of the "commissions"? That, however, the commissions, too, have not been satisfactory in their present form, is a thing that we have not been alone in asserting; the same opinion has been expressed in the Kölnische Zeitung by a member of a commission.

The further assertion that the state forms, precisely as forms, are still in contrast to their content, and that the spirit of the people does not feel "at home" in them as in its own forms, does not recognise them as the forms of its own life, this assertion only repeats what has been said by many Prussian and foreign newspapers, but chiefly by conservative writers, namely, that the bureaucracy is still too powerful, that not the whole state, but only part of it, the "government", leads a state life in the proper sense of the term. As to how far present state forms are suitable, partly for themselves becoming imbued with living content, partly for incorporating the supplementary state forms, the Kölnische Zeitung should have sought the answer to this question in the articles in which we examine the provincial estates and the provincial commissions in relation to the whole system of our state organisation. There it would have found information which even its wisdom could grasp.

"We do not demand that in the representation of the people actually existing differences should be left out of account. On the contrary, we demand that one should proceed from the actual differences created and conditioned by the internal structure of the state." "We demand only the consistent and comprehensive development of the fundamental institutions of Prussia, we demand that the real organic life of the state should not be suddenly abandoned in order to sink back into unreal, mechanical, subordinated, non-state spheres of life" (Rheinische Zeitung, 1842, No. 345).

But what does the worthy Kölnische Zeitung put into our mouths?—"that all state institutions are old rubbish, unsuitable even as a transition to something better"! It almost seems as if the Kölnische Zeitung thinks it can make up for the deficiency of its own courage by ascribing to others the impudent creations of its cowardly but malicious fantasy.

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* See this volume, pp. 296 and 297.—Ed.
THE DENUNCIATION OF THE KÖLNISCHE ZEITUNG
AND THE POLEMIC
OF THE RHEIN- UND MOSEL-ZEITUNG

[Rheinische Zeitung No. 13, January 13, 1843]

Cologne, January 11

"Votre front à mes yeux montre peu d'allégresse!
Serait-ce ma présence, Eraste, qui vous blesse?
Qu'est-ce donc? qu'avez-vous? et sur quels déplaisirs,
Lorsque vous me voyez, poussez-vous des soupirs?"  

These words apply in the first place to our "lady neighbour of Cologne"! The Kölnische Zeitung prefers not to expand on the theme of its "alleged denunciation"; it drops this main point and complains only that on this occasion the "editorial board" has been involved in the polemic not in the most pleasant manner. But, dear lady neighbour, if the Kölnische Zeitung correspondent identifies one of our Berlin reports with the Rheinische Zeitung, why should not the Rheinische Zeitung be allowed to identify with the Kölnische Zeitung the Rhine report published in reply by the Kölnische Zeitung? Now, ad vocem the fact:

"It" (the Rheinische Zeitung) "accuses us not of any fact, but of an intention!"  

We accuse the Kölnische Zeitung not merely of an intention, but of a fact of that intention. Owing to accidental external circumstances, a fact, the acceptance of Herwegh's letter for publication, was transformed for the Kölnische Zeitung into an intention, although its intention had already been transformed into a fact. Every fact which has been thwarted is reduced to a mere intention, but does this make it any less a fact in the eyes of the court? At any rate it would be a very peculiar virtue that found justification for its actions in accidental circumstances which prevented their realisation and made them not a deed, but the mere intention of a deed. But our loyal lady neighbour puts a question not, it is true, to the Rheinische Zeitung, which, it has an awkward suspicion, will not be so easily "at a loss" for a reply because of its "decency and conscientiousness", but to

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124 "Uneasy your countenance seems to my eyes!
Because of my presence, Eraste, are you hurt?
What then is the matter? and what the distaste
That when you behold me you utter such sighs?"

(J. B. Molière, Les Fâcheux, Act I, Scene 5.) — Ed.
The question the Kölnische Zeitung puts is: how does the Rheinische Zeitung know

"that we did not combine with this intention" (i.e., the intention to publish Herwegh's letter) "the other intention as well" (signo haud probato*), "namely, to add the rebuke which the childish petulance of the author deserved?"

But how does the Kölnische Zeitung know what was the intention of the Leipziger Allgemeine Zeitung in publishing Herwegh's letter? Why, for example, could it not have had the harmless intention of being the first to publish an item of news? Or why not, perhaps, the loyal intention of simply submitting the letter to the judgment of public opinion? We should like to relate an anecdote to our lady neighbour. In Rome, the publication of the Koran is prohibited. But a cunning Italian found a way out of the situation. He published a refutation of the Koran, i.e., a book, the title page of which bore the heading "Refutation of the Koran", but after the title page it contained a simple reprint of the Koran. Have not all heretics employed such a ruse? Was not Vanini burned at the stake in spite of the fact that in his Theatrum mundi, b while propagating atheism, he carefully and ostentatiously brought out all the arguments against it? Did not even Voltaire in his book La Bible enfin expliquée preach unbelief in the text and belief in the notes, and did anyone believe in the purifying power of these notes? But, our worthy lady neighbour concludes,

"if we had this intention, could our acceptance for publication of an already well-known document be put on a par with the original publication?"

But, dearest lady neighbour, the Leipziger Allgemeine Zeitung, too, only published a letter that had already been circulated in many copies. "In faith, my lord, you are too wilful-blame." c

The papal encyclical ex cathedra d of August 15, 1832, the day of the Assumption of the Virgin Mary, states:

"It is madness (deliramentum) to assert that every man is entitled to freedom of conscience; freedom of the press cannot be sufficiently abhorred."

This pronouncement transfers us from Cologne to Koblenz, to the "moderate" newspaper, the Rhein- und Mosel-Zeitung. After the

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* In no way proved.—Ed.
b L. Vanini, Amphitheatrum aeternae.—Ed.
c W. Shakespeare, King Henry IV, Part One, Act III, Scene 1.—Ed.
d Encyclical issued from the throne of St. Peter, binding on the whole church as incontestable truth.—Ed.
quotation given above, that newspaper's woeful outcry against our defence of press freedom becomes understandable and justified, however strange it is after that to hear also that she would like to be included "among the very zealous friends of the press". From the paper's "moderate" columns today have sprung forth not, it is true, two lions but a lion's skin and a lion's cowl, to which we shall pay due attention from the point of view of natural history. No. 1 expresses its feelings, inter alia, as follows:

"On its part" (i.e., of the Rheinische Zeitung) "the struggle is conducted in such a loyal way that from the outset it assures us that, for the sake of the 'legal position' which is so dear to its heart, it would protest even against a ban on the Rhein- und Mosel-Zeitung. This assurance would be in an equal degree flattering and soothing for us but for the fact that in the same breath there happened to escape from the mouth of the knight who champions every freedom of the press that has been violated a vilification of the Münchener historisch-politische Blätter, which is well known to have been long ago actually banned here."

It is strange that at the very moment when the Rhein- und Mosel-Zeitung pronounces sentence on newspapers for lying in regard to facts, it itself lies in regard to facts. The passage referred to reads literally as follows:

"First of all, the old sins of the Leipziger Allgemeine Zeitung are enumerated: its attitude to the Hanover events, its party polemic against Catholicism (hinc illae lacrimae). Would our lady friend regard the same behaviour, only in the opposite direction, as one of the mortal sins of the Münchener politische Blätter?"a

In these lines the Münchener politische Blätter declares a "party polemic" against Protestantism. Did we thereby justify the ban? Could we have wanted to justify it by finding again in the Münchener politische Blätter—"only in the opposite direction"—"the same behaviour" that in the case of the Leipziger Allgemeine Zeitung we said gave no grounds for a ban? On the contrary! We appealed to the conscience of the Rhein- und Mosel-Zeitung, asking whether one and the same behaviour justified a ban when coming from one side, but did not justify a ban when coming from the other side! We asked it, therefore, whether it pronounced its sentence on the behaviour itself or rather only on the trend of the behaviour. And the Rhein- und Mosel-Zeitung has replied to our question, saying in effect that it does not, as we do, condemn religious party polemics, but only the kind of party polemic which has the temerity to be Protestant. If, at the very time when we were defending the Leipziger Allgemeine Zeitung against the ban "that had just been imposed" on it, we, together with the Rhein- und Mosel-Zeitung, mentioned the party polemic of the Leipziger Al-

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a See this volume, p. 316.—Ed.
gemeine Zeitung against Catholicism, had we not the right without the Rhein- und Mosel-Zeitung to mention the party polemic of the Münchener politische Blätter, which had been “banned long ago”? To the “small degree of publicness or the state”, the “immaturity” of a “daily”, public and inexperienced “political thinking”, the nature of “contemporary history that is coming into being”, all grounds on which we excused the newspapers lying in respect of facts, No. 1 kindly added a new one, namely, the factual intellectual weakness of a large part of the German press. The Rhein- und Mosel-Zeitung has proved by its own example that incorrect thinking inevitably and unintentionally produces incorrect facts, and therefore distortions and lies.

We come now to No. 2, to the lion’s cowl, for the additional grounds of No. 1 undergo here a more extensive process of confusion. The lion’s cowl first of all informs the public about the state of its feelings, which is of no great interest. It says that it had expected “an outburst of fury”, but that we gave only “a genteel rejoinder, apparently lightly tossed off”. Its thanks for this “unexpected leniency” are, however, alloyed with a vexatious doubt

“whether this unexpected leniency is in fact a sign of generosity or, on the contrary, the result of spiritual discomfort and exhaustion”.

We do not intend to explain to our pious gentleman how clerical comfort could, indeed, be a reason for spiritual discomfort; we will pass on at once to the “content of the rejoinder in question”. The pious gentleman admits he “unfortunately cannot conceal” that, according to his “extremely moderate understanding”, the Rheinische Zeitung “merely seeks to conceal its embarrassment behind empty wrangling over words”. And so as not, for a moment, to allow any semblance of “hypocritical meekness or modesty”, the pious gentleman demonstrates his “extremely moderate” understanding with the most convincing, most irrefutable proofs. He begins as follows:

“The old sins of the Leipziger Allgemeine Zeitung: its attitude to the Hanover events, its party polemic against Catholicism, its bits of gossip, etc., cannot, of course, be denied; but—our excellent pupil of the great philosopher Hegel supposes—these offences are fully excused by the fact that other newspapers also are guilty of similar transgressions (which is tantamount to saying that a scoundrel brought before the court could not justify himself better than by referring to the base tricks of his numerous comrades still at liberty).”

Where have we asserted that “the old sins of the Leipziger Allgemeine Zeitung are fully excused by the fact that other newspapers also are guilty of similar transgressions”? Where have we even merely tried to “excuse” these old sins? Our actual argument,
which is easily distinguished from its reflection in the mirror of the "extremely moderate understanding", was as follows: First of all the Rhein- und Mosel-Zeitung enumerates the "old sins" of the Leipziger Allgemeine Zeitung. We specify these sins, and then we continue:

"If all German newspapers of the old style wanted to reproach one another for their past, the examination of the case would be reduced to the formal question whether they sinned through what they did or through what they did not do. We are prepared to grant our lady friend, the Rhein- und Mosel-Zeitung, the innocent advantage over the Leipziger Allgemeine Zeitung that she has not only not led a bad life, but that she has shown no signs of life at all."

Thus, we do not say "other newspapers also", we say "all German newspapers of the older style", among which we expressly include the Rhein- und Mosel-Zeitung, cannot excuse themselves entirely by references to one another but that they can rightly address the same reproaches to themselves. The Rhein- und Mosel-Zeitung could lay claim only to the doubtful advantage of having sinned by what it did not do, thus contrasting its sins of omission to the sins of commission of the Leipziger Allgemeine Zeitung. We can explain to the Rhein- und Mosel-Zeitung its passive badness by a fresh example. It now vents its fanatic spleen on the defunct Leipziger Allgemeine Zeitung, whereas during the lifetime of the latter it published extracts from it instead of refuting it. The comparison by which the "extremely moderate understanding" tries to clarify our argument requires a small, but essential correction. It should have spoken not about one scoundrel who excuses himself before the court by referring to the other scoundrels still at liberty, but about two scoundrels, of whom the one who has not reformed and has not been imprisoned, triumphs over the other, who has been put in prison, although he has reformed.

"In addition," the "extremely moderate understanding" continues, "in addition, 'the legal position is not altered by the moral character or even the political and religious opinions of individuals'; consequently, even a totally bad newspaper, precisely because it is merely bad, has a right to that bad existence (just as everything else which is bad in the world, precisely because of its bad existence, cannot be disputed its right to exist)."

It seems that the pious gentleman wants to convince us not only that he never studied any of the "great" philosophers, but that he did not even study any of the "lesser" ones.

The passage, which in the fantastic exposition of our friend acquired such wonderfully distorted and confused features,

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* See this volume, p. 316.— Ed.
read—before it was refracted through the prism of the “extremely moderate understanding”—as follows:

"Meanwhile, the article of ours which is incriminated spoke not of the past, but of the present character of the Leipziger Allgemeine Zeitung, although it stands to reason that we would have no less serious objections against a ban, etc., etc., on the Rhein- und Mosel-Zeitung published in Koblenz, since the legal position is not altered by the moral character or even the political and religious opinions of individuals. On the contrary, the lack of rights of the press is beyond all doubt once its existence is made dependent on its frame of mind. Up to now, indeed, there has been no legal code or court of law for a frame of mind."\(^a\)

We merely assert, therefore, that a person cannot be imprisoned, or deprived of his property or any other legal right because of his moral character or because of his political or religious opinions. The latter assertion seems particularly to excite our religious-minded friend. We demand that the legal position of a bad being should be unassailable, not because it is bad, but insofar as its badness remains within a frame of mind, for which there is no court of law and no legal code. Thus we contrast a bad frame of mind, for which no court of law exists, to bad deeds, which, if they are illegal, come within the scope of the court and the laws punishing such deeds. We assert, therefore, that a bad being, despite its badness, has the right to exist, as long as it is not illegal. We do not assert, as our pseudo-echo reports, that a bad being, precisely "because it is merely bad", "cannot be disputed its right to exist". On the contrary, our worthy well-wisher must have realised that we dispute that he and the Rhein- und Mosel-Zeitung have the right to be bad, and therefore we are trying as far as possible to make them good, without considering we are entitled on that account to attack the "legal position" of the Rhein- und Mosel-Zeitung and its shield-bearer. Here is yet another example of the "measure of understanding" of our pious zealot:

"If, however, the organ 'of political thought' goes so far as to assert that newspapers such as the Leipziger Allgemeine Zeitung (and especially, it stands to reason, such as itself, the Rheinische Zeitung) 'should rather be praised, and praised from the state point of view', since even supposing they have aroused dissatisfaction and ill humour, it is, after all, German dissatisfaction and German ill humour that they have aroused, then we cannot fail to express our doubts about this strange 'service to the German Fatherland'."

