From the Critique of the Heavens to the Critique of the Earth: A Contribution to the Reconstruction of Karl Marx's Unfinished Critique of Political Theology

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Abstract This article reconstructs Karl Marx's unfinished and hitherto unexamined 1843 critique of political theology, i.e., the predominant understanding of the state as a transcendent and sovereign subject. Careful analysis of the text and its intellectual context reveals how contemporary post-Hegelian debates sensitized Marx to the problem of political theology and provided the conceptual resources to overcome it without resorting to abstract negation. Marx showed that it was the social significance of this idea and associated practices that constituted the earthly existence of the modern state and provided a highly original analysis of its structural integration in the capitalist system.

The modern state is defined by its sovereignty. The concept of sovereignty posits the state as an independent subject transcending and exercising absolute power over its various institutions, territory and society. It is the absolute and independent power of the state over a given territory and population that defines it in an international context. In a domestic context, it is the same idea that unites and organizes the various public institutions and the population's differentiated participation in them as parts of the state, supposedly existing beyond these individual parts. The concept of sovereignty emerged from the religious (Christian) notion of a transcendent and omnipotent God and migrated from the realm of theology via the mediation of ecclesiastical institutions and doctrines to become secularized and vested in the state in the political thought of the sixteenth and seventeenth centuries, constituting a distinctly *political theology*.[1]

However, this hegemonic conception of the modern state as a transcendent and sovereign subject is fundamentally misleading in regard to its actual social and material existence. The state only exists in and through the institutions and society that it supposedly transcends and over which it holds absolute power. As such, the notion of sovereignty cannot provide an accurate understanding of the material existence of the modern state, as a number of critics have already suggested.[2] However, this does not mean that sovereignty can simply be disre-

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garded. The modern state cannot be fully grasped without considering this political theology. It cannot simply be reduced to the sum of its various institutions which are organized and animated by the idea of them forming part of and being determined by the sovereign state; the same idea which supports and sustains society's differentiated participation in and obedience to these institutions. This political theological conception of the state may not be correct but nonetheless forms a central part of the practical organization, legitimation and reproduction of the modern state.

An adequate understanding of the modern state therefore cannot rely on the concept of sovereignty, but neither can it disregard it and limit itself to an account of the immediate appearance of the state. It must be complemented by a critical analysis of the role and function of this political theology, in the social and material constitution of the state: a critical analysis that neither presupposes the sovereign state as a transcendent and sovereign subject nor blindly denounces this idea as an inconsequential illusion but, rather, takes the reciprocal relationship between political theology and the institutions and social practices that together constitute the earthly existence of the state seriously. However, such an account remains absent from the literature.

The study of political theology is generally associated with Carl Schmitt's work of the same title from 1922 wherein he identified the theological origin and persistent secularized theological conceptual structure of our contemporary conception of the modern state.[3] However, he explicitly identified with and consciously promoted this idea. Ernst Kantorowicz later elaborated Schmitt's historical insights in his classical study of the medieval antecedents of political theology in the doctrine of the king's two bodies. However, his work did not address its subsequent development, contemporary significance or relation to the modern state.[4] Michel Foucault later addressed the concept of sovereignty's role in the discursive and practical constitution and reproduction of the modern state but attempted to avoid partaking in it by ignoring both of them in his published works.[5] Giorgio Agamben has subsequently attempted to address this blind spot in Foucault's works by reading him alongside Schmitt as the basis of his own critique of political theology. However, Agamben's project remains limited to a normative critique of sovereign power that presupposes and thus inadvertently reproduces it and its inherent limitations.[6] As such, none of these studies bring us closer to a critical analysis of this political theology's social and practical significance.

The point of departure for this article was my discovery that the identification and analysis of political theology predates Carl Schmitt's 1922 study. Already in the summer of 1843 Karl Marx identified G. W. F. Hegel's *Elements of the Philosophy of Right* (henceforth *Philosophy of Right*) as an expression of "political theology" and suggested that this

was to be the object of his projected *Critique of Hegel's Doctrine of Right* (henceforth *Critique*), which he drafted over the following months.[7] However, he never managed to revise and publish this text and it was therefore largely unknown until David Riazanov rediscovered and published it in 1927. But even then it was generally neglected in the literature.[8] As a result Marx's incipient critique of political theology has remained almost entirely unexamined.[9] This may be partially explained by the fact that in spite of the manuscript's sustained critique of "the *theological* conception of the political state," the actual concept of "political theology" only occurs in Marx's preparatory notes—in all likelihood owing to the manuscript's incompletion.[10] Moreover, precisely this passage was mistakenly transcribed as "political teleology" [*politische Theologie*], fundamentally distorting its meaning and obscuring the significance of Marx's subsequent critique of Hegel's *Philosophy of Right*, in the initial volume of *Karl Marx-Friedrich Engels Historisch-Kritisch Gesamtausgabe* (1927) edited by David Riazanov. The mistake was also reproduced in the English translation in the third volume of *Marx-Engels Collected Works*. Marx's reference to political theology was thus not reproduced outside of his 1843 notebooks until the publication of the second volume of the fourth series of *Karl Marx-Friedrich Engels Gesamtausgabe* in 1981 and has yet to garner the attention it deserves.[11]

