

- Section 3 - Dialectics and Revolutionary Natural Law -

From what we have seen it is easy to understand why various writers have asserted that Marx's theory is not one theory but two, or at least, there are two aspects of the same theory - in both cases the result is a contradiction. In one respect man is determined, in the other, man determines. Man determining and man determined represent the two poles of thought between which Marx oscillates. Marxists of today are aware of the divergence in the theory and, while not admitting to any such divergence, they stress the activistic aspect while suppressing the sociological determinism so characteristic of the doctrine. The trend of Soviet philosophy towards activism reveals the idealist nature of Marx's philosophy, something which Marx never fully overcame except in polemical words against his idealist opponents.

...they (the Russian communists) see themselves in the realm of freedom; they are not in the capitalist world; they are in the elemental tide of proletarian revolution, a thing which was still unknown to Marx. They are not controlled by economics; they do not depend upon the necessity of capitalist development; they themselves, by

their revolutionary activity, control economics in any way they like. They feel they have the power to change, by revolutionary activity, not only Russia but the whole world...This revolutionary activity is self-originating movement; it does not depend upon environment, upon economics it remakes environment and controls economics in its own way; they want to construct a philosophy of activism, and for that, materialism, both mechanical and economic is not unfavorable. The philosophy of activism, promethean, titanic, is, of course, a philosophy of the Spirit as it was with Fichte, and not a materialist philosophy; but it is not permitted in Soviet philosophy to speak of spirit. Materialism remains sacrosanct. (1)

Further, although the two aspects of the theory may be contradictory it nevertheless remains true that both were needed for a philosophy of revolution which seeks to establish the kingdom of heaven on earth. This was the goal which animated Marx's thinking and his writings are marked by emotional outbursts which frequently put in the shade his pretense to scientific, cold analyses. It must not be lost sight of that Marx the economist is preceded by Marx the atheist, philosopher and visionary and it is primarily the latter who has caused the immense upheavals within the past hundred years.

The sociological determinism which marks the theory

(1) Berdyaev, N., The Origin of Russian Communism, pp.178-9

is invaluable for creating in the masses the certitude of ultimate victory, a strong psychological factor against vacillation because the man who feels certain of triumph is eager to act. (1) On the other hand, the exaltation of the will of the masses which would sweep all before it was invaluable for creating a revolutionary enthusiasm which would animate all their actions and arouse a profound conviction of their own power. Victory is certain, but it is to be accomplished through human agents and you, the proletariat, are destined to be the liberators of humanity and the creators of the new order. Such in substance were Marx's words to the world. That victory was certain and the proletariat was the class destined for this victory were, let us grant, scientific conclusions resulting from Marx's socio-economic analyses of the conditions of his time. Scientific conclusions, however, have little effect on people as a whole. Man is a moral being and must be appealed to on moral grounds when it is a question of action; he must be shown that his endeavors to bring about changes - in the social order, in this instance - are based on the fact that what he

(1) Tirgeon, op. cit., p. 222 ff.; Schumpeter, J., Capitalism, Socialism and Democracy, pp. 6-8

seeks to destroy is unjust, immoral; that what he seeks to establish is just and moral. (1) It is precisely the moral aspect of his doctrine that Marx, despite his apparent scorn for ethical values, was continually emphasizing and his socio-economic theories are but rationalizations of a Messianic and prophetic spirit which, as numerous writers have noted, is a naturalization of secularization of Jewish messianism and prophetism.

In a sense, therefore, it is incorrect to assert that the doctrine of Marx and Marxism rest on no moral basis. There never has been a movement in history which was completely amoral. In Marxism we find moral and ethical values which have their roots in a revolutionary, individualistic, natural law. These values are not the creation of Marx but have their origin in Greek thought. They suffered an eclipse with the rise of Christianity but, dating from the beginnings of the decline of Scholasticism and the destructive work of Occam, they knew a rebirth which reached its peak in the seventeenth and eighteenth centuries and were at

(1) Mosca, G., The Ruling Class p. 176

hand when Marx began to formulate his theories. In the pages that follow we intend to trace in broad outline the development of this natural law doctrine. It scarcely need be noted that our survey lays no claim to any completeness. We wish only to indicate some of the leading ideas which contributed, with varying degrees of importance, to the formulation of Marx's doctrines. Some of these leading ideas are indicated by Rommen who says that the revolutionary natural law is "essentially bound up with the basic doctrine of a state of nature as well as with the concept of the state as a social unit which rests on a free contract, is arbitrary and artificial, is determined by utility and is not metaphysically necessary". (1)

- Greece -

Sophists - In the teachings of the sophists it is not difficult to see principles which have been repeated over and over again in the history of social and philosophical thought. The skeptical attitude engendered by their subtleties has paraded under the mask of every shade of opinion, from the religious righteous-

(1) Rommen, H., The Natural Law, p. 5

ness of Luther to the agnosticism of the moderns. The Sophists attacked the foundations of morality and reason itself. Their negation of ontological values was subjected to severe criticism in the works of Socrates, Plato and Aristotle but the seed they had sown was to flower, in the centuries preceding Marx, with the Renaissance revival of their doctrines.

For the Sophists, laws are not something which are according to nature but simply the result of convention (1) and indeed contrary to nature. By nature men are free and equal. It matters little, according to Antiphon, whether a man be a Greek or barbarian. The Sophists denied, therefore, the naturalness of slavery, a revolutionary idea in their day. Callicles taught that the many weak use law as a defense mechanism against the strong who should rule by right of their power and superior talents. (2) In the state of nature the few strong rule but as a result of convention the weak have usurped the right of the strong. Thrasymachus asserted that law is nothing but the instrument of the powerful to protect their interests, a

(1) Aristotle, Politics, Bk III, Ch. 9, 1280 b. 10

(2) Plato, Gorgias, 482-83: 491-92

decidedly Marxian idea. (1) The source of law is, in any case, to be found in self-interest, in an egoism which leads men to form pacts as a means of self-protection.