In the original, the passage quoted reads:

"But should not rather those newspapers be praised, and praised from the state point of view, which wrest from foreign countries and win for the Fatherland the attention, the feverish interest and the dramatic tension which accompany every

\(^a\) See this volume, p. 316.—Ed.
coming into being, and above all the coming into being of contemporary history! Suppose even that these newspapers have aroused dissatisfaction, ill humour! It is, after all, German dissatisfaction, German ill humour that they arouse; after all, they have given back to the state minds that had turned away from it, even though at first these minds are excited and ill-humoured! And they have aroused not only dissatisfaction and ill humour, etc., they have aroused, above all, real sympathy for the state, they have made the state close to the heart, a domestic affair, etc."

Our worthy man, therefore, omits the connecting intermediate links. It is as if we said to him, "My dear fellow, be grateful to us: we are enlightening your understanding, and even if you are a little annoyed, nevertheless it is your understanding that gains by it", and as if our friend replied, "What! I have to be grateful to you because you annoy me!" After these samples of "extremely moderate understanding", no particularly deep psychological investigations are required to understand the immoderate fantasy of our author, which makes it appear to him that we are already "marching with fire and sword through the German regions" in cohorts. Finally our friend throws off the mask. "Ulrich von Hutten and his companions", who, as is well known, include Luther, will forgive the lion's cowl of the Rhein- und Mosel-Zeitung its impotent anger. We can only blush at an exaggeration which ranks us with such great men and, since one good turn deserves another, we wish to rank our friend with chief pastor Goeze. Therefore, with Lessing, we cry out to him:

"And here is my brief knightly challenge. Write, Herr Pastor, and inspire others to write as much as they possibly can. I, too, shall write. If I allow that you are right in regard to the slightest matter in which you are wrong, then I can never touch a pen again."

THE RHEIN- UND MOSEL-ZEITUNG

[Rheinische Zeitung No. 16, January 16, 1843]

Cologne, January 15. No. 1 of the Rhein- und Mosel-Zeitung, dated January 11, which we touched upon a few days ago as an outrider of the lion's article, today tries to prove, by an example, how little "the one which overbalances in its dialectics" (the Rheinische Zeitung) is capable "of clearly grasping a simple, clearly formulated proposition".

No. 1 claims that in fact it did not at all say that the Rheinische Zeitung had tried to justify the ban on the Münchener politische Blätter,

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a See this volume, p. 317.— Ed.
"but that, at the very moment when it puts itself forward as the champion of unconditional freedom of the press, it does not hesitate to vilify a newspaper which was actually banned, and therefore the chivalry with which it gave assurance of readiness to enter the lists against a ban on the Rhein- und Mosel-Zeitung is not worth much".

Outrider No. 1 overlooks that there could be two reasons for his disquiet about our chivalrous behaviour in the event of a ban on the Rhein- und Mosel-Zeitung and that both of them have already been answered. The worthy outrider, we must suppose, does not trust our assurance because in the alleged vilification of the Münchener politische Blätter he sees a hidden justification for banning it. We had the more right to presuppose such a train of thought in our worthy outrider because that mean man has the peculiar cunning to wish to detect the true opinion behind statements that seem to him to have unconsciously "slipped out". In that case we can calm the worthy outrider by proving to him how impossible it is for there to be any connection between our statement about the Münchener politische Blätter and a justification for banning it.

The second possibility is that No. 1 finds it altogether regrettable and unchivalrous of us to accuse a newspaper which has actually been banned, such as the Münchener politische Blätter, of a party polemic against Protestantism. He regards this as a vilification. In that case we asked the worthy outrider:

"If, at the very time when we were defending the Leipziger Allgemeine Zeitung against the ban 'that had just been imposed' on it, we, together with the Rhein- und Mosel-Zeitung, mentioned the party polemic of the Leipziger Allgemeine Zeitung against Catholicism, had we not the right without the Rhein- und Mosel-Zeitung to mention the party polemic of the Münchener politische Blätter, which had been banned long ago?".

That is to say: we do not vilify the Leipziger Allgemeine Zeitung by mentioning with the consent of the Rhein- und Mosel-Zeitung its party polemic against Catholicism. Will our assertion about the pro-Catholic party polemic of the Münchener politische Blätter become vilification because it is so unfortunate as not to have the consent of the Rhein- und Mosel-Zeitung?

No. 1 has done nothing beyond calling our assertion a vilification, and since when have we been obliged to take No. 1's word for anything? We said: The Münchener politische Blätter is a Catholic party newspaper, and in this respect it is a Leipziger Allgemeine Zeitung in reverse. The outrider in the Rhein- und Mosel-Zeitung says: The Münchener politische Blätter is not a party polemic against Catholicism.

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* See this volume, pp. 324-25.—Ed.
newspaper and is not a Leipziger Allgemeine Zeitung in reverse. It is not, the outrider says,

"such a repository of untruths, stupid bits of gossip and mocking at non-Catholic creeds".

We are not theological polemicists for one side or the other, but it is enough to read the Münchener politische Blätter's psychological description of Luther based on vulgar tittle-tattle, it is enough to read what the Rhein- und Mosel-Zeitung says about "Hütten and his companions", to decide whether the "moderate" newspaper adopts a standpoint from which it could objectively judge what is religious party polemic and what is not.

Finally, the worthy outrider promises us a "more detailed characterisation of the Rheinische Zeitung". Nous verrons. The small party between Munich and Koblenz has already once given its opinion that the "political" sense of the Rhinelanders should either be exploited for certain non-state pursuits or suppressed as an "annoyance". Can this party fail to be annoyed when it sees the proof of its own complete unimportance in the rapid spread of the Rheinische Zeitung throughout the Rhine Province? Perhaps the present moment is unfavourable for showing annoyance? We think that all this is not badly conceived and only regret that this party, not having a more important organ, has to be satisfied with the worthy outrider and his insignificant "moderate" newspaper. One can judge the strength of the party from this organ.

Written on December 31, 1842, and January 3, 5, 7, 9, 11 and 15, 1843
First published in the Rheinische Zeitung Nos. 1, 4, 6, 8, 10, 13 and 16, January 1, 4, 6, 8, 10, 13 and 16, 1843
Cologne, January 2. Since the "corrections" made by Herr Oberpräsident von Schaper and the explanations requested of the Rheinische Zeitung have been widely aired in the press, we take this occasion to state that our reply, which has been delayed only because a number of investigations have become necessary, will follow in the coming week.

Written on January 2, 1843
First published in the Rheinische Zeitung No. 3, January 3, 1843

Printed according to the newspaper
Published in English for the first time
From the Mosel, January. Nos. 346 and 348 of the Rheinische Zeitung contain two articles of mine, one of which deals with the distress due to lack of firewood in the Mosel region, and the other the special sympathy of the Mosel population for the royal Cabinet Order of December 24, 1841, and for the resulting greater freedom of the press. The latter article is written in coarse, and, if you like, even rude tones. Anyone who often has to hear directly the ruthless voice of want among the surrounding population easily loses the aesthetic tact by which his thoughts can be expressed in the most elegant and modest images. He may perhaps even consider it his political duty for a time to speak in public in the popular language of distress which in his native land he had no chance of forgetting. If, however, it is a question of proving that he speaks the truth, this can hardly mean proving literally every word, for in that case every summary would be untrue and, in general, it would be impossible to reproduce the meaning of a speech without repeating it word for word. Thus, for example, if it was said: "the cry of distress of the vine-growers was regarded as an insolent shrieking", then to be fair one could demand only that this expressed an approximately correct equation. That is to say, it should be proved that there is an object which to a certain extent measures up to the summary description "insolent shrieking", and makes this a not inappropriate description. If such a proof is given, the question is no longer one of truth but only of precision of language, and it would be hard to give more than a problematic judgment on extremely subtle nuances of linguistic expression.

The occasion for the above remarks of mine was provided by two rescripts of Oberpräsident von Schaper in No. 352 of the
Justification of the Correspondent from the Mosel

Rheinische Zeitung, dated "Koblenz, December 15", in which a number of questions are put to me concerning my two articles mentioned above. The delay in the publication of my reply is due primarily to the content of the questions themselves, since a newspaper correspondent, in transmitting with the utmost conscientiousness the voice of the people as he has heard it, is not at all obliged to be prepared to give an exhaustive and motivated account of the occasions and sources of his report. Apart from the fact that such work would require much time and resources, the newspaper correspondent can only consider himself as a small part of a complicated body, in which he freely chooses his particular function. While one is perhaps more concerned to depict his impression of the distressed state of the people obtained directly from their statements, another, who is a historian, will discuss the history of the situation which has arisen; the man of feeling will describe the distress itself; the economist will examine the means required for its abolition, this itself being one problem which can be treated from different aspects: sometimes more on a local scale, sometimes more in relation to the state as a whole, etc.

Thus, with a lively press movement, the whole truth will be revealed, for if the whole appears at first only as the emergence of a number of different, individual points of view which—sometimes intentionally, sometimes accidentally—develop side by side, in the end, however, this work of the press will have prepared for one of its participants the material out of which he will create a single whole. Thus, gradually, by means of a division of labour, the press arrives at the whole truth, not by one person doing everything, but by many doing a little.

Another reason for the delay in my reply is that the editorial board of the Rheinische Zeitung required further particulars after my first report. Similarly, after the second and third reports, it asked for additional data, and also the present concluding report. Finally, the editorial board, on the one hand, demanded that I myself indicate my sources, and, on the other hand, held up the publication of my reports until it had itself, by some other means, received confirmation of my data.*

Further, my reply appears anonymously. In this respect I am guided by the conviction that anonymity is an essential feature of the newspaper press, since it transforms the newspaper from an assemblage of many individual opinions into the organ of one

* While confirming the above statements, we point out at the same time that the various mutually explanatory letters made it necessary for us to present a combined account.—Editorial Board of the Rheinische Zeitung.
mind. The name of the author would separate one article from another as definitely as the body separates one person from another, and would thus completely suppress the function of being only a complementary part. Finally, anonymity ensures greater impartiality and freedom, not only of the author, but also of the public, since the latter sees not who is speaking, but what he is saying. Free from an empirical view of the author as a person, the public judges him solely by his intellectual personality.

Since I do not mention my own name, in all my detailed reports I shall give the names of officials and communities only when quoting printed documents that are available in bookshops, or when mentioning names will harm no one. The press is obliged to reveal and denounce circumstances, but I am convinced that it should not denounce individuals, unless there is no other way of preventing a public evil or unless publicity already prevails throughout political life so that the German concept of denunciation no longer exists.

In concluding these introductory remarks I think I am entitled to express the hope that the Herr Oberpräsident, after acquainting himself with my whole exposition, will be convinced of the purity of my intentions and will attribute even possible mistakes to an incorrect view of things, and not to an evil disposition. My exposition itself should show whether I have deserved the serious accusation of slander and of intent to excite dissatisfaction and discontent, even in the present case of continued anonymity, accusations which are the more painful coming from a man who is regarded with particularly great respect and affection in the Rhine Province.

To facilitate a survey of my reply, I have set it out under the following headings:

A. The question of wood distribution.
B. The attitude of the Mosel region to the Cabinet Order of December 24, 1841, and to the resulting greater freedom of the press.
C. The cankers of the Mosel region.
D. The vampires of the Mosel region.
E. Proposals for a remedy.

A

THE QUESTION OF WOOD DISTRIBUTION

In my article "From the Mosel, December 12" in No. 348 of the Rheinische Zeitung, I referred to the following circumstances:

"The community of several thousand souls to which I belong is the owner of most beautiful wooded areas, but I cannot recollect an occasion when members of
the community derived direct advantage from their property by sharing in the
distribution of wood."

On this, the Herr Oberpräsident comments:

"Such procedure, which does not accord with legal provisions, can only be motivated
by quite exceptional circumstances",

and at the same time he demands, in order to verify the facts of
the case, that I name the community.

I frankly admit: On the one hand, I believe that a procedure
which does not accord with the law, and therefore contradicts it, can
hardly be motivated by circumstances, but must always remain
illegal; on the other hand, I cannot find that the procedure
described by me is illegal.

The instruction (dated: "Koblenz, August 31, 1839") on the
management of wooded areas belonging to communities and institu-
tions in the Koblenz and Trier administrative districts, issued
on the basis of the law of December 24, 1816, and the royal
Cabinet Order of August 18, 1835, and published in the Supple-
ment to No. 62 of the official organ of the royal administration in
Koblenz—this instruction states literally the following in § 37:

"In regard to the utilisation of material in the wooded areas, as a rule as much
must be sold as is required to cover forest costs (taxes and administrative expenses).

For the rest, it depends on the decision of the communities themselves
whether the material is sold by auction to cover other needs of the community, or
whether it is distributed among the members of the community, wholly or in part,
groats or for a definite fee. However, as a rule, firewood and material for making
household articles are distributed in natura, but building timber, if it is not used for
communal buildings or to assist individual members of the community in cases of
damage by fire, etc., is sold by auction."

This instruction, issued by one of the predecessors of the Herr
Oberpräsident of the Rhine Province, seems to me to prove that the
distribution of firewood among the members of the community is
neither made obligatory by law nor prohibited by it, but is only a
question of expediency. Hence in the article in question also,
I discussed only the expediency of the procedure. Accordingly, the
basis for the Herr Oberpräsident's demand to know the name of the
community disappears, since it is no longer a question of investigat-
ing the administration of a particular community, but only of a mod-
ification to an instruction. However, I do not object to the editorial
board of the Rheinische Zeitung, in the event of a special demand
from the Herr Oberpräsident, being empowered to name the com-
munity in which, to the best of my recollection, there has been no wood
distribution. Such information would not be a denunciation of the lo-
cal authorities but could only promote the welfare of the community.
THE ATTITUDE OF THE MOSEL REGION TO THE CABINET ORDER OF DECEMBER 24, 1841, AND TO THE RESULTING GREATER FREEDOM OF THE PRESS

In regard to my article from Bernkastel dated December 10, in No. 346 of the Rheinische Zeitung, where I asserted that the Mosel population, in view of its particularly difficult situation, welcomed with exceptional enthusiasm the greater freedom of the press afforded by the royal Cabinet Order of December 24 last year, the Herr Oberpräsident makes the following comment:

“If this article has any meaning, it can only be that hitherto the Mosel population had been forbidden to discuss publicly and frankly its state of distress, the causes of it and the means to remedy it. I doubt that this is so, for in view of the efforts of the authorities to find a remedy for the admittedly distressed state of the vine-growers, nothing could be more desired by the authorities than a discussion, as public and frank as possible, of the conditions prevailing there.” “I should, therefore, be greatly obliged if the author of the above article would be so good as to point out specially the cases where, even before the appearance of the royal Cabinet Order of December 24 last year, the authorities prevented a frank, public discussion of the distressed state of the inhabitants of the Mosel region.”

The Herr Oberpräsident further remarks:

“In addition, I think that I can in advance certainly describe as untrue the assertion in the above-mentioned article that the cry of distress of the vine-growers was for a long time regarded in higher quarters as an insolent shrieking.”

My reply to these questions will take the following course. I shall try to prove:

1) that, first of all, quite apart from the powers of the press prior to the royal Cabinet Order of December 24, 1841, the need for a free press necessarily arises from the specific character of the state of distress in the Mosel region;

2) that even if there were no special obstacles to a “frank and public discussion” before the appearance of the above-mentioned Cabinet Order, my assertion would be no less true, and the particular sympathy of the Mosel population for the royal Cabinet Order and the resulting greater freedom of the press would remain equally understandable;

3) that in actual fact special circumstances prevented a “frank and public” discussion.

From the whole context it will then be seen how far my assertion: “For a long time the desperate state of the vine-growers was doubted in higher quarters, and their cry of distress was regarded as an insolent shrieking”, is true or untrue.
As regards 1. In investigating a situation concerning the state one is all too easily tempted to overlook the objective nature of the circumstances and to explain everything by the will of the persons concerned. However, there are circumstances which determine the actions of private persons and individual authorities, and which are as independent of them as the method of breathing. If from the outset we adopt this objective standpoint, we shall not assume good or evil will, exclusively on one side or on the other, but we shall see the effect of circumstances where at first glance only individuals seem to be acting. Once it is proved that a phenomenon is made necessary by circumstances, it will no longer be difficult to ascertain the external circumstances in which it must actually be produced and those in which it could not be produced, although the need for it already existed. This can be established with approximately the same certainty with which the chemist determines the external conditions under which substances having affinity are bound to form a compound. Hence we believe that by our proof "that the necessity for a free press follows from the specific character of the state of distress in the Mosel region" we give our exposition a basis that goes far beyond anything personal.

The state of distress in the Mosel region cannot be regarded as a simple state of affairs. At least two aspects of it have to be distinguished: the private aspect and the state aspect, for the state of distress in the Mosel region cannot be considered to lie outside the state administration any more than the Mosel region can be considered to lie outside the state. Only the mutual relation between these two aspects provides the actual state of the Mosel region. In order to show the nature of this mutual relation, we shall report an authentic exchange of opinion, certified by documents, between the respective organs of the two sides.

In the fourth issue of Mitteilungen des Vereins zur Förderung der Weinkultur an der Mosel und Saar zu Trier there is a report of negotiations between the Finance Ministry, the government at Trier and the board of the above-mentioned Society. A document presented by the Society to the Finance Ministry contains, among other things, a calculation of the income from the vineyards. The government at Trier, which also received a copy of this document, asked for an expert opinion on it from the chief of the Trier Cadastre Bureau, tax inspector von Zuccalmaglio, who, as the government itself says in one of its reports, seemed to be specially suitable because he

"took an active part at the time when the registers of incomes from vineyards in the Mosel region were compiled".
We shall now simply put side by side the most striking passages from the official opinion of Herr von Zuccalmaglio and the reply of the board of the Society for the Promotion of Viticulture.

The official reporter:
In the official report covering the past decade, 1829-38, the calculation of the gross income per morgen\(^a\) of vineyards in communities belonging to the third class as regards payment of wine tax is based on:

1) the yield per morgen;
2) the price at which a fuder\(^b\) of wine is sold in the autumn.

The calculation, however, is not based on any precisely verified data, for

"without official intervention and control it is impossible for either an individual or a society to collect privately trustworthy information on the quantity of wine obtained by all the individual property owners over a specified period in a large number of communities, because many owners may be directly interested in concealing the truth as far as possible".

The reply of the board of the Society:
"We are not surprised that the Cadastre Bureau does its utmost to defend the procedure practised by it; nevertheless, it is difficult to understand the argument which follows", etc.

"The chief of the Cadastre Bureau tries to prove by figures that the registered yields are everywhere correct; he says also that the ten-year period assumed by us cannot prove anything here", etc., etc. "We shall not argue about figures, for, as he very wisely says in the introduction to his remarks, we lack the requisite official information. Moreover, we do not regard it as necessary, since his entire calculation and argument based on official data can prove nothing against the facts we have presented." "Even if we admit that the registered yields were quite correct at the time of their compilation, or even that they were too low, it is impossible successfully to contest our statement that they can no longer serve as a basis under the present lamentably changed circumstances."

The official reporter:
"Hence not a fact appears anywhere justifying the assumption that the registered yields from vineyards, based on assessments in the recent period, are too high; but it would be quite easy to prove that the earlier assessments of vineyards of the rural and urban districts of Trier and of the Saarburg district are too low, both in themselves and compared with other crops."

The reply of the board of the Society:
"A man crying out for help finds it painful when in reply to his well-founded complaint he is told that during compilation the registered yields could have been put higher rather than lower."

"Moreover," the reply points out, "the Herr Reporter, despite all his efforts to reject our data, could hardly refute or correct anything in our figures of income; therefore he has tried only to quote different results as regards expenditure."

\(^a\) Morgen—German measure of land equalling approximately \(\frac{1}{4}\) hectare.—Ed.

\(^b\) Fuder—large measure for wine, approximately 1,000 litres.—Ed.
We want now to indicate some of the most striking differences of opinion between the Herr Reporter and the board of the Society on the question of calculating expenditure.

The official reporter:
“In regard to point 8, it should be particularly noted that the removal of the usual lateral shoots, or what is called Geitien, is an operation recently introduced by only a few owners of vineyards, but nowhere, neither in the Mosel nor the Saar region, can it be regarded as part of the customary method of cultivation.”

The reply of the board of the Society:
“The removal of lateral shoots and the loosening of soil, according to the chief of the Cadastre Bureau, was only recently introduced by a few owners of vineyards”, etc. That, however, is not the case. “The vine-grower has understood that, to save himself from going under completely, he must not fail to try anything that could in some degree improve the quality of the wine. For the prosperity of the region, this attitude should be carefully encouraged, instead of being repressed.”

“And who would think of putting the cost of potato cultivation at a lower figure because there are some cultivators who leave the potatoes to their fate and God’s goodness?”

The official reporter:
“The cost of the barrel indicated in point 14 cannot at all enter into the valuation here, since, as has already been pointed out, the cost of the barrel is not included in the quoted prices of wine. If then the barrel is sold together with the wine, as is usually the case, the cost of the barrel is added to the price of the wine and thus the value of the barrels is reimbursed.”

The reply of the board of the Society:
“When wine is sold, the barrel is included, and there is not and even could not be the slightest question of its reimbursement. The rare cases when the innkeepers of our town buy wine without the barrel cannot be taken into account when viewing the situation as a whole.” “It is not the same with wine as with other goods, which lie in a warehouse until they are sold and the packing and dispatch of which then take place at the expense of the purchaser. Since, therefore, the purchase of wine tacitly includes that of the barrel, it is clear that the price of the latter must be included in the production costs.”

The official reporter:
“If the figures of yields given in the supplement are corrected to correspond to the official data on them, but the calculation of costs is accepted as correct even in all parts, and only the land and wine taxes and the cost of the barrels (or expenditures given in points 13, 14 and 17) are omitted from these costs, the result is as follows:

| Gross income | 53 talers | 21 silver groschen | 6 pfennigs |
| Costs—not including 13, 14 and 17 | 39 | 5 | 0 |
| Net income | 14 talers | 16 silver groschen | 6 pfennigs |

The reply of the board of the Society:
“The calculation as such is correct, but the result is incorrect. We based our calculation not on supposed figures, but on figures which express the actual amounts involved, and we found that if from 53 talers of actual expenditure 48
talers representing the actual and only income are subtracted, there remains a loss of 5 talers."

The official reporter:

"If, nevertheless, it cannot be denied that the state of distress in the Mosel region has considerably worsened compared with the period before the inauguration of the Customs Union, and that in part even a real impoverishment is to be feared, the reason for it should be sought exclusively in the former too high yields."

"Owing to the previously existing quasi-monopoly of the wine trade in the Mosel region and the rapid succession of good wine years in 1819, 1822, 1825, 1826, 1827 and 1828, an unprecedented luxury developed there. The large sums of money in the hands of the vine-grower induced him to buy vineyards at enormous prices and to plant new vineyards at excessive cost in places that were no longer suitable for viticulture. Everyone wanted to become an owner, and debts were incurred which previously could easily be covered by the income from a good year, but which now, with the present unfavourable economic situation, are bound to ruin completely the vine-grower who has fallen into the hands of usurers."

"One consequence of this will be that viticulture will be confined to the better holdings and will again, as formerly, come more into the hands of the rich landowners, a purpose to which it is most suited owing to the large initial expenditure involved. The rich landowners, too, can more easily withstand unfavourable years and even at such times have adequate means to improve cultivation and to obtain a product which can stand up to competition with that from the now opened countries of the Customs Union. Of course, during the first years this cannot take place without great hardships for the poorer class of vine-growers, most of whom, however, had become owners of vineyards in the previous favourable period. However, it should always be borne in mind that the earlier state of affairs was an unnatural one for which the imprudent are now paying. The state ... will be able to confine itself to making the transition as easy as possible for the present population by appropriate measures."

The reply of the board of the Society:

"Truly, one who only fears possible poverty in the Mosel region has not yet seen that poverty which, in its most ghastly form, is already deep-rooted and daily spreading among the morally healthy, tirelessly industrious population of this region. Let no one say, as the chief of the Cadastre Bureau does, that it is the impoverished vine-growers' own fault. No, all of them have been struck down to a greater or lesser degree: the prudent and the imprudent, the industrious and the negligent, the well-to-do and the indigent; and if things have now gone so far that even the well-to-do, the industrious and the thrifty vine-growers are compelled to say that they can no longer provide themselves with food, then the cause is evidently not to be sought in them.

"It is true that in the favourable years the vine-growers bought new plots at prices higher than usual and that they incurred debts, calculating that their incomes, as they saw them, would suffice gradually to pay them off. But it is incomprehensible how this, which is proof of the enterprising and industrious spirit of these people, can be called luxury, and how it can be said that the present position of the vine-growers has arisen because the earlier state of affairs was an unnatural one, for which the imprudent are now paying."

"The chief of the Cadastre Bureau asserts that people who, according to him, were previously not even property owners (!!!), tempted by the unusually good years, increased excessively the total of vineyards, and that the only remedy now lies in reducing the number of vineyards."
“But how insignificant is the number of vineyards which can be adapted for growing fruit or vegetables, compared with the majority which, apart from grapes, can produce only hedges and bushes! And can it be that this highly respectable population, which is crowded into such a relatively small area because of viticulture, and is so courageously struggling against misfortune, does not even deserve an attempt to alleviate its distress so that it can hold out until more favourable circumstances enable it to rise again and become for the state what it was before, namely, a source of income the equal of which is not to be found on any area of equal size apart from the towns.”

The official reporter:

“It is, of course, quite understandable that the richer landowners, too, take advantage of this distress of the poorer vine-growers in order to obtain for themselves all possible alleviations and advantages by a vivid description of the former happy state of affairs in contrast to the present less favourable, but nevertheless still profitable, position.”

[Rheinische Zeitung No. 18, January 18, 1843]

The reply of the board of the Society:

“We owe it to our honour and our inner conviction to protest against the accusation that we take advantage of the distress of the poorer vine-growers in order to obtain for ourselves all possible advantages and alleviations by means of vivid descriptions.

“No, we assert—and that, we hope, will suffice for our justification—that we were far from having any selfish intention, and that all our efforts were directed towards making the state aware, by a frank and truthful description of the conditions of the poor vine-growers, of a situation the further development of which is bound to be dangerous for the state itself! Anyone who knows the transformation which the present pitiful position of the vine-growers has already increasingly brought about in their domestic life and industrial activity, and even as regards morality, cannot but shudder at the future when he thinks of a continuance or even increase of such distress.”

It has to be admitted, first of all, that the government could not come to a decision but must have vacillated between the view of its reporter and the opposing view of the vine-growers. Bearing in mind, further, that the report of Herr von Zuccalmaglio is dated December 12, 1839, and the answer of the Society is dated July 15, 1840, it follows that up to this time the view of the reporter must have been, if not the sole, at any rate the prevailing view of the government collegium. In 1839, at least, it was still counterposed to the Society’s memorandum as the government’s judgment and therefore, as it were, a résumé of the governmental view, for if a government is consistent its latest opinion can surely be regarded as the sum total of its earlier views and experience. In the report, however, not only is the state of distress not recognised as general, but there is no intention of remedying even the admitted state of distress, for it is stated: “The state will be able to confine itself solely to making the transition as easy as possible for the present population by appropriate measures.” Under these cir-
cumstances, transition must be taken to mean gradual ruin. The ruin of the poorer vine-growers is regarded as a kind of natural phenomenon, to which one must be resigned in advance, seeking only to mitigate the inevitable. "Of course," it is stated, "this cannot take place without great hardships." The Society, therefore, also raises the question whether the vine-growers of the Mosel do not even deserve "an attempt" to save them. If the government had held a decisively opposed view, it would have modified the report at the outset, since the report makes a definite statement on such an important question as the task and decision of the state in this matter. Hence it is evident that the distressed state of the vine-growers could be admitted without there being any effort to remedy it.

We cite now yet another example of the kind of information given to the authorities about conditions in the Mosel region. In 1838, a highly placed administrative official travelled through the Mosel region. At a conference in Piesport with two district presidents, he asked one of them what the vine-growers' situation was like as regards property and received the reply:

"The vine-growers live too luxuriously and if only for that reason things cannot be going badly with them."

Yet luxury had already become a story of former days. We only incidentally point out here that this view, which coincides with the official report, has by no means been generally abandoned. We recall the statement from Koblenz published in Supplement I of the Frankfurter Journal No. 349 (1842), which speaks of the alleged state of distress of the Mosel vine-growers.

The above-quoted official view is reflected, too, in the attitude of higher quarters, which throws doubt on the "desperate" state of the vine-growers and on the general nature of the distress, hence also on its general causes. The reports of the Society quoted above contain, inter alia, the following replies of the Finance Ministry to various petitions:

"Although, as the market prices for wine show, the owners of Mosel and Saar vineyards included in the first and second classes as regards taxation have no cause for dissatisfaction, nevertheless it is not denied that vine-growers whose products are of inferior quality are not in an equally favourable position."

In a reply to a petition for remission of taxation for 1838, it is stated:

"In reply to your representation sent here on October 10 of last year, we have to inform you that the petition for a general remission of the entire wine tax for

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a A pun on the German words Übergang, which means "transition," and Untergang, which means "ruin." — Ed.
1838 cannot be entertained, since you do not belong to the class which is most in need of consideration and whose state of distress, etc., is explicable by quite other causes than taxation."