Protagoras attained undying fame with his assertion that man is the measure of things, a truth which Feuerbach applied to God, - God is what he appears to be to me - and Luther applied to religion in the form of private judgment. This axiom is, of course, a denial of universal truths and the source of relativism and positivism in morals. Marx will invoke the same principle to justify the right to revolution by insisting that the laws and morals of bourgeois society are valid only from the point of view of the ruling class. Gorgias contributed to the dialectics of Marx and Hegel by stating that since non-being is non-being it follows that non-being is, it exists. Prodius asserted that the gods are only personifications of natural forces and objects, a statement which will be repeated again and again in Marxist writings with calm assurance as to its universal truth.

(1) Plato, Republic 358 ff.

Epicureans -- The doctrines of this school resemble in many respects those of the Sophists. They stressed utility and pleasure as the supreme guiding principles of action. The original state of nature was a state of anarchy in which men were as wild beasts preying upon one another. The instinct of self-preservation led men to the formation of civil society in order to avoid the insecurity and disasters of perpetual, mutual war. Friendships are utilitarian. Men should not desire a long life as much as a happy one free from pain and anxiety. All laws are only conventions, useful if they serve to ward off harm. Men do not seek virtue by nature or refrain from vice and injustice by natural inclination but only as a result of expediency. If it were possible to inflict injury and indulge their own wills without suffering in return men would do so.

Epicure recommends that one should think of death as nothing. By eradicating the desire of immortality one is able to concentrate on the pleasures of this life which is the only life, man and all other beings having evolved from the earth according to an immature theory of natural selection based on the doctrines of

Empedocles. The same attempt to eradicate the desire for immortality by making terrestrial life the only life, one distinguished by an abundance of material goods and pleasures is characteristic of Marxist teaching and the doctrine of expediency has never been more openly advised or effectively employed than in Communist political doctrines. One more point to note is the similarity of the Epicurean primitive state of anarchy and Hobbe's famous bellum omnium contra omnes.

Cynics -- Jean Jacques Rousseau will echo some of the doctrines of the school of Antisthenes which declared that most of the evils which befall men have resulted from the abandonment of the primitive life according to the laws of nature. Civilization has given rise to vice, corruption and artificial conventions which have created superficial distinctions among men. Cynics adopt a nihilist attitude towards all the accepted standards and refinements of life in civilized society. There must be a return to the primitive life - an idea which Marx would condemn as reactionary, a foolish attempt to turn back the wheels of history - and the laws of nature. Distinction of classes must be done away with, national borders should disappear along with individual nations; every man should be a citizen of the

world. Marriage as an institution should be displaced and the relations between the sexes should be on a free basis. Children should be given over to the state to be raised in common. In contrast to the Epicureans, the Cynics professed a scorn for worldly goods and artificial comforts and the leaders of the school advocated a life of poverty.

Zeno -- This philosopher finds a place here because he represents a development of the doctrines of the Cynics. At the same time he marks a transition point to the natural law doctrine of the Stoics who exercised a great influence upon the formation of Roman law and the early Fathers of the Church. While not completely radical, neither could he be classed as a conservative. His doctrines, moreover, contain several interesting features which link him to the Communists.

In the Republic of Zeno, according to Walter, the quality of citizen, of friend, of parent, of free man, would belong only to the sage. This gave rise to the criticism that the citizens of his republic would be enemies of their parents and children if these latter were not sages. (1) This suggests a parallel with the

(1) Walter, G., Les Origines du Communisme, p. 35

Russia of today where the quality of citizen, friend, parent, free man is measured according to a single standard - conformity to party dictates. Those who do not conform find their own children and parents opposing them as enemies. The dictates of the party transcend all other bonds uniting men with one another. In Zeno's state men would have no need of a judiciary because men will be good just as in Communist thought, with all members of society governing themselves, the state, with its functional apparatus begins to wither away and in the highest stage of Communism a judiciary will be superfluous since "very soon the necessity of observing the simple fundamental rules of every-day social life in common will have become a habit". (1) In Zeno's society there will be no marriage, religion will disappear, an army will become useless, and money a souvenir of the past in a state which embraces the world. Zeno - though the doctrine is not original with him but comes from the teaching of the Cynics and others -(2) thus reflects the international or supranational character of Communist teaching, an internationalism which will result from the overthrow of existing society. The

(1) Lenin, V., State and Revolution, p. 85

(2) Walter, G., Op. cit. p. 344

U
a
st

s
th
of
h
w
e
s
t
a
t

o
p
o
t
w

or

sub
pta
pat

s

by
ent
ed
is

phil
of
ther
syn-
reg

C

Stoics will give Zeno's doctrine a more solid basis and will recognize the idea of man as a citizen of two states, a world empire and his own city - state.

The errors of the Greek schools underwent no substantial changes at the hands of the Romans who adopted them. The Stoic schools of philosophy, drawing in part on the doctrines of Socrates, Plato and Aristotle, helped to lay the foundations of a body of principles which, incorporated into Christian tradition by the early Fathers of the Church and further elaborated by successive generations, stood as a formidable opponent to the revolutionary natural law doctrine and enjoyed a long period of preeminence which reached its peak in the age of scholasticism.

- The Beginnings of Nominalism -

In the medieval period the great scholastic philosophers synthesized and brought to a high degree of perfection and unity the truths of philosophy and theology. But the way of dissolution of the marvelous synthesis which reached its summit in St. Thomas was begun within Scholasticism itself.