Since we wish to construct our exposition solely on factual material, endeavouring, as far as we can, to present only facts in a general form, we shall first of all make clear the general ideas underlying the dialogue between the Trier Society for the Promotion of Viticulture and the government's reporter.

The government has to appoint an official to give an expert opinion on the memorandum presented to it. It naturally appoints an official who has the greatest possible knowledge of the subject, preferably therefore an official who himself took part in regulating the situation in the Mosel region. This official is not averse to finding in the complaints contained in the document in question attacks on his official understanding and his previous official activity. He is aware of his conscientious performance of his duty and of the detailed official information at his disposal; he is suddenly faced with an opposing view, and what could be more natural than that he should take sides against the petitioner, and that the intentions of the latter, which could of course always be bound up with private interests, should seem to him suspicious, and that therefore he should suspect them. Instead of using the data in the memorandum, he tries to refute them. In addition, the obviously poor vine-grower has neither the time nor the education to describe his condition; hence the poor vine-grower is unable to speak, whereas the vine cultivator who is able to speak is not obviously poor, and therefore his complaints seem unfounded. But if even the educated vine-grower is rebuked for not having the official understanding, how could the uneducated vine-grower hold his own against this official understanding?

For their part, private persons who have observed the real poverty of others in the full extent of its development, who see it gradually coming closer even to themselves, and who, moreover, are aware that the private interest they defend is equally a state interest, and is defended by them as a state interest, these private persons are not only bound to feel that their own honour has been impugned, but consider also that reality itself has been distorted under the influence of a one-sided and arbitrarily established point of view. Hence they oppose the overweening presumption of officialdom; they point out the contradiction between the real nature of the world and that ascribed to it in government offices, contrasting the practical proofs to the official proofs. And, finally, they cannot avoid suspecting that behind total misconception of
their account of the actual state of affairs, which is based on well-founded convictions and clear facts, there is a selfish intention, namely, the intention to assert official judgment in opposition to the intelligence of the citizens. Consequently, they conclude also that the expert official who comes into contact with their conditions of life will not give an unprejudiced description of them, precisely because these conditions are partly the result of his activities, whereas the unprejudiced official, who could give a sufficiently impartial judgment, is not an expert. When, however, the official accuses private persons of elevating their private affairs to the level of a state interest, private persons accuse the official of degrading the state interest to the level of a private affair of his own, from which all others are excluded as being mere laymen. In this way even the most patent reality appears illusory compared with the reality depicted in the dossiers, which is official and therefore of a state character, and compared with the intelligence based on this official reality. Hence to the official only the sphere of activity of the authorities is the state, whereas the world outside this sphere of activity is merely an object of state activity, completely lacking the state frame of mind and state understanding. Finally, in the event of a notoriously bad situation, the official puts the main blame on private persons who, he alleges, are themselves responsible for their plight, while he refuses to allow any attack on the excellence of administrative principles or institutions, which are themselves official creations and no part of which he is willing to relinquish. The private person, on the other hand, conscious of his industriousness, his thrift, his hard struggle against nature and social conditions, demands that the official who is supposed to be the sole creative force of the state should put an end to his distress, and, since that official claims he can put everything right, that he should prove his ability to remedy the bad situation by his activity, or at least recognise that institutions which were suitable at a certain time have become unsuitable under completely changed circumstances.

The same standpoint of superior official knowledge and the same antithesis between the administration and the object administered are repeated within the world of officialdom itself. We see that the Cadastre Bureau, in its judgment on the Mosel region, is mainly concerned with asserting the intallibility of the Cadastre, and just as the Finance Ministry maintains that the evil is due to “quite other” causes than “taxation”, so the administration will find that the basis of the distress lies not at all in itself, but outside itself. Not intentionally, but necessarily, the individual official who is in closest contact with the vine-grower sees the state of things as better
or other than it actually is. He thinks that the question whether things are all right in his region amounts to the question whether he administers the region correctly. Whether the administrative principles and institutions are good or not is a question that lies outside his sphere, for that can only be judged in higher quarters where a wider and deeper knowledge of the official nature of things, i.e., of their connection with the state as a whole, prevails. He may be most honestly convinced that he himself administers well. Hence either he will find the situation not so entirely desperate or, if he does find it to be so, he will look for the reason outside the administration, partly in nature, which is independent of man, partly in private life, which is independent of the administration, and partly in accidental circumstances, which depend on no one.

The higher administrative bodies are bound to have more confidence in their officials than in the persons administered, who cannot be presumed to possess the same official understanding. An administrative body, moreover, has its traditions. Thus, as regards the Mosel region too, it has its once and for all established principles, it has its official picture of the region in the Cadastre, it has official data on revenue and expenditure, it has everywhere, alongside the actual reality, a bureaucratic reality, which retains its authority however much the times may change. In addition, the two circumstances, namely, the law of the official hierarchy and the principle that there are two categories of citizens—the active, knowledgeable citizens in the administration, and the passive, uninformed citizens who are the object of administration—these two circumstances are mutually complementary. In accordance with the principle that the state possesses conscious and active existence in the administration, every government will regard the condition of a region—insofar as the state aspect of the matter is concerned—as the result of the work of its predecessor. According to the law of hierarchy, this predecessor will in most cases already occupy a higher position, often the one immediately above. Finally, every government is actuated, on the one hand, by the consciousness that the state has laws which it must enforce in the face of all private interests, and, on the other hand, as an individual administrative authority, its duty is not to make institutions or laws, but to apply them. Hence it can try to reform not the administration itself, but only the object administered. It cannot adapt its laws to the Mosel region within the limits of its firmly established rules of administration. The more zealously and
sincerely, therefore, a government endeavours — within the limits of the already established administrative principles and institutions by which it is itself governed — to remove a glaring state of distress that embraces perhaps a whole region, and the more stubbornly the evil resists the measures taken against it and increases despite the good administration, so much the more profound, sincere and decisive will be the conviction that this is an incurable state of distress, which the administration, i.e., the state, can do nothing to alter, and which requires rather a change on the part of those administered.

Whereas, however, the lower administrative authorities trust the official understanding of those above them that the administrative principles are good, and are themselves ready to answer for their dutiful implementation in each separate case, the higher administrative authorities are fully convinced of the correctness of the general principles and trust the bodies subordinate to them to make the correct official judgment in each case, of which, moreover, they have official proofs.

In this way it is possible for a government with the best intentions to arrive at the principle expressed by the government’s reporter in Trier in regard to the Mosel region: “The state will be able to confine itself solely to making the transition as easy as possible for the present population by appropriate measures.”

If we look now at some of the methods which have transpired and which the government has used to alleviate the distress in the Mosel region, we shall find our argument confirmed at least by the history of the administration which is accessible to all; on the secret history, of course, we cannot pass judgment. We include among these measures: remission of taxes in bad wine years, the advice to go over to some other cultivation, such as sericulture, and, finally, the proposal to limit parcellation of landed property. The first of these measures, obviously, can only alleviate, not remedy. It is a temporary measure, by which the state makes an exception to its rule, and an exception which does not cost it much. Moreover, it is not the constant state of distress which is alleviated, it is likewise an exceptional manifestation of it, not the chronic sickness to which people have become accustomed, but an acute form of it which comes as a surprise.

In regard to the other two measures, the administration goes outside the scope of its own activities. The positive activity which it undertakes here consists partly in instructing the Mosel inhabitants how they themselves can come to their own aid, and partly in proposing a limitation or even denial of a right they previously possessed. Here, therefore, we find confirmed the train of thought
Justification of the Correspondent from the Mosel

we described above. The administration, which considers that the distressed state of the Mosel region is incurable and due to circumstances lying outside the scope of its principles and its activity, advises the Mosel inhabitants so to arrange their life that it is adapted to the present administrative institutions and that they are able to exist in a tolerable fashion within them. The vinegrower himself is deeply pained by such proposals, even if they only reach him by rumour. He would be thankful if the government carried out experiments at its own expense, but he feels that the advice that he should undertake experiments on himself means that the government is refusing to help him by its own activity. He wants help, not advice. However much he trusts the knowledge possessed by the administration in its own sphere, and however confidently he turns to it in such matters, he credits himself just as much with the necessary understanding in his own sphere. But limitation of the parcellation of landed property contradicts his inherited sense of right; he regards it as a proposal to add legal poverty to his physical poverty, for he regards every violation of equality before the law as the distress of right. He feels, sometimes consciously, sometimes unconsciously, that the administration exists for the sake of the country and not the country for the sake of the administration, but that this relationship becomes reversed when the country has to transform its customs, its rights, its kind of work and its property ownership to suit the administration. The Mosel inhabitant, therefore, demands that, if he carries out the work which nature and custom have ordained for him, the state should create conditions for him in which he can grow, prosper, and live. Hence such negative devices come to nought when they encounter the reality not only of the existing conditions, but also of civic consciousness.

[Rheinische Zeitung No. 19, January 19, 1843]

What then is the relation of the administration to the distress in the Mosel region? The distressed state of the Mosel region is at the same time a distressed state of the administration. The constant state of distress of part of the country (and a state of distress, which, beginning almost unnoticed more than a decade ago, at first gradually and then irresistibly develops to a climax and assumes ever more threatening dimensions, can well be called constant) signifies a contradiction between reality and administrative principles, just as, on the other hand, not only the nation, but also the government regards the well-being of a region as a factual confirmation of good admi-
nistration. The administration, however, owing to its bureaucratic nature, is capable of perceiving the reasons for the distress not in the sphere administered, but only in the sphere of nature and the private citizen, which lies outside the sphere administered. The administrative authorities, even with the best intentions, the most zealous humanity and the most powerful intellect, can find no solution for a conflict that is more than momentary or transient, the constant conflict between reality and the principles of administration, for it is not their official task, nor would it be possible, despite the best intentions, to make a breach in an essential relation or, if you like, fate. This essential relation is the bureaucratic one, both within the administrative body itself and in its relations with the administered body.

On the other hand, the private vine-grower can no more deny that his judgment may be affected, intentionally or unintentionally, by private interest, and therefore the correctness of his judgment cannot be assumed absolutely. Moreover, he will realise that there are in the state a multitude of private interests which suffer, and the general principles of administration cannot be abandoned or modified for their sake. Furthermore, if it is asserted that there is distress of a general character and that the general well-being is endangered in such a manner and to such an extent that private misfortune becomes a misfortune for the state and its removal a duty which the state owes to itself, the rulers regard this assertion of the ruled in relation to them as inappropriate; for the rulers consider they are in the best position to judge how far the welfare of the state is endangered and that they must be presumed to have a deeper insight into the relation between the whole and the parts than the parts themselves have. Furthermore, individuals, even a large number of them, cannot claim that their voice is the voice of the people; on the contrary, their description of the situation always retains the character of a private complaint. Finally, even if the conviction held by the complaining private persons were the conviction of the entire Mosel region, the latter, as an individual administrative unit, as an individual part of the country, would be, in relation to its own province as also in relation to the state, in the position of a private person whose convictions and desires should be judged only by their relation to the general conviction and the general desire.

In order to solve this difficulty, therefore, the rulers and the

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* A pun on the German words Verhältnis, which means "relation", and Verhängnis, which means "fate".—Ed.
ruled alike are in need of a third element, which would be political without being official, hence not based on bureaucratic premises, an element which would be of a civil nature without being bound up with private interests and their pressing need. This supplementary element with the head of a citizen of the state and the heart of a citizen is the free press. In the realm of the press, rulers and ruled alike have an opportunity of criticising their principles and demands, and no longer in a relation of subordination, but on terms of equality as citizens of the state; no longer as individuals, but as intellectual forces, as exponents of reason. The “free press”, being the product of public opinion, is also the creator of public opinion. It alone can make a particular interest a general one, it alone can make the distressed state of the Mosel region an object of general attention and general sympathy on the part of the Fatherland, it alone can mitigate the distress by dividing the feeling of it among all.

The attitude of the press to the people's conditions of life is based on reason, but it is equally based on feeling. Hence it does not speak only in the clever language of judgment that soars above circumstances, but the passionate language of circumstances themselves, a language which cannot and should not be demanded of official reports. The free press, finally, brings the people's need in its real shape, not refracted through any bureaucratic medium, to the steps of the throne, to a power before which the difference between rulers and ruled vanishes and there remain only equally near and equally far removed citizens of the state.

If, therefore, a freer press became essential owing to the specific state of distress of the Mosel region, if it there became an urgent, because actual, need, it is obvious that no exceptional obstacles to the press were required to create such a need, but that, on the contrary, an exceptional freedom of the press was required to satisfy the existing need.

As regards 2. The press which deals with the affairs of the Mosel region is in any case only a part of the Prussian political press. Hence, in order to ascertain its state before the promulgation of the frequently cited Cabinet Order, it will be necessary to take a quick glance at the state of the whole Prussian press before 1841. Let us listen to a man whose loyal frame of mind is generally recognised:

"General ideas and matters," says David Hansemann in his book Preussen und Frankreich, second edition, Leipzig, 1834, p. 272, "develop quietly and tranquilly in Prussia, and do so the more unnoticed because the censorship does not permit any thorough discussion in Prussian newspapers of political and even economic questions concerning the state, however decent and moderate their formulation. A thorough discussion can only mean one in which arguments and counter-arguments can be
put forward. *Hardly any economic question can be discussed thoroughly unless its connections, with internal and external policy are also examined, for there are few questions, perhaps none at all in the case of economic questions, in which such connections do not exist. Whether this exercise of the censorship is expedient, whether the censorship could be exercised in any other way in the present state of the government in Prussia, is not the question here, *suffice it that such is the case.*"

It should be recalled, further, that § 1 of the censorship decree of December 19, 1788, already stated:

"It is certainly not the intention of the censorship to hinder a decent, earnest and modest investigation of the truth or *otherwise* impose any unnecessary and burdensome constraint on writers."

In Article II of the censorship decree of October 18, 1819, it is stated again:

"The censorship will not prevent serious and modest investigation of truth nor impose undue constraint on writers."

Compare with this the introductory words of the censorship instruction of December 24, 1841:

"In order *already now* to free the press from *improper* restrictions, which are against the *intentions of the All-Highest*, His Majesty the King, by a supreme order issued to the royal state ministry [...] has been pleased to disapprove *expressly* of any undue constraint on the activity of writers and [...] empowered us to direct the censors *anew* to due observance of Article II of the censorship decree of October 18, 1819."