Burning questions of the day were that of the



primacy of intellect over will and the knotty problem of universals. The supremacy of intellect over will, a position based on the ontological order of things, was upheld by St. Thomas and his school. To the Thomist position was opposed the voluntarism of Scotus and Occam which declared the will superior to the intellect. Stated in other terms and applied to the realm of law and morals the effect of these two positions reduces itself to this. For St. Thomas, God commands actions to be done because they are good and forbids actions because they are evil. The essence of things depends on the divine intellect, their existence on the divine will. God cannot change the essence of things because they proceed from the perfection of Divine Wisdom. For Scotus and Occam, actions are good or evil not in themselves or essentially but because commanded or forbidden by God. The natural moral law is such that it could have been otherwise had God so willed. "This...voluntarism made Scotus affirm that God could have established another natural moral law regulating the duties among human beings, and as He could revoke such precepts is 'thou shalt not kill, thou shalt not steal'. Thus Scotus paves the way for the contingency and positivism of the nominalists of

the fourteenth century." (1)

Regarding universals, the Thomists taughts that the mind has universal concepts to which there correspond natures existing outside the mind, which natures however, exist only in individuals. Occam repudiated this position and asserted that universals are merely conventional signs or terms to designate an aggregate of individual realities. Outside the mind there is nothing corresponding to universal concepts which are, consequently, nothing more than mere names. The nominalistic doctrine, revived by Occam, was to lead to the skepticism and subjectivism of the following centuries. Voluntarism and nominalism combined to destroy the ontological basis of epistemology and ethics and was to have equally disastrous results in theology in the doctrines of Luther. (2)

The Renaissance and the Reformation inaugurated the movement which would replace the cult of God by the cult of man. In an ever-increasing degree the autonomy of human reason was emphasized with a resulting

(1) Garrigou-Lagrange, R., The One God - p. 6

(2) Denifle, H., Luther et le Luthéranisme, Tome III, pp. 191-232

naturalistic interpretation of social phenomena. The rising tide of scepticism evoked the efforts of Descartes, Malebranche, Leibnitz and Spinoza who, in trying to save the rights of God and man, reduced both to a world of mathematical necessity which destroyed all liberty, both divine and human.

The tendency toward mathematicism and application of the methods of natural science to all spheres of knowledge and life were inspired by the great scientific discoveries of the fifteenth and sixteenth centuries which were welcomed by the rising bourgeois society as liberating forces from the tyranny of ecclesiastical rule and theological formulas. They dispelled the shadowy realms of metaphysical speculations and emphasized the assertions of the philosophers that the organization of social life is not dependent on any divine right of kings or any other metaphysico-religious formula but something which is the work of man seeking such ends as security, pleasure, utility, and the like.

Hobbes -- This trend of thought is clearly evident in

Thomas Hobbes (1588-1679). Conceiving the world as a vast mechanical system in which all phenomena

was susceptible of explanation by the laws of motion he placed great emphasis on scientific laws and the deductive method. For Hobbes, like Marx, nothing exists except matter and motion. Human behavior is nothing more than a stimulus-response process and society which rises from the living together of men is the result of their mutual actions and reactions on one another. (1) Man is essentially selfish by nature and thus the state of nature, according to Hobbes, was a state of anarchy (bellum omnium contra omnes) (2) which, as was noted, previously links Hobbes' name with that of Epicurus. Right reason perceives that this state of affairs is intolerable and a threat to the primary instinct of self-preservation. Consequently, inspired by self-interest, men seek to end the conflict. This gives rise to a contract whereby each yields his natural rights to a central power and this act is the creation of political society. The power of the head of political society, an individual or a group, is absolute.

(1) Sabine, G., A History of Political Theory, p. 460
(2) Hobbes, T., Leviathan in The English Philosophers from Bacon to Mill, Modern Library, 1939, p. 161

It ought to be "as strong as possible, in such a way that, compared to it the individual be infinitesimal". (1) Paradoxically, however, Hobbes regards the state as a mere means whose only reason of being is the self-interest of the individuals who compose it. Man is not social by nature, but for reasons of utility only. The state is not a natural institution but an artificial being whose end is the sum of the individual goods of its members. The first principle of natural law is expressed in the social contract, namely, that agreements must be kept. (2) The social contract is the result of the actions of individual wills and all consequent law flows from the omnipotent will of the state.

The influence of Hobbes - and the philosophers inclining to the physico-mathematical interpretation of the universe - upon Marx is clearly evident. Hobbes' Leviathan is a foreshadowing of Hegel's idealized omnipotent state and its prerogatives. Marx will combine the principles of Hobbes and Hegel to explain the course of history. Hobbes reduced all life to naturalistic principles, laws of motion of matter. Marx combined these principles with Hegel's dialectic to over-

(1) Hoffding, H., Histoire de la Philosophie Moderne
Tome I, pp. 296-297

(2) Hobbes, op. cit., p. 168

come the flaw in Hobbes system - the idea of God which was necessary to set Hobbes universe in motion. The dialectic as the auto-dynamic principle of matter eliminates that necessity and permits the construction of a theory which explains all things from the dialectic working itself out in a manner similar to a process of natural law.

Locke - Bourgeois society, however found its real champion in John Locke (1632-1704) who crystallized the naturalistic philosophy on which it was based by asserting that all knowledge has but one source - experience. Man is, therefore a product of material environment and education. The state of nature according to Locke, was one of peace and mutual assistance. (1) In the state of nature man possesses certain fundamental, inalienable rights, basic among which is the right to private property. It is interesting to note that this right is based on the fact that man's labor represents something of himself, a projection of his personality into the object of his activity, (2) an idea which is intimately bound up with Marx's idea of alienation.

(1) Locke, J., Concerning Civil Government in English Philosophers From Bacon to Mill p. 404

(2) Locke, J., op. cit., p. 413 ff.

Government serves as an instrument to protect the rights of private property and liberty, the basic human rights. Thus Locke's political theory reveals a similarity to Hobbes' egoistic doctrines.(1) Man is atomized in society, seeks his own interest and Locke's theory reveals the trust of bourgeois society in the automatic social harmony resulting from the unhampered pursuit of self-interest.

The source of Locke's inalienable rights is not quite clear . They are not based on his epistemological principles because they are prior to all experience. They could not be innate because Locke denied the possibility of innate ideas. (2) In other words, there is a contradiction between his philosophical foundations and the political theory he constructed. Contradictory or not, his doctrines, lacking a solid metaphysical basis, would be welcomed by bourgeois and radical thinkers in the generations that succeeded him, by the former to justify the status quo, by the latter to overthrow the existing regime.

(1) Sabine, op. cit. p. 525

(2) Locke, J., An Essay Concerning Human Understanding
loc. cit. p. 247

Rousseau - While the theories of Hobbes and Locke were welcomed with enthusiasm by the men of the Enlightenment there was one dissenting voice - Jean Jacques Rousseau. To place in clear light the doctrines of Jean Jacques is a far from simple task because he was not always logical or consistent, to say the least. Rousseau was a man who spoke from the heart and not from the head, a moralist and a philosopher of sentiment. Hearnshaw says that Rousseau always thought in terms of Paradise Lost and Paradise regained. The second Discourse, on the origin of inequality is the Genesis of Rousseau's rationalised and secularized scripture. (1) He was firmly convinced of the innate goodness of man who lived a simple life in a state of nature, a garden of Eden, unmarked by quarrels, greed or domination. Disaster overtook man with the institution of private property which was the source of inequality, strife and government. Whence the misery and wretchedness which surrounded men on all sides, - How to live in society - a return to the absolutely primitive state being neither possible nor desirable (2) - and retain its advantages

(1) Rousseau in Social and Political Ideas of Some Great Thinkers of the Age of Reason, ed. F. Hearnshaw, pp 186-187

(2) Hoffding, op. cit., pp. 513-14; Schinz, A., Rousseau, article in the Encyclopedia of the Social Sciences, Vol. XIII, p. 445; Hearnshaw, op. cit., p. 188

while not sacrificing personal freedom (1) - that was Rousseau's problem and he tried to solve it by the social contract which he envisaged as a means of making men free by making them subject. (2) "Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole." (3)

The body politic is for Rousseau, a moral person endowed with life, mind and will. Peace and good order, the preservatives of the rights of individuals, are the end-product of the identification of the general will and the individual will of each citizen. Such a position presumes that the general will enjoys a clairvoyance superior to that of the individual who proposes ends for himself differing from those of the general will. This is most strikingly manifested in the notion that even the criminal wills unconsciously his own punishment. "Coercion is not really coercion because when a man individually wants something different from what the social order gives him, he is merely capricious

(1) Rousseau, J.J., Social Contract, Bk. I, Chap. 6

(2) Ibid., Bk I ch. 1

(3) Ibid., Bk. I ch. 6

and does not rightly know his own good or his own desires." (1) Notwithstanding its enigmatic character, Hearnshaw is of the opinion that Rousseau's conception of the general will is his great contribution to political theory and forms the link connecting him with Hegel and Marx. (2)

Hume - Though the edifice of metaphysical thought in England had been shaken by the philosophy of Hobbes and Locke, it remained for David Hume (1711-1776) to deliver the final blow which levelled it to the ground and made room for the constructions of the utilitarians. Hume denounced metaphysical thinking which he considered the inevitable source of error, a result of human vanity, concerned with subjects beyond the power of the understanding. (3) He hoped to free learning from the nebulous questions of metaphysics by "inquiring seriously into the nature of human understanding and show from an exact analysis of its powers and capacity, that it is by no means fitted for such remote

(1) Sabine, Op. cit., p. 590-91

(2) Hearnshaw, op. cit., p. 192

(3) Hume, D., "An Enquiry Concerning Human Understanding" in English Philosophers from Bacon to Mill, p. 589

and abstruse subjects." (1) His happiness will know no bounds "if reasoning in this easy manner, we can undermine the foundation of an abstruse philosophy, which seems to have hitherto served only as a shelter of superstition, and a cover to absurdity and error." (2) The philosophical iconoclasm of Marx and Engels never gave utterance to stronger words of scorn for the subtleties of metaphysical thought.

The destructive criticism of Hume produced a thorough-going empiricism which reduced reason to little more than a name. All actions of men are the result of primordial instincts, passions and propensities. The criterion of good or evil is not reason but utility. Actions which promote the individual or social well-being are good, those which do not are evil. Consequently, no action is, in itself, good or bad but is only by reason of its results in a particular instance. The existence of eternal virtues is only illusory and they are actually only particular guides for, or modes of, behavior which, in the laboratory of human actions, have merited the morally universal approval of men.

(1) Ibid., op. cit., pp. 589-90

(2) Ibid., p. 592

The sentiment of approval is always ultimate. It is a sign that the respective action is useful, either directly to self-interest, or indirectly, inasmuch as the action is useful for the preservation of society in its function as a framework for the realization of self-interest, which ultimately is the sole thing that matters. Out of repeated individual experiences which evidence the utility of an action, arises the prescription of standards of behavior and fixing of habits. (1)

Kant - The doctrines of Hume were not only harmful in themselves but they were, unfortunately, also the cause of additional evil inasmuch as they awoke Immanuel Kant from his "dogmatic slumber". We are not immediately concerned with Kant's agnosticism, his declaration that we can never know things in themselves; that is, our knowledge does not reach the essences of things but is restricted to phenomena. Incidentally, this aspect of his doctrine is subjected to ridicule and absolutely rejected by Engels in Ludwig Feuerbach and Lenin in Materialism and Empirio - Criticism.