Finally, let us recall the following statement:

"The censor can very well permit a frank discussion also of *internal affairs.*— The undeniable difficulty of determining the correct limits in this matter should not deter the censor from endeavouring to comply with the *true intention of the law*, nor mislead him into the kind of *anxiety* which has *already only too often* given rise to *misinterpretations of the government's intention.*"

In view of all these official declarations, it is clear that the question why censorship obstacles have occurred despite the wish of the authorities that conditions in the Mosel region should be discussed as frankly and publicly as possible, becomes instead the *more general* question: why, in spite of the "*intention of the law*", the "*government's intention*," and, finally, the "*intentions of the All-Highest*", should the press in 1841 admittedly still have to be freed "*from improper restrictions*", and the censorship in 1841 have to be *reminded* of Article II of the 1819 decree? As regards the *Mosel region* in particular, the former question should not ask what *special obstacles to the press* have occurred, but what *special measures in favour of the press* should be taken by *way of exception* to ensure that this partial discussion of *internal conditions* is as *frank and public as possible*. 
The clearest indication of the inner content and character of political literature and the daily press prior to the above-mentioned Cabinet Order is contained in the following statement of the censorship instruction:

"In this way it may be hoped that both political literature and the daily press will realize their function better, adopt a more dignified tone, and in future will scorn to speculate on the curiosity of their readers through communication of baseless reports taken from foreign newspapers, etc., etc. ... It is to be expected that thereby greater sympathy for the interests of the Fatherland will be aroused and thus national feeling enhanced."

From this it seems to follow that, although no special measures prevented a frank and public discussion of conditions in the Mosel region, nevertheless the general state of the Prussian press itself was bound to be an insurmountable obstacle both to frankness and to publicity. If we sum up the above-quoted passages from the censorship instruction, they tell us that: the censorship was excessively anxious and an external barrier to a free press, that hand in hand with this went the internal narrowness of the press, which had lost courage and even abandoned the effort to rise above the horizon of novelty, and that, finally, in the nation itself sympathy for the interests of the Fatherland and national feeling had been lost, that is to say, precisely the elements which are not only the creative forces of a frank and public press, but also the conditions within which a frank and public press can operate and win popular recognition, recognition which is the breath of life of the press, and without which it hopelessly pines away.

Hence, although measures taken by the authorities can create an unfree press, it is beyond the power of the authorities, when the general state of the press is unfree, to ensure that special questions are discussed as frankly and publicly as possible. Under such conditions, even frank statements which might happen to be made on particular subjects in the columns of the newspaper would fail to evoke any general sympathy, and would therefore be unable to achieve any real publicity.

In addition, as Hansemann rightly remarks, there is perhaps not a single question of the state economy in which connections with internal and external policy do not exist. Hence the possibility of a frank and public discussion of conditions in the Mosel region presupposes the possibility of frank and public discussion of the whole of "internal and external policy". Individual administrative authorities were so powerless to ensure this possibility that only the direct and decisive expression of the will of the King himself could play a determining and lasting role here.
If public discussion was not frank, frank discussion was not public. Frank discussion was limited to obscure provincial sheets, whose horizon, of course, did not go beyond their area of circulation and, as shown above, could not do so. To characterise such local discussions, we shall quote a few extracts from the Bernkastel Gemeinnütziges Wochenblatt of different years. In 1835 it stated:

"In the autumn of 1833 in Erden, a person from another place made 5 ohms\(^a\) of wine. In order to fill the barrel (fuder), this person bought an additional 2 ohms at a price of 30 talers. The barrel cost 9 talers, the grape-pressing tax amounted to 7 talers 5 silver groschen, the harvesting of the grapes 4 talers, cellar rent 1 taler 3 silver groschen, payment for the cooper 16 silver groschen. Therefore, without counting cultivation costs, the total expenditure was 51 talers 24 silver groschen. On May 10, the barrel of wine was sold for 41 talers. It should be noted also that this wine was of good quality and was not sold from sheer necessity, not did it fall into the hands of usurers" (p. 87). "On November 21 in the Bernkastel market, \(\frac{3}{4}\) ohm of 1835 wine was sold for 14 silver groschen — fourteen silver groschen — and on the 27th of the same month 4 ohms together with the barrel were sold for 11 talers; moreover, it should be noted that on the previous Michaelmas the barrel had been bought for 11 talers" (p. 267, ibid.).

On April 12, 1836, there was a similar item.

We should like to quote also some extracts from 1837:

"On the first of this month in Kinheim, in the presence of a notary there was sold by public auction a young, four-year-old vineyard containing about 200 vine-stocks, correctly trained on stakes. It cost the buyer \(1\frac{1}{2}\) pfennigs per stock, under the usual conditions of payment. In 1828, the same vine-stock there cost 5 silver groschen" (p. 47). "In Graach, a widow surrendered her ungathered grape harvest for half of the wine yield and she received for her share one ohm of wine, which she exchanged for 2 lbs. of butter, 2 lbs. of bread and \(\frac{1}{2}\) lb. of onions" (No. 37, ibid.). "On the 20th of this month there was a forced sale by auction here of 8 fuders of 1836 wine from Graach and Bernkastel, part of it from the best sites, and 1 fuder of 1835 wine from Graach. The sale (barrels included) yielded a total sum of 135 talers 15 silver groschen, so that the wine cost the buyer about 15 talers per fuder. The barrel alone could have cost 10-12 talers. What is left for the poor vine-grower to pay for the cost of cultivation? Is it then impossible to remedy this terrible distress?! (Letter to the Editor)” (No. 4, p. 30).

We have here, therefore, merely a simple relation of facts, sometimes accompanied by a brief elegiac epilogue. Precisely because of their artless simplicity they can produce a shattering effect, but they could hardly even claim to be a frank and public discussion of conditions in the Mosel region.

If then an individual or even a considerable part of a population falls victim to a striking and terrifying misfortune and no one discusses this calamity, if no one treats it as a phenomenon worthy

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\(^a\) One ohm is about 100-150 litres.—Ed.
of being thought about and discussed, the unfortunate victims are bound to conclude either that the others are not allowed to speak about it, or that they do not want to do so because they consider the importance attached to the matter illusory. Even for the most uneducated vine-grower, however, the recognition of his misfortune by others, this spiritual participation in it, is an urgent need, if only because he can conclude that when all give thought to it and many speak of it, soon some will do something about it. Even if a free and open discussion of the Mosel conditions had been permitted, no such discussion took place, and it is clear that people believe only in what actually exists; they do not believe in a free press which might exist, but only in a free press that actually exists. The Mosel inhabitants, of course, had felt their distress before the appearance of the royal Cabinet Order, and indeed had heard doubts expressed about this distress, only they did not see any discussion of it by a public and frank press. After the appearance of the Cabinet Order, on the other hand, they saw such a press spring up, as it were, out of nothing. Thus their conclusion that the royal Cabinet Order was the sole cause of this movement of the press, in which, for the reasons mentioned above, they took such an exceptional interest, owing directly to their actual need, this conclusion seems to have been at least a very popular one. Finally, it seems that, apart from the popularity of this opinion, a critical examination would lead also to the same result. The introduction to the censorship instruction of December 24, 1841, states:

"His Majesty the King has been pleased to disapprove expressly of any undue constraint on the activity of writers and, recognising the value and need of frank and decent publicity ... etc."

This introductory statement assures the press of a special royal recognition, hence a recognition of its state significance. That a single word from the King could have such an important effect and was welcomed by the Mosel inhabitants as a word of magical power, as a panacea against all their tribulations, seems only to testify to the genuinely royalist disposition of the Mosel population and to their thankfulness expressed in no niggardly fashion, but in overflowing measure.

[Rheinische Zeitung No. 20, January 20, 1843]

As regards 3. We have tried to show that the need for a free press necessarily arose from the specific character of the conditions in the Mosel region. We have shown further that prior to the appearance of the royal Cabinet Order this need could not be satisfied, if not because of special constraints imposed on the press,
at any rate owing to the general state of the Prussian daily press. Lastly we shall show that as a matter of fact special circumstances have been hostile to a frank and public discussion of conditions in the Mosel region. Here, too, we must in the first place stress the point of view by which we have been guided in our exposition and recognise the powerful influence of general conditions on the will of the acting persons. In the special circumstances which prevented a frank and public discussion of the state of affairs in the Mosel region we ought not to see anything but the factual embodiment and obvious manifestation of the above-mentioned general conditions, namely, the specific position of the administration in regard to the Mosel region, the general state of the daily press and of public opinion, and, finally, the prevailing political spirit and its system. If these conditions were, as seems to be the case, the general, invisible and compelling forces of that period, it hardly needs to be shown that they had to take effect as such, and were bound to be manifested in facts and expressed in separate actions which had the semblance of being arbitrary. Anyone who abandons this objective standpoint falls victim to one-sided, bitter feelings against individual personalities in whom he sees embodied all the harshness of the contemporary conditions confronting him.

Among the special obstacles to the press we must include not only individual difficulties due to censorship, but equally the special circumstances which made censorship itself superfluous because they did not allow the object of censorship to come into being at all, even tentatively. When the censorship comes into obvious, persistent and sharp conflict with the press, it can be concluded with a fair certainty that the press has achieved vitality, character and self-assurance, for only a perceptible action produces a perceptible reaction. When, on the other hand, there is no censorship because there is no press, although the need for a free and therefore censurable press exists, one must expect to find a pre-censorship in circumstances which have suppressed by fear the expression of thought even in its more unpretentious forms.

We cannot aim at giving a full description of these special circumstances even in an approximate form. It would mean describing the whole history of the period since 1830 insofar as it concerns the Mosel region. We believe we shall have fulfilled our task if we prove that the frank and public word in all its forms—in spoken form, in written form, and in printed form, print not yet censored as well as that already censored—has encountered special obstacles.

Depression and despondency, which in any case shatter the moral strength required by a distressed population for public and
frank discussion, were especially aroused by the court sentences imposed "for insult to an official in the performance of his duty or in connection with his duty", which necessarily followed numerous denunciations.

This kind of procedure is still fresh in the memory of many Mosel vine-growers. One citizen, particularly liked because of his good nature, jokingly remarked to the maidservant of a district president, who the evening before had busily applied himself to the bottle when celebrating the King's birthday in joyful company: "Your master was a bit tiddly last night." For this innocent remark he was publicly brought before the police court at Trier, but, as might have been expected, he was acquitted.

We have chosen this particular example because a simple conclusion necessarily follows from it. Each district president is the censor in the chief town of his district. The district president's administration, however, together with that of the official bodies subordinated to him, will provide the principal subject-matter for the local press, because it is the latter's immediate concern. If in general it is difficult to be the judge in one's own case, incidents of the kind mentioned above, which testify to a pathologically sensitive notion of the inviolability attaching to an official position, make the mere existence of the district president's censorship a sufficient reason for the non-existence of a frank local press.

If, therefore, we see that an ingenuous and innocent utterance can lead to an appearance before the police court, a written form of free speech, a petition, which is still a long way from publicity by the press, has the same police-court result. In the former case, frank speaking is prevented by the inviolability attaching to an official position, in the latter case by the inviolability of the laws of the land.

Following a "Cabinet Order" of July 6, 1836, which stated, among other things, that the King\(^a\) was sending his son to the Rhine Province to acquaint himself with the conditions prevailing there, some cultivators in the Trier administrative district were inspired to request their "deputy to the Provincial Assembly" to draw up a petition to the Crown Prince\(^b\) on their behalf. At the same time they indicated the various items of their complaint. In order to increase the importance of the petition by a larger number of signatures, the deputy to the Provincial Assembly\(^c\) sent to the environs a messenger who obtained the signatures of 160 peasants. The petition read as follows:

\(^{a}\) Frederick William III.—Ed.
\(^{b}\) Who became Frederick William IV in 1840.—Ed.
\(^{c}\) Valdenaire.—Ed.
"We, the undersigned inhabitants of the circuit ..., of the Trier administrative district, being informed that our gracious King is sending us His Royal Highness the Crown Prince to acquaint himself with our position, and in order to spare His Royal Highness the trouble of hearing complaints from a number of separate persons, herewith authorise our deputy to the Provincial Assembly, Herr ..., most humbly to submit to His Royal Highness, His most gracious Majesty's son, the Crown Prince of Prussia, that:

"1. When we are unable to sell our surplus products, especially as regards cattle and wine, it is impossible for us to pay the taxes, which in all circumstances are too high; for which reason we desire a considerable reduction of the same, since otherwise we have to give the tax-collectors our goods and chattels, as shown by the attached (it contains an order from a tax-collector to pay 1 reichstaler 25 silver groschen 5 pfennigs).

"2. That His Royal Highness should not judge our situation from the evidence of innumerable, much too highly paid, officials, pensioners, persons with special remuneration, civilian and military personnel, rentiers and industrialists, who, owing to the fall in the price of our products, are able to live in the towns cheaply in a luxury such as is not to be found, on the other hand, in the poor hut of the cultivator, who is overwhelmed by debts, and this contrast arouses his indignation. Whereas previously there were 27 officials receiving 29,000 talers, there are now 63 officials, excluding those on pension, who are paid a total of 105,000 talers.

"3. That our communal officials should be elected, as was previously the case, directly by members of the community.

"4. That the tax offices should not be closed for hours on end during the day, but should be open at all times, so that the cultivator who, through no fault of his own, arrives a few minutes late, does not have to wait five to six hours, even having to freeze all night in the street or stand in the burning sun all day, since the official should always be ready to serve the people.

"5. That the provision in §12 of the law of April 28, 1828, renewed by the official gazette of His Majesty's Government of August 22 last, which makes it a punishable offence to plough within two feet of the ditch at the edge of roads going through cultivated land, should be annulled and the owners allowed to plough their whole land right up to the road ditch, so as to prevent this land from being stolen from them by the highway custodians.

"Your Royal Highness' most humble subjects."

(Signatures follow.)

This petition, which the deputy to the Provincial Assembly wanted to hand personally to the Crown Prince, was accepted by someone else with the express promise that it would be given to His Royal Highness. No reply to it was received, but court proceedings were instituted against the deputy to the Provincial Assembly as the initiator of a petition containing "insolent, dishonourable accusations against the laws of the province". As a result of this charge, the deputy to the Provincial Assembly was sentenced in Trier to six months' imprisonment with costs. This punishment, however, was amended by the appeal court so that only the part relating to costs was left in force, on the grounds that the conduct
of the accused was not quite free from indiscretion and therefore he was responsible for the case being brought against him. The contents of the petition itself, on the other hand, were acknowledged to be not at all punishable.

Partly because of the aim of the Crown Prince's journey, and partly because of the official position of the accused as a deputy to the Provincial Assembly, the petition in question was bound to be magnified in the eyes of the whole environs into a specially important and decisive event and to attract public attention in the highest degree. Taking this into account, the consequences cannot be said to have encouraged a public and frank discussion of the conditions in the Mosel region or to have made probable any wishes of the authorities on this subject.

We come now to the real obstacle to the press, to prohibitions imposed by the censorship. From what has been said above, it is evident that such prohibitions are bound to be rare, since attempts at a censurable discussion of the Mosel conditions have been a rarity.