In the practical order, in the order of human activity, however, Kant's theories, resulting from his epistemological conclusions, have a bearing on Marx's revolutionary spirit as we shall observe below. The ethical doctrine of Kant is based upon the absolute

(1) Rommen, op. cit. p. 113

autonomy of the practical reason and will. Admittedly unable to prove the existence of God, immortality of the soul and such by pure reason, he is, nevertheless, not inclined to disregard them because he considers them as necessary for the moral life and the perfection of knowledge. Such truths are, in the opinion of Kant, postulates of the practical reason which "alone leads us to admit the existence of God, not by a demonstration, but by a free act of faith, a purely rational belief, of which 'the certitude is subjectively adequate, although objectively insufficient'." (1) In this doctrine Kant was greatly influenced by Rousseau as Gilson notes.

"Rousseau's passionate appeal to feeling, and to moral conscience, against the natural blindness of reason, was to Kant, the revelation of a wholly independent and self-contained order of morality." "O Conscience, conscience, thou divine instinct...thou infallible judge of good and evil....," Rousseau had exclaimed in one of his most famous books; "Duty! thou sublime and mighty name....," Kant was to exclaim in his Critique of Practical Reason. (2)

Kant anticipates, in a sense, Feuerbach, who has been termed a radical Kant insofar as there is an analogy

(1) Garrigou-Lagrange, R., God, His Existence and Nature, Vol. I, p. 102-103

(2) Gilson, E., The Unity of Philosophical Experience, p. 233.

between the postulation of God by Kant's practical reason and the creation of God by Feuerbach. The moral order does not exist because God is but God is because the moral order exists. Ultimately, Kant's doctrines lead to the same results as Feuerbach's speculations - man becomes God. (1)

Although Kant admits the Divinity into his moral theory he immediately turns his back on this guest and disregards Him completely in the actual elaboration of his doctrine because of the same absolute autonomy of the human will which created Him. Every man is free by nature. The only restraint upon this activity is that imposed by himself alone or in union with others. Natural law, as such, is non-existent prior to the decrees of the human will.

(1) Sertillanges, A.D., La Philosophie Morale de Saint Thomas D'Aquin, p. 133: "In fact, Kant and his disciples in autonomy speak of man and his morality as St. Thomas speaks of God and his justice."; Sertillanges, A.D., Le Christianisme et Les Philosophes, Les Temps Modernes "Carried to its extremes, this doctrine makes man God, since it makes his will the sole authority, and his thought the unique measure: - Garrigou-LaGrange, R., God, His Existence and His Nature, Vol. II, p. 429, "In his righteousness an unbeliever, Kant appropriates to himself all the respect due to God." - Rommen, op. cit. p. 102 - "The impersonal, formal categorical imperative takes place of the eternal law". - Gilson, op. cit. p. 239

One of the most insidious of Kant's contributions to ethical and legal theory was his separation of the spheres of morality and legality. The realm of ethical action is individual, internal; that of legal action is external and devoted to the keeping of order, to the protection of the autonomous freedom of the individual. This latter is the sole restriction on legal action - as long as the internal order is not impaired anything may become law. Good and evil, in respect to law, are meaningless in themselves for

...on the sole condition of the formal freedom of others, it would be possible for such intrinsically immoral actions as usury, theft, and adultery to become juridical, which Occam, who taught the same dualism of theoretical and practical reason, had admitted even in the case of the lex naturalis. The inherently immoral character of an action is no longer of importance for its juridical qualification. (1)

This doctrine of Kant, following upon Thomasius, who proposed a similar doctrine, opened the doors wide for the entrance of all the schools of positivism which have dominated legal thinking up until almost the present day. Some of the conclusions of Kant's doctrines were drawn for him by Fichte, Schelling and Hegel, and

(1) Rommen, op. cit., p. 103

through them were assimilated by Marx.

Having indicated, in summary fashion, some of the ideas which have contributed to the formation of a revolutionary natural law, let us now turn our attention to Marx himself and see how he incorporated these doctrines into his dialectical philosophy of revolution. It would be naive to expect them to possess their original connotations in the doctrine of Marx as they will naturally be adapted by him to his own ends. Indeed, Marxism is one of the most eclectic of all would-be philosophies, absorbing from any and all systems any principles which will serve to rationalize its own irrationality.

- State of Nature -

We have noted, among others, one characteristic of the doctrines just examined - the continual appeal to a state of nature. It is evident that such an appeal furnishes an ideal starting point for the elaboration of political theory for each thinker found his particular state of nature in his own mind. From what he conceived man's primitive right and privileges and primordial social structure to have been, each thinker proceeded to formulate the principles of what man's actual political and social life should be.