The minutes of a council of elders, which, besides some eccentric statements, contained also some frank speaking, were not allowed to be printed owing to the censorship exercised by the district president. The discussion took place in the council of elders, but the minutes of the council were drawn up by the burgomaster. His introductory statement was as follows:

"Gentlemen! The Mosel region between Trier and Koblenz, between the Eifel and the Hundsrücken, is outwardly very poor because it is entirely dependent on viticulture, which has been dealt the death-blow by the trade agreements with Germany. The above-mentioned region is also spiritually poor", etc.

Finally, yet another fact can be adduced to show that when a public and frank discussion did overcome all the above-mentioned obstacles and by way of exception managed to get into the columns of a newspaper, it was treated as an exception and subsequently suppressed. Several years ago an article by Herr Kaufmann, professor of cameralistics at Bonn University, "on the distressed state of the vine-growers in the Mosel region, etc." was printed in the Rhein- und Mosel-Zeitung. After three months, during which it had been reprinted in various newspapers, it was banned by order of the government and the ban is still in force.

I think I have now sufficiently replied to the question of the attitude of the Mosel region to the Cabinet Order of December 10, to the censorship instruction of December 24 based on this order, and to the subsequent freer movement of the press. It only remains for me to substantiate my assertion: "For a long time the
desperate state of the vine-growers was doubted in higher quarters, and their cry of distress was regarded as an insolent shrieking.” The statement in question can be divided into two parts: “For a long time the desperate state of the vine-growers was doubted in higher quarters” and “Their cry of distress was regarded as an insolent shrieking”.

The first proposition, I think, requires no further proof. The second one: “Their cry of distress was regarded as an insolent shrieking”, cannot be deduced directly from the first, as the Herr Oberpräsident does by giving it the form: “Their cry of distress was regarded in higher quarters as an insolent shrieking.” Incidentally, this interpolation, too, holds good, insofar as “higher quarters” and “official quarters” can be taken as equivalent in meaning.

That one could speak of a “cry of distress” of the vine-growers, not in a metaphorical sense, but in the strict sense of the word, is evident from the information we have given above. That, on the one hand, this cry of distress was declared to be without justification and the description of the distress itself regarded as a glaring exaggeration prompted by bad, selfish motives; and that, on the other hand, the complaint and the petition of those suffering distress were regarded as “insolent, dishonourable accusations against the laws of the province”—these propositions have been proved by a government report and criminal proceedings. That, furthermore, an excessive outcry, which does not correspond to the true state of affairs and is exaggerated from bad motives, involving insolent accusations against the laws of the province—that such an outcry is identical with a “shrieking”, and indeed an “insolent shrieking”, cannot at least be regarded as a far-fetched or dishonest assertion. That finally, therefore, one side of the identity can be put in place of the other seems simply to follow as a logical consequence.

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First published in the Rheinische Zeitung
Nos. 15, 17, 18, 19 and 20, January 15, 17, 18, 19 and 20, 1843

Printed according to the newspaper
Published in English for the first time
The lady of Augsburg has reached the stage when the fair sex itself no longer dares to simulate youth, and now has no more terrible accusation to make against her sisters than that of youth. In No. 360, however, the worthy Sibyl's means of estimating age has surprisingly misled her. She speaks about a cooling off of the "youthful ardour" of the Rheinische Zeitung in connection with a correspondent who happens to be a sexagenarian and could hardly have expected to find a testimonial to his youth in the columns of the Augsburg Allg. Zeitung. But that is what happens! Freedom is sometimes too old, sometimes too young; it is never on the order of the day, at any rate not on that of the Augsburg Allg. Ztg., which is more and more emphatically rumoured to be published in Augsburg.

If the editorial board of the Rheinische Zeitung desired to add to the above correspondence a postscript in the manner of the Allg. A. Ztg., since she was so kind as to recognise the ensign Pistol in the Rheinische Zeitung, we could only give her a choice between Doll Tearsheet and Mistress Quickly. Her manly confession of faith, however, we would expect from the friend of those ladies, from Falstaff:

"Honour pricks me on. Yea, but how if honour pricks me off when I come on? how then? Can honour set to a leg? No. Or an arm? No. Or take away the grief of a wound? No. Honour hath no skill in surgery then? No. What is honour? A word. What is in that word honour? What is that honour? Air. A trim reckoning! Who hath it? He that died a Wednesday. Doth he feel it? No. Doth he hear it? No. Is it insensible then? Yea, to the dead. But will it not live with the living? No. Why? Detraction will not suffer it:—therefore I'll none of it. Honour is a mere scutcheon, and so ends my catechism." a

a W. Shakespeare, King Henry IV, Part One, Act V, Scene 1.—Ed.
Thus, too, ends the political catechism of the Augsburg A. Z.; thus she reminds the press that one could lose arm and leg in critical times, thus she detracts from honour, because she has renounced any honour which could be detracted from.

The Augsburg A. Z. promised to engage us in a fight over principles and she has kept her promise. She has used no principles, hence her principles, against us in the struggle. Now and again she has assured us of her indignation, cast petty suspicions, attempted minor corrections, made a big show of small performance, and laid claim to superiority of age. In regard to this last point, to her title of veteran, we could say what M. Dézamy says to M. Cabet:

"Que monsieur Cabet ait bon courage: avec tant de titres, il ne peut manquer d'obtenir bientôt ses invalides!"\(^a\)

Madame Augsburg survives because of a mistake in calculation, an anachronism. Form, the only thing she possessed in earlier days, even form, the parfum littéraire, she has lost. It has been replaced by a philistine, diffuse and arrogant formlessness, and no one is likely to regard the platitude of “Herr Puff” and the simile of “the bullfrog that tried to blow itself up into an ox” as elegant because he finds the same sort of thing in the Augsburg A. Z.

First published in the Rheinische Zeitung Nos. 3 and 12, January 3 and 12, 1843

Printed according to the newspaper.

Published in English for the first time

\(^a\) “Let Monsieur Cabet take heart; with so many titles, he cannot fail to obtain his disability pension soon!” Th. Dézamy, Calomnies et politique de M. Cabet, p. 7, note.—Ed.
"From the outset, it" (the Rheinische Zeitung) "pursued such a reprehensible course" etc. "Unmistakably," it is stated, "the intention continued to prevail in the newspaper to attack the basis of the state constitution, to develop theories which aim at undermining the monarchical principle, to maliciously cast suspicion on the actions of the government in the eyes of the public, to incite some estates of the nation against others, to arouse dissatisfaction with the existing legal conditions, and to promote very hostile trends against friendly powers. Its views on alleged defects of administration, apart from the fact that they were mostly without foundation and largely devoid of thoroughness and expert knowledge, were not couched in a serious, calm and dignified tone, but marked by malicious hostility towards the state and its administrative forms and organs."

It is obvious that a trend does not become reprehensible merely because the government declares it to be so. Even the Copernican system of the universe was not only found reprehensible by the supreme authority of the time, but was actually condemned. Furthermore, it is everywhere the law that the accuser should provide the proof. Finally, there is attributed to the Rheinische Zeitung the "unmistakable intention" of committing the crimes laid to its charge. But an intention only becomes recognisable, and the more so unmistakable, when it has been realised in acts.

But if even for a moment we were to concede (what, however, we expressly deny) that all the accusations of the ministerial rescript were well founded, the result nevertheless would be that in their present indefinite and ambiguous formulation they would provide just as much and just as little reason for a ban on any newspaper whatever as for a ban on the Rheinische Zeitung.

First of all, it is said that there prevailed in the Rheinische Zeitung "the unmistakable intention to attack the basis of the state constitution". It is well known, however, that there unmistakably prevails a great diversity of opinion on the Prussian constitution.
and its basis. Some deny that the basis has any constitution, others that the constitution has any basis.

One view is held by Stein, Hardenberg, Schön, another one by Rochow, Arnim, and Eichhorn. Hegel in his day believed that he had laid the basis for the Prussian constitution in his philosophy of law, and the government and the German public concurred in this belief. One way by which the government proved this was the official dissemination of his writings; the public, however, did so by accusing him of being the philosopher of the Prussian state, as one can read in the old Leipzig conversational dictionary. What Hegel believed at that time, Stahl believes today. In 1831, by a special order of the government, Hegel lectured on the philosophy of law.

In 1830, the Staats-Zeitung declared that Prussia was a monarchy surrounded by republican institutions. Today it says Prussia is a monarchy surrounded by Christian institutions.

In view of this great diversity of opinion on the Prussian constitution and its basis, it seems natural that the Rh. Z. also should have its opinion, which of course may differ from the current view of the government, but which nevertheless can quote in its favour both Prussian history and many elements of the present-day life of the state as definitively highly placed authorities.

Far from intending to attack the basis of the Prussian constitution, therefore, the Rh. Z., on the contrary, was convinced that it was attacking only deviations from this basis.

In regard to the banning of the Rh. Z., an official article in the Allgemeine Königsberger Zeitung described Prussia as a state of liberal sovereignty. This is a definition which is not to be found in Prussian law and allows of all possible interpretations.

“Liberal sovereignty” can be understood in two ways: either that freedom is merely the personal frame of mind of the King, and therefore his personal quality, or that freedom is the spirit of sovereignty, and is therefore realised, or at least should be realised, also through free institutions and laws. In the former case we have a despotisme éclairé, and the person of the prince is contrasted to the state as a whole as to a mindless and unfree material. In the latter case, and this was the view of the Rh. Z., one does not confine the prince within the bounds of his personality, but regards the whole state as his body, so that the institutions are the organs in which he lives and acts, and the laws are the eyes by which he sees.

Further it is said to have been the intention of the Rh. Z. “to develop theories which aim at undermining the monarchical principle”.

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*a* Enlightened despotism.— *Ed.*
Once again, the question arises: What is to be understood by the "monarchical principle"? The Rh. Z., for instance, maintained that the predominance of distinctions between the estates, one-sided bureaucracy, censorship, etc., contradicted the monarchical principle, and it has always tried to prove its assertions, and has not put them forward as mere ideas. In general, however, the Rh. Z. has never given special preference to a special form of state. It was concerned for a moral and rational commonweal; it regarded the demands of such a commonweal as demands which would have to be realised and could be realised under every form of state. Hence! it did not treat the monarchical principle as a principle apart; it treated monarchy rather as the realisation of the state principle in general. If this was an error, it was not an error of underestimation, but of overestimation.

Further, the Rh. Z. has never tried maliciously to cast suspicion on the actions of the government in the eyes of the public. On the contrary, it is out of goodwill that it has tried to cast suspicion on those measures of the government itself that are contrary to the spirit of the people. Furthermore, it has never abstractly counterposed the government to the people; on the contrary, it has considered defects of the state to be just as much defects of the people as of the government.

As far as thoroughness and expert knowledge are concerned, as also the tone of the Rh. Z., at least not a single newspaper in Germany has shown more thoroughness or expert knowledge. As for its tone, it is truly serious, calm and dignified, compared with the rowdy tone of the servile (conservative) journals. In this respect, the Rh. Z. has been accused, not unjustly, of unpopularity, of being too scientific in its form, which directly contradicts the ministry's accusation.

No more has the Rh. Z. tried to incite some estates of the nation against others; on the contrary, it has tried to incite every estate against its own egoism and limitations, it has everywhere brought civic reason to bear against estate unreason, and human love against estate hatred. Moreover, if it has sinned in this respect, it has only committed a sin that is sanctioned by the law and usage of the Rhine Province.

The reproach of having wanted to "arouse dissatisfaction with the existing legal conditions" cannot in this indefinite formulation even be regarded as a reproach.

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"(conservative)" has been inserted above the word "servile" in the manuscript.—Ed.
Even the government has tried to arouse dissatisfaction with the existing legal conditions, for example with the old Prussian marriage situation. All reform and revision of the law, all progress, rests on such dissatisfaction.

Since legal development is not possible without development of the laws, and since development of the laws is impossible without criticism of them, and since every criticism of the laws sets the mind and therefore also the heart of the citizen at variance with the existing laws, and since this variance is experienced as dissatisfaction, it follows that a loyal participation of the press in the development of the state is impossible if it is not permitted to arouse dissatisfaction with the existing legal conditions.

The reproach that the Rh. Z. persecutes loyal organs by unworthy ridicule, which is obviously intended to refer to the newspaper controversy, cannot provide grounds for a ban. From all sides, the Rh. Z. has been denounced, has had mud cast at it, and been attacked. It was its duty to defend itself. Moreover, there is no official press.

The Rh. Z. has not insulted foreign powers, but has only condemned their insults against Germany. In this respect it has merely pursued a national policy. As far as the states of the German Confederation are concerned, it has only expressed the view of the majority of the representatives of the people in these states.

As regards religion, the newspaper has treated it in accordance with Article II of the 1819 censorship decree, that is to say, it has opposed religious truths being fanatically transplanted into politics and the confusion of ideas arising therefrom.

II

If the Rh. Z. had wanted to promote systematic opposition to the government, it would have had to employ entirely opposite tactics. It would have flattered the prejudices of the Rhine Province, instead of opposing them. Above all, it would have paid homage to its religious prejudices and have exploited the antithesis between North-German and South-German culture after the manner of the ultramontane, instead of introducing North-German culture in the Rhine Province.

It would have based itself on French, and not German, theories. It would have put forward the provincial spirit with its special limitations in opposition to the idea of state unity; hence, like Görres, it would above all have taken the provincial assemblies under its protection.
It would have considered that all that was good came from the estates while all that was bad came from the government, as ordinary liberalism does. In its criticism of the Rhine estates it would not have laid stress on the general wisdom of the government in contrast to the private egoism of the estates, as it has done in contrast to many Rhine liberals. Lastly, it would have joined in the chorus of other newspapers and demanded extended rights for the commissions, instead of describing such a demand as contrary to the interests of the state.

III

Finally, it is strangely exaggerating to speak of the malice of the whole tendency, since in that case
1. the fight for the Customs Union,
2. for Prussia in the matter of the Russian cartel,
3. for Prussian hegemony,
4. the constant reference to Prussia as the progressive state,
5. the praise of Prussian popular institutions, such as the army, administration, etc.,
would likewise be ill-intentioned.

Neither has the Rh. Z. one-sidedly opposed the bureaucracy. On the contrary, it has brought the influence of the latter to bear:
1. against Bülow-Cummerow,
2. against the romantic trend.

On the contrary, it was the only liberal newspaper which recognised also the good aspect of the bureaucracy, as well as the good aspect of the old Prussian legislation.

Thus, the Rh. Z. alone has defended the main principle of the new divorce law, in contradiction to almost all other newspapers.

Thus, lastly, it was the first and almost the sole newspaper to welcome the Cabinet Order on corrections as a progressive step.

We cite these examples only to prove that the Rh. Z. has not conducted a systematic, abstract opposition, but has always asserted only what it was convinced was rational, from whatever side it proceeded.