In spite of the ridicule to which Marx subjects the theory of a state of nature, he makes use of this same device to set in motion his own ideas, labeling the state of nature as the primitive communal state of mankind. In the primitive state of human history, man lived a simple, more or less peaceful existence. All things were in common and there was no exploitation of man by man. According to the Marxist doctrine, however, this primitive state is not, as it was for others, a paradise on earth because the Marxist paradise is replete and overflowing with an abundance of material goods. We find in Marx no back-to-nature inclinations but a burning desire to see production of material goods at its zenith, a condition quite incompatible with primitive methods and life. Thus, the original sin of history, the appearance of private property with the consequent exploitation of man by man is not, as it was for Rousseau and others, a cause for unmitigated groanings and sorrow. On the contrary, salva reverentia, we may designate it as the felix culpa in the pseudo-mystical atheology of Marx because it was the occasion of the expansion of productive forces. Moreover, it was inevitable, it had to happen, if man was to realize his essential nature in its highest degree and matter

was to make itself actually what it is potentially. This fact must never be lost sight of in reading Marx's denunciations of private property. The era of private property is justifiable albeit mingled with untold misery. Even though, in Marx's eyes, it has despoiled man, depersonalized and dehumanized him, it is, nonetheless, a necessary moment in the dialectical social evolution of mankind. Furthermore, as we shall see in the next chapter, the very misery of the proletariat is, in one sense, the source of social dynamic in the class struggle.

- Majority Rule -

While admitting the necessity of private property, its justification for a time and its contribution to productive development Marx denounces it as belonging to the past. Marx is faced with the same problem that confronted Rousseau - and indeed all state of nature political theorists - how to enjoy the freedom of the primitive state while retaining the benefits of technological and cultural progress. The theorists of liberal society furnished him with the principles for solving his dilemma by undermining the foundations of an objective metaphysical basis of law. Law became

the expression of the selfish interests of bourgeois society. Individualism was apotheosized to such a degree that the social aspect of men's interrelations was forgotten. The atomization which resulted left the individual helpless in the face of the overpowering domination of money and industry. Marx is not wrong in characterizing bourgeois society as selfish, inhuman, and dominated by a desire for material gain. Bourgeois writers had eulogized liberty, equality, the emancipation of men from the rule of divine and natural forces. Marx listened to their songs and then proceeded to adopt their own principles to make men really free, equal and emancipated. The vaunted autonomy of the individual was transferred to the collective and the collective demanded the full enjoyment of all its rights. If it was impossible to secure them peaceably - and, in general, according to Marx it was - then there was an inalienable right to revolution to secure the reign of social justice which alone would permit stability of life. Who had the authority to denounce revolution? Not bourgeois society certainly for it had established in a gratuitous manner the general principles of its legal and political ideologies. Among the principles was the right of the majority over the

minority. Following on this latter principle Marx could feel justified and very bourgeois in demanding the overthrow of bourgeois society in which a minority - the possessors - were exploiting a majority - the non-possessors. Having repudiated the idea of an ethical or moral code which transcends that of individual utility and pleasure, to what could the bourgeoisie appeal except its own self-interest which was opposed in turn by the self-interest of those who sought a transformation of society. The bourgeoisie had built its house on sand and the rising tide of proletarian revolt was beginning to destroy that foundation.

The goal of bourgeois society was complete freedom from all constraint, and an abundance of material goods. Marx adopted the same goal and changed the means for attaining it. Just as in the teachings of Calvin the bourgeois system found its justification so too the Hegelian dialectic applied to the economic process was Marx's assurance of his righteousness for it offered an infallible standard of the true and the good - success. If theory was proved in practice it was a confirmation of its rationality, its necessity and its truth and goodness.

- Contractual Theory -

Society and the State arise as the result of a contract voluntarily made by men to secure the protection of their interests. Such, in general, was the theory of bourgeois, liberal society as we have seen. Again, on its own principles, bourgeois society, resting on the contractual theory which Marx does not consider as true but illusory could not logically prohibit a change of the political structure if such a change was desired by the majority of members since, by hypothesis, all authority of the governing body had its source exclusively in the consent of the governed. What is to prohibit the governed from withdrawing that consent and proceeding to the formation of a new contract wherein each yields his will to a party which promises to replace tyranny by liberty, poverty by abundance, illusory political equality by real, absolute equality?

- Rights of Man -

Bourgeois society proclaimed the innate rights and dignity of man but Marx refused to be persuaded by the eulogistic phrases of bourgeois literature and, tearing away the veil of illusion, proclaimed that the

so-called rights of man were only the rights of bourgeois man, liberty only bourgeois liberty.

"Gentlemen! Do not allow yourselves to be deluded by the abstract word freedom. Whose freedom? It is not the freedom of one individual in relation to another, but the freedom of capital to crush the worker." (1)
The rights of man are the rights of egoistical man, of man separated from man and the community.

The right of property is the right of enjoying one's fortune and disposing of it at will without any care for one's associates, independently of society; this is the right of egoism. It is this individual liberty, with its application which forms the basis of bourgeois society. It causes man to see in his fellow man, not the realization but rather the limitation of his liberty. (2)

It is the egoistic character of bourgeois society which evokes the passionate fulminations of Marx for whom man is essentially social. He resents the artificiality of the social structure which characterizes that society and especially its attempts to maintain its privileges intact by trying to eternalize its economic relations by appeals to reason, eternal justice, necessity of

(1) Marx, K., Poverty of Philosophy, p. 207

(2) Marx, K., La Question Juive, p. 193-4 in Oeuvres Philosophiques, Tome I

equality, property, etc. Their arguments are lost on Marx and Engels for they have pierced the veil of mystery in which history had been shrouded till their day. They saw clearly and they saw that the

"kingdom of reason was nothing more than the idealized kingdom of the bourgeoisie; that eternal justice found its realization in bourgeois justice; that equality reduced itself to bourgeois equality before the law; that bourgeois property was proclaimed as one of the essential rights of man; and that the government of reason, the Social Contract of Rousseau, came into existence and could only come into existence as a bourgeois democratic republic." (1)

It must be admitted that the criticisms of Marx and Engels are not without some foundation. An examination of writings of many of the leading lights of liberal society reveals the egoistic, selfish attitude which inspired the political doctrines of the day. There were dissenters of course - besides the Communists, anarchists, socialists and others of radical inclinations - but the general attitude was one which looked upon the poverty and misery of the less fortunate members of society as being the result of their own lack of initiative and industry. (2) Any attempt on the part

(1) Engels F., Anti-Duhring, P.24: Marx K., La Question Juive in Oeuvres Philosophiques, Tome I, PP 193-94 ff.

(2) See Tawney, R. H., Religion and the Rise of Capitalism: Weber, M., The Protestant Ethic and the Rise of Capitalism: Troltsch, E., The Social Teaching of the Christian Churches: Hughes, E., The Church and the Liberal Society.

of government - or even on the part of the workers themselves by means of voluntary associations - to improve the existing conditions by regulation of economic activities was deeply resented and vigorously denounced as a violation of the rights of the individual to develop his talents unhampered by extrinsic regulation as well as a dangerous interference with the natural operation of economic laws. By their neglect of the social character of wealth and property the members of bourgeoisie confirmed Marx's assertion that they were producing their own gravediggers because they produced the proletariat which "is not a result of poverty naturally existing but of poverty artificially created." (1)

According to Marxism the galling thing for bourgeois society is that its dissolution is the work of forces which it considered as being of little account, - the rabble, the masses, the mob employing means fashioned by this same bourgeois society. Engels, with some delight, intimates that the bourgeoisie themselves were the ones to verbalize the aspirations of the proletarians inasmuch as the desire for emancipation of the latter is based

(1) Marx, K., Contribution a la Critique de la Philosophie du Droit De Hegel, in Oeuvres Philosophiques, T. I. p.106

on the desire for freedom and equality which was a slogan of the society for the former.

"The proletarians took the bourgeoisie at their word: equality must not be merely apparent, must not apply merely to the sphere of the state, but must also be real, must be extended to the social and economic sphere... The demand for equality in the mouth of the proletariat has therefore a double meaning. It is either -- as was especially the case at the very start, for example, in the peasants' war -- the spontaneous reaction against the crying social inequalities, against the contrast of rich and poor, the feudal lords and the serfs, surfeit and starvation; as such it is the simple expression of the revolutionary instinct, and finds its justification in that, and indeed only in that. Or, on the other hand, the proletarian demand for equality has arisen as the reaction against the bourgeois demand for equality, drawing more or less correct and more far-reaching demands from this bourgeois demand, and serving as an agitational means in order to rouse the workers against the capitalists on the basis of the capitalists' own assertions; and in this case it stands and falls with bourgeois equality itself. In both cases the real content of the proletarian demand for equality is the demand for the abolition of classes. Any demand for equality which goes beyond that, of necessity passes into absurdity. The idea of equality, therefore, both in its bourgeois and in its proletarian form, is itself a historical product, the creation of which required definite historical conditions which in turn themselves presuppose a long previous historical development. It is therefore anything but an eternal truth.

(1) Engels, F., Anti Duhring, PP 117-18

The results achieved by the bourgeois in the political and legal spheres of human life are evaluated by Marx and Engels from their point of view and, as is clear, they are found to be not without value. The mistake comes when political emancipation is confused or identified with human emancipation. The two are not the same; political emancipation is only an illusion (1) which does not destroy the fundamental alienation of man but rather sanctions and confirms it. To be complete, to be human, the emancipation should liberate man from the oppression of labor, property and religion, something which mere political emancipation fails to do. "Man was not then emancipated from religion; he received religious freedom. He was not emancipated from property; he received the freedom of property. He was not emancipated from the egoism of industry: he received the freedom of industry." (2)

The advantages to be derived by the proletariat from the bourgeois political emancipation, however imperfect it may be, are more or less evident, particularly

(1) Marx, K., La Sainte Famille, Oeuvres Philosophiques. Tome II pp. 168-9: 190-197

(2) Marx, K., La Question Juive, Oeuvres Philosophiques Tome I, p.200

in our present world scene. For example, the members of the proletariat can exploit the bourgeois-liberal traditions of free press, free speech and right of the ballot to pursue their own ends which aim at the overthrow of all governments and the establishment of Communist deputies. This feature of Communist activity - although it has developed a technique and finesse with the passing of the years and is painfully present today - was not unknown to Marx and Engels as is clear from their writings.

The irony of world history turns everything upside down. We, the "revolutionaries"... are thriving far better on legal methods than on illegal methods and revolt. The parties of order, as they call themselves, are perishing under the legal conditions created by themselves. They cry despairingly with Odilon Barrot: la legalite nous tue, legality is the death of us; whereas, we, under this legality, get firm muscles and rosy cheeks and look like eternal life. (1)

It is for this reason among others that Marx was willing to concede that political emancipation represented great progress although it was by no means the last form of human emancipation, real, practical emancipation. (2)

(1) Engels, F., Introduction to Class Struggles in France, in Marx, K., Selected Works, p. 189

(2) Marx, K., La Question Juive, Oeuvres Philosophiques Tome I. p.179, cf. also 202

In the history of human thought there have always been men who are ready to draw the logical conclusions from the doctrines of other men who have preceded them. The original formulators, having established their doctrines, attempt to limit their application in view of their own ends and hopes. When an idea has been once expressed, however, it becomes the property of mankind and the extent of its application will be determined, not by the wishes of the original proponents, but by the logical implications of the doctrine itself. What better example than the doctrine of Hegel? Hegel, the conservative, by his doctrine, wished to justify the Prussian monarchy but his doctrines have been the very heart of radical activity against all states and forms of governments. The Divine Idea existing on earth has been subjected to the onslaughts of the human elements. The same phenomenon has occurred again and again whenever men have rejected God and metaphysics. In the order of human reason, apart from revelation, a denial of the existence of God can produce only an incomplete, sterile metaphysics and a denial of metaphysics cuts men off from any real knowledge of God, the source and cause of all being. The result of such denials is of course a negation of the speculative order, a concrete example

of which is seen in the period from the medieval times to our own day. Men were no longer interested in knowledge for its own sake, truth for the sake of truth, good for the sake of good: indeed, the truth in itself or the good in itself no longer existed; they were interested only in action, in transforming and subduing all things - even other men - to the domination of men. (1)

Thus it was that Kant's postulates of practical reason confirmed the standard of the age - man the measure of things. It further meant, as Marx would show, that the ultimate standard of value is a practical one, success in accomplishing one's end, ... an end which is the product of arbitrary will.