Written on February 12, 1843

Printed according to the manuscript
Published in English for the first time

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a See this volume, pp. 280-81.—Ed.
b Corrected by Marx from “Prussian”.—Ed.
THE LOCAL ELECTION OF DEPUTIES
TO THE PROVINCIAL ASSEMBLY

Cologne, March 9. The Rhein- und Mosel-Zeitung, which is so modest as to be neither "the most widely read newspaper of the Rhine Province" nor an "exponent of political thought", remarks in connection with the election of deputies from the city of Cologne,\textsuperscript{142} \textit{inter alia}:

"We are quite ready to regard Herr Merkens and Herr Camphausen as very honourable men" ("so are they all, all honourable men", as it is said in the tragedy) "and even" (just think of it) "even to bestow applause on the Rheinische Zeitung" (a most valuable gift!) "when it triumphantly counterposes these men to the opponents of the rights of our province. But we must all the more sharply and resolutely condemn the reasons for which an attempt has been made to exert an influence on the election of these men, not because these reasons are undeserving of any consideration, but because they deserve no such exclusive consideration, but only a secondary one."

The fact is that the following lithographed circular had been distributed to various electors of Cologne city:

"What the city of Cologne has to represent first and most importantly in the forthcoming Provincial Assembly is indisputably the conditions of its trade and industry. Hence the choice must fall on men who, besides being of an honourable disposition and occupying an independent civic position among us, are closely acquainted with the course of these relations in all respects and are able to grasp, illuminate and expound them from the correct standpoint."

Then follows the reference to the above-mentioned, certainly very honourable men. After which the circular states in conclusion:

"Our city already today occupies a powerful position in the commercial world. But a still greater extension of its trade and industry is in store for it, and the time for this development is not far distant. Shipping by sail, steam, towage, and the railways, will bring back to our city the period of the old Hansa, only its true interest must be represented with understanding and circumspection in the forthcoming Provincial Assembly.


\textit{A number of electors}"

This circular elicited the following Capuchin's tirade from the extremely witty Rhein- und Mosel-Zeitung:

\textsuperscript{a} W. Shakespeare, \textit{Julius Caesar}, Act 3, Scene 2.—\textit{Ed.}
"If anywhere material local interests prevail to such an extent that there is not even a faint glimmering of spiritual and general needs, is it any wonder that those who hold the reins of government in their hands pay attention only to the former, and the latter are ordered only according to their discretion? O you great city of Cologne, you holy city of Cologne, you witty city of Cologne, what a low point the spiritual state and historical recollections of many of your children have reached! By the realisation of wishes and hopes that could at most make you into a big money-bag, they dream of bringing back the period of the old Hansa!!"

The Rhein- und Mosel-Zeitung does not find fault with the election of the deputies; it finds fault with the reasons which are said to have "exerted an influence" on the election. And what were these reasons? The newspaper quotes one circular addressed to various electors, in which the "conditions of trade and industry" are described as the most important objects of Cologne's representation in the forthcoming Provincial Assembly. How does the Rhein- und Mosel-Zeitung know that this circular, which incidentally, as the newspaper itself admits, reached only "various" electors, exerted such an effect on the minds of the electors that it primarily and exclusively decided the election of Herr Merkens and Herr Camphausen? Because the election of these gentlemen is recommended in a circular for quite special reasons, and because in fact these gentlemen were elected, does it in any way follow that their election is a result of that recommendation and its special motivation?

The Rhein- und Mosel-Ztg. bestows applause on the Rheinische Zeitung when it "triumphantly counterposes these men" (Herr Camphausen and Herr Merkens) "to the opponents of the rights of our province". What moves it to this "bestowal of applause"? Obviously the character of those elected. Is this character supposed to have been less well known in Cologne than in Koblenz? Among the interests to be represented in the Provincial Assembly, the Rhein- und Mosel-Zeitung mentions only a "freer political system of local government" and an "extension of the rights of the estates". Does it think that it is not known in Cologne that Herr Merkens has distinguished himself in various provincial assemblies by his struggle for a "free political system of local government", and that in one Provincial Assembly he even defended this courageously and indefatigably in opposition to almost the entire Assembly? But in regard to "the extension of the interests of the estates" it is very well known in Cologne that Herr Merkens has primarily protested against the narrowing of these interests by autonomy, that nevertheless he stood just as resolutely for the interests of the estates being kept within their proper bounds when they opposed the general interest, general law and reason, as in the debates on the law on wood thefts and hunting.\* If, therefore, the general

\* See this volume, pp. 224-62.— Ed.
qualification of Herr Merkens to be a deputy to the Provincial Assembly is established beyond all doubt by his whole parliamentary career, if Herr Camphausen's exceptional, universal culture, high intelligence and serious honourable character are generally known and recognised, how does the Rhein- und Mosel-Zeitung know that the election of these gentlemen is due not to these obvious reasons, but rather to the above-quoted circular?

No! No! the honourable newspaper will reply to us, that is not what I maintain, not all! My delicate spiritual cast of mind is merely offended by the originators of that circular, by those materialists who have laid stress not on the spiritual and true interests of the people, but on other and much lower motives, and who for improper reasons have sought to exert an influence on the election of those men and on those "children of Cologne" whose "spiritual state and historical recollections" have sunk so low!

If the Rhein- und Mosel-Zeitung is only concerned about the originators of that anonymous document, why does it raise such an outcry? Why does it say:

"If anywhere material local interests prevail to such an extent that there is not even a faint glimmering of spiritual and general needs, is it any wonder that those who hold the reins of government in their hands pay attention only to the former, and the latter are ordered only according to their discretion?"

Do then material local interests prevail exclusively in Cologne because they prevail exclusively in an anonymous circular? No more than juristic interests prevail exclusively in Cologne because these interests are exclusively asserted in another circular which likewise reached various electors! Are not dull children to be found in every town as in every family? Would it be fair to judge the character of a town or a family from these children?

Closer examination, however, shows that the circular is in fact not so bad as the honourable Koblenz newspaper wants to make us believe. It is even completely justified by the function of the provincial estates as fixed by law. Their legal function consists partly in asserting the general interest of the province, and partly in asserting their special estate interests. That Herr Camphausen and Herr Merkens are worthy representatives of Rhenish provincial interests is a general conviction that did not need to be confirmed or even so much as mentioned by the originators of the circular.

Since the general qualification of these gentlemen as deputies to the Provincial Assembly was above all discussion, the question therefore concerned only the special requirements of a Cologne deputy. The question was what city interests Cologne should "first and most importantly" represent in the "forthcoming Provincial Assembly"? Would anyone want to deny that these are the "conditions of trade and industry"? But neither would the simple denial suffice; proof would have to be given.
The Rhein- und Mosel-Zeitung particularly objects to the passage:

"Shipping by sail, steam, towage, and the railways, will bring back to our city the period of the old Hansa."

Oh, woe to the poor city of Cologne! How it is deceived! How it deceives itself! "By the realisation of wishes and hopes," moans the Rhein- und Mosel-Zeitung, "that could at most make you into a big money-bag, they dream of bringing back the period of the old Hansa!"

Poor Rhein- und Mosel-Zeitung! It does not understand that the phrase "period of the old Hansa" is intended to mean only the period of the old flourishing of trade, that in reality the death-knell would have to sound for "all spiritual and general needs", that "spiritual state" would have to be totally deranged, and that all "historical recollections" would have to be quite blotted out if Cologne wanted to bring back the political, social and intellectual period of the Hansa towns, the period of the Middle Ages! Would the government not have to make "spiritual and general needs" exclusively its private domain if a town were to have so completely estranged itself from all rational and healthy awareness of the present time as to live only in a dream of the past! Would it not be even the duty of the government, its duty of self-preservation, to tighten its hold on the reins if the attempt was made in all seriousness to blow sky-high the whole present and future in order to bring back obsolete and decayed conditions.

We want to tell our readers the plain truth. There took place in Cologne — and that is the clearest testimony to its political vitality — a serious election struggle, a struggle between the men of the present and the men of the past. The men of the past, the men who would like to see the "period of the old Hansa towns" restored in its entirety, have been driven from the field despite all machinations. And now along come these fantastic materialists, for whom every steamship and every railway should have demonstrated ad oculos their utter lack of sense, and talk hypocratically of "spiritual state" and "historical recollections", and lament by the waters of Babylon over "the great city of Cologne, the holy city of Cologne, the witty city of Cologne" — and it is to be hoped that their tears will not dry up so soon!
Cologne, March 11. A few days ago the Rhein- und Mosel-Zeitung published a bull of excommunication against the pious Kölnische Zeitung. Today the Trier'sche Zeitung stands before the court of inquisition in Koblenz, and rightly so.

For, in connection with Friedrich von Sallet, the Trier'sche Zeitung says among other things:

"We have before us his book, the Laien-Evangelium, which without falsification reveals for us the holy, eternal truths of the gospel." "He" (Sallet) "endeavoured to be a man in the highest sense, following the example given by Jesus, and, as the true champion of the Lord, revealed eternal truth."

"Anyone who reads that," says the Rhein- und Mosel-Zeitung, "and knows nothing more about this man who is given such high praise, would he not believe that Herr von Sallet must have been a faithful Christian and in his Laien-Evangelium must have preached the Lord's word with fiery zeal? But what in truth is the content of this gospel? It is that false and pernicious doctrine which a Strauss, a Feuerbach, a Bruno Bauer, and all the apostles of modern paganism, whatever their names are, expound in lecture-rooms and in their writings for a narrow circle of learned people and so on."

As an authentic proof of its assertion, the Rhein- und Mosel-Zeitung quotes

"a passage from this Laien-Evangelium, namely, that in which a parallel is drawn between the traitor Judas and the Christ of the gospels, i.e., Christ as depicted in the Bible."

The proofs cited strikingly demonstrate Sallet's attitude of deliberate opposition to historical Christianity.

A mistaken feeling of humanity may be offended by the ruthless polemic of the Rhein- und Mosel-Zeitung against a man who has only just died, but is not the apologia of the Trier'sche Zeitung
more inhuman, and equally offensive? Do I honour the deceased by giving a false account of his spiritual personality? Sallet indeed endeavoured to reveal truth, but by no means the truth of the gospel. Sallet certainly endeavoured to be a true human being, but by no means a champion of ecclesiastical truth.

On the contrary, Sallet believed that he could make rational truth effective only in opposition to holy truth, and that he could make the moral human being effective only in opposition to the Christian human being, and that is why he wrote his Laien-Evangelium. And what happened? Did the Trier'sche Zeitung's apologist honour the man when he turned all his efforts upside down? Would it be an honour for Luther if one said he was a good Catholic, or for Pope Ganganelli if one called him a Maecenas for the Jesuits? What hypocrisy! What weakness! Sallet was a republican; can you be his friend if you make a great show of declaring his royalism? Sallet loved truth above all; do you believe there is no better way to pay homage to him than by an untruth? Or are Christianity and friendship at odds in your person? All right! Admit it then, and say: Sallet was a good man, etc., but a bad Christian! Deplore that, if you like, deplore it publicly, but do not pretend that his works are an illuminating testimony to his Christianity. If you condemn what your friend strove for, then condemn it sans-gêne as the Rhein- und Mosel-Zeitung does, but not in a hypocritical, devious way, not by praising him for being what he was not, and therefore rejecting precisely what he really was.

Even if we admit that the Laien-Evangelium itself could give rise to such a conception, that Sallet here has by no means got things clear in his own mind, that he himself believes he is teaching the true meaning of the gospel, and that it is easy to counterpose quite Christian-sounding contradictory excerpts to the quotation given by the Rhein- und Mosel-Zeitung, that newspaper is still correct in claiming that he puts forward a self-made Christianity instead of historical Christianity.

Finally, a few words more on the passages quoted by the Rhein- und Mosel-Zeitung! They suffer from a fundamental defect, that of being unpoeitical. And what an altogether mistaken idea it is to want to treat theological controversies poetically! Has it ever occurred to a composer to set dogma to music?

Leaving aside this heresy against art, what is the content of the passage quoted? Sallet finds it incompatible with the divinity of Christ that Christ knows the treacherous intention of Judas and does not attempt to reform him or to frustrate the crime. Hence Sallet exclaims (as cited by the Rhein- und Mosel-Zeitung):
Woe to whoever—in dazzled delusion!—
Contrived to invent such traits of the Lord,
And caricatured him to let him retain
This morsel of knowledge of man’s human nature.a

Sallet’s verdict testifies to the fact that he was neither a theologian nor a philosopher. As a theologian he could not have been disturbed by the contradiction with human reason and morality, for the theologian does not judge the gospel by human reason and morality; on the contrary, he judges these by the gospel. On the other hand, as a philosopher he would have regarded such contradictions in the nature of religious thought as well founded, and therefore he would have conceived the contradiction as a necessary product of the Christian outlook and would by no means have condemned it as a falsification of the latter.

May the Rhein- und Mosel-Zeitung vigorously continue its work of faith and clothe all and sundry Rhenish newspapers in the sanbenito.145 We shall see whether the half-and-half, lukewarm ones, who are neither hot nor cold, will get on better with the terrorism of faith than with the terrorism of reason.

Written on March 11, 1843
First published in the Rheinische Zeitung
No. 71, March 12, 1843
Printed according to the newspaper
Published in English for the first time

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a F. von Sallet, Laien-Evangelium, S. 442.—Ed.
Cologne, March 13. The Rhein- und Mosel-Zeitung has replied today\(^a\) to our article of March 9 on the deputies to the Provincial Assembly. We do not want to hold back from our readers some samples of this masterpiece of style. Among other delicacies is the following:

"Thus in far-reaching strokes, not it is true with a halberd, but with its accustomed cudgel, the Rhein. Ztg. has let fly at a spectre" (Just think! An accustomed cudgel! To let fly in strokes with a cudgel!) "which it believed it perceived in an article of the Rhein- und Mosel-Zeitung, and as is self-evident" (what a luxury, to expend words on things that are self-evident!) "all its strokes fell wide" (fell wide! wide of the Rhein- und Mosel-Zeitung, perhaps on its editor!), "and the attacked" (the spectre was indeed only attacked!) "newspaper finds itself quite unhurt and intact."

What generous logic, which does not leave to the sagacity of its readers even the conclusion that strokes which fell wide of the attacked newspaper did not fall on the attacked newspaper! What luxury of understanding, what a thoroughgoing narration! Only it should be mentioned how interesting it must have seemed to the Rhein- und Mosel-Zeitung to proclaim that its back was intact. How the imagination of the Rhein- und Mosel-Zeitung is preoccupied with its splendid idea of the "spectre" and the Rhein. Ztg. letting fly at it, and of the cudgel-blows that fell wide, can be demonstrated by the following variations, as ingenious as they are surprising, on this superlative theme. In enumerating them, we will not fail to call attention to their fine nuances and shades. Thus:

\(^a\) See this volume, pp. 366-69.— Ed.
1. "In far-reaching strokes with its accustomed cudgel, the Rhein. Ztg. of March 9 has thus let fly at a spectre which it believed it perceived in an article of the Rhein- und Mosel-Zeitung, and as is self-evident all its strokes fell wide."