Moral judgments are the application to social institutions and conducts of a standard of valuation derived from actual practical production technique. "Right" is conduct which does, and "wrong" is that which does not produce a result desired. Given a positive conception of society....social conduct can be valued as to the desirability of the results likely to follow from a persistence therein; can, that is to say, be valued as to its adequacy to produce a definitely desired end, from as many points of view as there are differences of relations within society. That is the simple, positive

(1) The following words are quite significant in this regard. "It is not true--as some have seemed to say at times--that man can organize the earth without God; what is true is that, in the final analysis, he can only organize it against man." Lubac, op. cit. avant-propos, P. 10

and scientifically usable conception whereby Marx and Engels solved the "problem of Morals and Law" which had baffled, and still baffles, all speculation which operates from the bourgeois, on the supernaturalist standpoint." (1)

Marx and the Communists will carry Kant's principles to their logical conclusion--slavery and tyranny--a conclusion which results from Kant's repudiation of the ontological basis of judgment of judgment of value. "A dogmatic belief in objective value is necessary to the very idea of a rule which is not tyranny or an obedience which is not slavery." (2)

It will be remembered that according to Marx's theory the laws existing at any given stage of history are only those laws which favor the ruling class. Those who control the economics of a period control the thought of the period. Material and mental production are the possession of the same social aggregate and all others outside the group are consequently, subject to this twofold domination. (3) It follows, therefore, that class law and class morality are manifestly unjust because they are not human, not in accord with the nature of man but only in accord with the desires and selfish interests of a particular group of men. They possess no binding

(1) Jackson, T., p. 363 op. cit.

(2) Lewis, C. S., Abolition of Man, p. 46

(3) Marx-Engels, German Ideology p. 39; Communist Manifesto p. 29

force, are as transitory as the particular stage of economic development which they reflect. A morality which is valid for all nations and all peoples under varying economic conditions is an absurdity. In proof of this Engels and Marx appeal to history. All moral codes have been based on one fundamental fact - the existence of a dominated and dominating class and the exploitation of one part of society by the other. All moral codes - have arisen in societies based on private property, are all stages of one great phase of historical development which, it seems, extends from the appearance of private property in movable objects. Naturally, there will be some moral laws in common such as a law against stealing. But this law, we are assured, will be ridiculous in the classless society and is no more eternal than any other law. (1) The phase of law and morality based on private property is the antithetical phase of the triadic structure in which the Marxian theory is cast. Within this phase itself, however, there are lesser

(1) Engels, F., Anti-Duhring, p. 104

triads. As each oppressed class in history, according to the Marxists, rises up and overthrows its oppressors it installs its own conceptions of law and morality which, rooted in the material conditions of life, reflect and justify the existing economic relations. This continual change and revolution in moral ideas will come to an end only when a "really human morality" is established in a society in which class interests and class antagonisms no longer exist. The germs of this morality of an emancipated humanity are present in the class which "in the present represents the future," that is, the proletariat. (1)

The "really human morality" is bound up with the idea that man is not a citizen of a particular state but a citizen of the world, a member of a world community. This latter thought, in turn, is based on Marx's conception of man as an individual and generic being, the idea that man is man only in society with his fellow man. To attain the integrated humanity which will be the result of dynamic forces operating within history - contradictions in economic life which find their complete expression in the class struggle - it is necessary to

(1) Ibid, 104-05

destroy the foundations of bourgeois society and organize the life of man so that there no longer exists any contradiction between his individual and generic being; altruism supplants egoism, cooperation supersedes competition, misery is at an end, man becomes perfectly free, mysteries are unveiled, and man lives supremely happy in perfect accord with his fellow men in a land blessed with an abundance of material goods and pleasures.

Veritably this is a secularized Kingdom of heaven on earth and Marx might well secularize the words of the gospel and proclaim to the world "The kingdom of heaven suffereth violence, and the violent bear it away."

(Matt. 11, 12) Violence and terror will be the twin children born of an exaltation of the will, the will to power. Violence, towards human nature, reducing man to a jumble of material elements; violence towards spiritual values, by denying or naturalizing and materializing them; violence towards God in trying to eliminate Him from the consciousness of his creatures and usurping his prerogatives; in a word, violence towards everything human and divine, leaving only the animal with appetites liberated from national direction and leading to a reign of terror. The words of Dostoevsky were indeed prophetic, "If there is no God and no abso-

lute value, everything is permitted. " (1) When the rational directive is lacking, the appetites run wild, and it is always the lower appetites which prove the stronger; hate, fear, brute force, cunning, intrigue dominate men who, from the cacophony seek to compose a harmonious symphony of life. The exaltation and apotheosis of the irrational is to lead to the triumph of the rational, evil is to produce good, the animal engenders the human, and even the divine. This is the illusion of revolution, the myth of power, and the result has always been disastrous for civilization and for culture.

(1) Cited in Sorokin, P., Man and Society in Calamity,
p.231