2. "But the article which made the Rhein. Ztg. a spirit-seer (previously the spirit was a spectre, and since when could the Rhein. Ztg. have detected any spirit in the obscure ultramontane paper?) "and consequently a heroine fighting a shadow."

So this time the shadow of the Rhein- und Mosel-Zeitung at least is said to have been hit!

3. "The Rhein. Ztg., however, which is certainly aware also that in respect of everything substantial, true and solid" (the back of the Rhein- und Mosel Zeitung?) "its powers become a laughing-stock" (and what spiritual power would not become a laughing-stock in respect of a back?), "and which nevertheless for once wants to show that it has horns" (the "accustomed cudgel" has mysteriously turned into "horns") "and can butt" (previously, let fly in far-reaching strokes), "has thought up" (previously "seen" or "believed it has seen") "a spectre which it would like to have regarded as the real spirit of our article" (a repetition to remind the reader of the facts of the matter!), "and against which it vents its anger to its heart's content and tests its strength" (a clever rhetorical performance), "just as in a bull-baiting the baited beast" (somewhat earlier the Rh. Ztg. was "the man with the cudgel", so surely the Rhein- und Mosel-Zeitung is the "beast") "vents its anger on a straw figure thrown to it, and considers itself the victor when it has torn it to pieces."

It is truly Homeric! Just think of its epic amplitude. And how Aesopian, too, this profound insight into animal psychology! This subtle interpretation of the mental state of a bull that considers itself the victor!

It would be "very childish and ingenuous" and no less "insipid and trivial" to want to discuss the subject itself with such an "eminent publicist". Therefore we shall only add the following for a characterisation of the man.

In its article which was so unfortunately attacked, the Rhein- und Mosel-Zeitung "merely" expressed "doubt" "whether the attainment of their" (i.e., of the originators of the circular on the election of Herr Camphausen and Herr Merkens) "hopes would really bring back the period of the old Hansa", but there was in its "article no talk" of "a return to obsolete and decayed conditions". Let him who can, understand that!

Further:

The Rhein. Ztg. tried to "put forward an obvious lie in saying: 'Among the interests to be represented in the Provincial Assembly, the Rhein- und Mosel-Ztg. mentions only a freer political system of local government and an extension of the rights of the estates' whereas one can read in the Rhein- und Mosel-Zeitung the addition: 'the disclosure of so many other undecided questions in the development of the people's life'."

Has then the Rhein- und Mosel-Zeitung formulated or even mentioned a single one of these "undecided questions"? Does it
Prometheus Bound. Allegory on the prohibition of the *Rheinische Zeitung*
ANNOUNCEMENT

The undersigned declares that, owing to the present conditions of censorship, he has retired as from today from the editorial board of the Rheinische Zeitung.

Cologne, March 17, 1843

Dr. Marx

First published in the Rheinische Zeitung
No. 77, March 18, 1843

Printed according to the newspaper
Published in English for the first time
LETTERS

April 1841-March 1843
1841

1
TO CARL FRIEDRICH BACHMANN
IN JENA

Berlin, Schützenstrasse 68
April 6, 1841

Dear Sir,

I send you herewith a dissertation for a doctor’s degree on the difference between the natural philosophy of Democritus and the natural philosophy of Epicurus, a and enclose the *litterae petitoriae*, b *curriculum vitae*, my leaving certificates from the universities of Bonn and Berlin, and, finally, the legal fees of twelve friedrichsdors. At the same time, in the event of my work being found satisfactory by the faculty, I humbly beg you to hasten as much as possible the conferring of the doctor’s degree 148 since, on the one hand, I can only remain a few weeks longer in Berlin and, on the other hand, external circumstances make it highly desirable for me to obtain the doctor’s degree before my departure.

I should like the leaving certificates to be returned, as they are originals.

I remain, Sir, with great respect,

Your most devoted servant,

Karl Heinrich Marx

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*a* See this volume, pp. 25-105.—*Ed.*

*b* Application form.—*Ed.*
Berlin, April 7 [1841]
Schützenstrasse 68

Dear Herr Professor,

In expressing my most sincere thanks for your great kindness in fulfilling my request, I take the liberty of informing you that I have just sent my dissertation, together with the accompanying material, to the faculty of philosophy, and I beg you, in accordance with your kind offer, to be so good as to hasten the dispatch of the diploma. I thought that I had already made too great a claim on your kindness to dare to trouble you still further by sending my dissertation direct to you.

Assuring you of my most sincere gratitude and highest respect,

I remain

Yours most devotedly,

Karl Heinrich Marx

First published in the yearly Archiv für die Geschichte des Sozialismus und der Arbeiterbewegung, 1926

Printed according to the original Published in English for the first time
Dear Friend,

I take the liberty of sending you a small contribution for the *Deutsche Jahrbücher* in the form of the enclosed criticism of the censorship instruction.\(^a\)

If the article is suitable for your journal, I ask you for the time being not to mention *my name to anyone except Wigand*, and also to send me *by post immediately* the issues of the *Deutsche Jahrbücher* containing my article; because *for the time being* here in Trier I am completely excluded from the literary world.

It is obvious that it is in the interest of the cause that the printing should be expedited, if the censorship does not censor my censure.

If you do not know of a critic for Vatke’s super-clever book on sin\(^b\)—were it not so devilishly clever, one would be tempted to call it stupid—my critical zeal is at your disposal.

It would perhaps be equally worth while to deal again with Bayer’s work on the moral spirit.\(^c\) Feuerbach’s criticism was a friendly service.\(^{150}\) Honourable as is Bayer’s moral frame of mind, his work itself is just as weak and even immoral.

I should be very glad if you would let Wigand know that my manuscript will reach you in a few days’ time. Bauer’s\(^d\) letter in

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\(^a\) See this volume, pp. 109-31.—*Ed.*

\(^b\) W. Vatke, *Die menschliche Freiheit in ihrem Verhältnis zur Sünde und zur göttlichen Gnade.*—*Ed.*

\(^c\) K. Bayer, *Betrachtungen über den Begriff des sittlichen Geistes und über das Wesen der Tugend.*—*Ed.*

\(^d\) Bruno Bauer.—*Ed.*
which he demands that it should be sent off at last, came when I was very ill in bed and therefore was handed to me only a few days ago. Being busy on the enclosed article, I was not able to make the necessary corrections.

As I have now come to the end of some voluminous works, it goes without saying that all my forces are at the disposal of the *Deutsche Jahrbücher*.

With sincere respect,

*Marx*

My address is: Dr. Marx, Trier; to be delivered to Geheimer Regierungsrat von Westphalen.

First published in the journal *Documente des Socialismus*, Bd. 1, 1902

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Published in English for the first time

TO ARNOLD RUGE

IN DRESDEN

Trier, March 5 [1842]

Dear Friend,

I fully agree with the plan for the *Anekdota philosophica*\(^\text{151}\) and also think it would be better to include *my name* among the others. A demonstration of this kind, by its very nature, *precludes* all anonymity. Those gentlemen must see that one's conscience is clear.

With the sudden revival of the Saxon censorship it is obvious from the outset that it will be quite impossible to print my "Treatise on Christian Art", which should have appeared as the second part of the *Posaune*.\(^\text{152}\) But what about including it in a modified version in the *Anekdota*? The mass of material obnoxious to the censorship which now fills people's minds perhaps makes it possible also to publish the *Anekdota*, as material accumulates, in a number of separate instalments! Another article which I also intended for the *Deutsche Jahrbücher* is a criticism of Hegelian natural law, insofar as it concerns the *internal political system*. The central point is the struggle against *constitutional monarchy* as a hybrid which from beginning to end contradicts and abolishes
itself.\textsuperscript{153} \textit{Res publica} is quite untranslatable into German. I would send both these articles immediately for your examination if they did not require the rewriting of a fair copy and, in part, some corrections. The fact is that my future father-in-law, Herr von Westphalen, lay on his death-bed for three months and died the day before yesterday. During this period, therefore, it was impossible to do anything properly.

Regarding the other things, next time.

With sincerest respect,

Devotedly yours,

\textit{Marx}

Apropos. Through an oversight, the manuscript on the censorship contains the phrase: "the censorship of tendency and the tendency censorship". It should be: "the censorship of tendency and the tendency of censorship".\textsuperscript{3}

Be so kind as to send me the reply directly by post to Trier.

Bauer has been suspended from his post, as he writes in a letter just received, \textit{par lit de justice}.\textsuperscript{b 154}

First published in the journal \textit{Documente des Socialismus}, Bd. I, 1902

Printed according to the original

Published in English for the first time

5

TO ARNOLD RUGE
IN DRESDEN

Trier, March 20 [1842]

Dear Friend,

Novices are the most pious people, as Saxony proves \textit{ad oculos}.\textsuperscript{c}

Bauer once had the same sort of scene with Eichhorn in Berlin as you had with the Minister of the Interior.\textsuperscript{d} As orators, these gentlemen are as alike as two peas. On the other hand, what is exceptional is that philosophy speaks intelligibly with the state

\textsuperscript{a} See this volume, p. 128.— \textit{Ed.}
\textsuperscript{b} Here—by a royal order.— \textit{Ed.}
\textsuperscript{c} By ocular demonstration.— \textit{Ed.}
\textsuperscript{d} Von Rochow.— \textit{Ed.}
wisdom of these over-assured scoundrels, and even a little fanaticism does no harm. There is nothing more difficult than to make these earthly Providences believe that belief in truth and spiritual convictions exist. They are such sceptical state dandies, such experienced fops, that they no longer believe in true, disinterested love. How, then, is one to get at these roués except with the aid of what, in the highest circles, is called fanaticism? A guards lieutenant regards a lover whose intentions are honourable as a fanatic. Should people no longer marry because of that? It is a remarkable thing that the degradation of people to the level of animals has become for the government an article of faith and a principle. But this does not contradict religiosity, for the deification of animals is probably the most consistent form of religion, and perhaps it will soon be necessary to speak of religious zoology instead of religious anthropology.

When I was still young and good, I already knew at least that the eggs laid in Berlin were not the eggs of the swan Leda, but goose eggs. A little later I realised that they were crocodile eggs, like, for example, the very latest egg by which, allegedly, on the proposal of the Rhine Province Assembly, the illegal restrictions of French legislation concerning high treason, etc., and crimes of officials, have been abolished. But this time, because it is a question of objective legal provisions, the hocus-pocus is so stupid that even the stupidest Rhenish lawyers have immediately seen through it. At the same time, Prussia has declared with complete naivety that publicity of court proceedings would jeopardise the prestige and credit of Prussian officials. That is an extremely frank admission. All our Rhenish scribblings about publicity and publicising suffer from a basic defect. Honest folk continually point out that these are by no means political, but merely legal, institutions, that they are a right, and not a wrong. As though that were the question! As though all the evil of these institutions did not consist precisely in the fact that they are a right! I should very much like to prove the opposite, namely, that Prussia cannot introduce publicity and publicising, for free courts and an unfree state are incompatible. Similarly, Prussia should be highly praised for its piety, for a transcendental state and a positive religion go together, just as a pocket icon does with a Russian swindler.

Bülow-Cummerow, as you will have seen from the Chinese newspapers, makes his pen flirt with his plough. Oh, this rustic

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[a] Bülow-Cummerow, _Preussen, seine Verfassung, seine Verwaltung, sein Verhältnis zu Deutschland_, Th. I.—Ed.
coquette, who adorns herself with artificial flowers! I think that writers with this earthly position—for, after all, a position on ploughland is surely earthly—would be desirable, and even more so if in the future the plough were to think and write instead of the pen, while the pen, on the other hand, were to perform serf labour in return. Perhaps, in view of the present uniformity of the German governments, this will come to pass, but the more uniform the governments, the moreiform nowadays are the philosophers, and it is to be hoped that the multiform army will conquer the uniform one.

Ad rem,* since among us, loyal, moral Germans, politica is included in formalia, whence Voltaire deduced that we have the profoundest textbooks on public law.

Therefore, as regards the matter, I found that the article “On Christian Art”, which has now been transformed into “On Religion and Art, with Special Reference to Christian Art”, must be entirely redone, because the tone of the Posaune, which I conscientiously followed:

“Thy word is a lamp unto my feet, And light unto my path.” “Thy commandments make me wiser than mine enemies, For they are ever with me,” and “The Lord shall roar from Zion”

—this tone of the Posaune and the irksome constraint of the Hegelian exposition should now be replaced by a freer, and therefore more thorough exposition. In a few days, I have to go to Cologne, where I set up my new residence,157 for I find the proximity of the Bonn professors intolerable. Who would want to have to talk always with intellectual skunks, with people who study only for the purpose of finding new dead ends in every corner of the world!

Owing to these circumstances, therefore, I was not able, of course, to send herewith the criticism of the Hegelian philosophy of law for the next Anekdota (as it was also written for the Posaune); I promise to send the article on religious art by mid-April, if you are prepared to wait so long. This would be the more preferable for me, since I am examining the subject from a new point de vue and am giving also an epilogue de romantis as a supplement. Meanwhile I shall most actively, to use Goethe’s language, continue to work on the subject and await your decision. Be so kind

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*a To come to the matter.—Ed.

b Psalm 119: 105, 98; Amos 1:2 (paraphrased).—Ed.

c On the romantics.—Ed.
as to write to me on this to Cologne, where I shall be by the
beginning of next month. As I have not yet any definite domicile
there, please send me the letter to Jung's address.

In the article itself I necessarily had to speak about the general
essence of religion; in doing so I come into conflict with Feuer-
bach to a certain extent, a conflict concerning not the principle,
but the conception of it. In any case religion does not gain from it.

I have heard nothing about Köppen for a long time. Have you
not yet approached Christiansen in Kiel? I know him only from
his history of Roman law, which, however, contains also some-
thing about religion and philosophy in general. He seems to have
an excellent mind, although when he comes to actual philosophis-
ing, his writing is horribly incomprehensible and formal. Perhaps,
he has now begun to write plain German. Otherwise he seems to
be à la hauteur des principes.

I shall be very pleased to see you here on the Rhine.

Yours,

Marx

I have just had a letter from Bauer in which he writes that he
wants to travel northwards again, owing to the silly idea that there
he will be better able to conduct his proceedings against the
Prussian Government. Berlin is too close to Spandau. At all
events, it is good that Bauer is not allowing the matter to take its
own course. As I have learned here from my future brother-in-law,'
aristocrat comme il faut, people in Berlin are particularly vexed at
Bauer's bonne foi.'

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a J. Christiansen, Die Wissenschaft der römischen Rechtsgeschichte im Grundrisse,
Bd. I.— Ed.
b Highly principled.— Ed.
c Ferdinand von Westphalen.— Ed.
d Good faith.— Ed.