This article argues that Karl Marx's unfinished *Critique* contains a highly original and hitherto neglected critique of political theology, represented by Hegel's *Philosophy of Right*. This focus of course does not mean that Marx's critique is entirely abstracted from the practical and material existence of the state, as in his later writings, the critique of determinate social relations is enshrined in the critique of their theoretical representation.[12] It is the aim of the present paper to recover Marx's analysis and critique of the sovereign state and/as political theology *and* develop his intimations of the earthly existence of the modern state.

The first two sections will analyze the origins of this project in the work of Hegel and Feuerbach, while emphasizing the originality of Marx's contribution. It will be argued that his concern with Hegel's political philosophy as theology emerged out of the distinctly (post-)Hegelian critique of religion, specifically Feuerbach's "reformatory critique" of the theological structure of Hegel's philosophy. This provided Marx with the methodological and conceptual point of departure for *Critique*. The third section proceeds to elucidate the historical tradition of political theology up to and including Hegel's *Philosophy of Right*. I propose that the sovereign state figures here as an essentially theological subject, which transcends and determines society from without.

The final two sections proceed to investigate Marx's critique of Hegel's political theology through the exploration of the concepts of abstraction and alienation. Marx's critique is conceived on the model of Feuerbach's reformatory critique, as an inversion and a sublation of Hegel's political theology, which ultimately amounts to a material grounding thereof, rendering the sovereign state immanent to the social and material whole i.e. society as the (potentially) universal, material subject. It is the differentiated practices of members of society which constitute the state, and not the other way around. The political theological notion of the sovereign state transcending and determining society is an abstraction. However, it is an abstraction rooted in the material reality of that society; it is the appearance of society's collective and practical agency as a separate and sovereign subject; and to the extent that they proceed to act on this presumption, they confer a social and material existence upon this abstraction, allowing it to function as the transcendent sovereign subject posited by Hegel.

The sovereign state is the collective agency of society, which appears to stand apart from and rule them, but it is not actually separate from or logically prior to society. The sovereign state is a separation in and of society—a separation within the social whole; that is, an alienation. The sovereign state is an alienation of society in two regards. It is the appearance and function of the collective and practical agency of society as a separate and alien entity. This alienation coincides with the alienation of society from itself: the competition and conflict over private property that divides society into antagonistic classes, which occasions and legitimizes the mediation of the state. This is then explored through the concept of alienation's historical deployment in political philosophy, which is employed to make the argument that the sovereign state coincides with the system of private property and its inherent contradictions.

Hegel and his Legacy: The Critique of Religion

Karl Marx arrived in Berlin in October 1936 to commence his legal studies. Over the course of the following year, while trying to work out a philosophical framework to organize his legal studies Marx became frustrated with the subjective idealism of Kant and Fichte, specifically the inherent "opposition between what is and ought to be."[13] His frustrations eventually propelled him towards Hegel, who claimed to overcome this opposition. In a letter to his father from 1837, Marx described it as having "arrived at the point of seeking the idea in reality itself. If previously the gods had dwelt above the earth, now they became its center."[14]

Both Hegel and the aforementioned "gods" would later become the subject of Marx's criticism, but before we proceed to examine

this in detail, it is necessary to establish and examine the contours of Hegel's philosophy and the debate over its legacy, which preceded and facilitated *Critique*. I argue that it was the post-Hegelian critique of the religious import of Hegel's philosophy, which sensitized Marx to the problematic of political theology in Hegel's *Philosophy of Right*, and Feuerbach's method of reformatory critique which provided Marx with the conceptual tools to undertake his critique of it. This should not be taken to suggest that Marx's *Critique* is reducible to Feuerbach's influence; the originality of this work resides precisely in Marx's critical engagement with and transformation of both Hegel and Feuerbach. However, this task is complicated by the fact that Marx does not explicitly situate *Critique* philosophically; this section therefore also draws on Marx's contemporaneous letters, preparatory notes and "A Contribution to the Critique of Hegel's Philosophy of Right. Introduction" (henceforth "Introduction") in addition to *Critique* in order to place the latter in its proper historical and philosophical context. This will in turn allow us to proceed to reconstruct and develop Marx's critique of political theology.

The basic premise and conclusion of Hegel's philosophy was that the truth had to be grasped "not only as *Substance*, but equally as *Subject*."[15] Hegel argued, against the traditional epistemological dichotomy of subject and object, that the truth could only be grasped as the whole [*das Ganze*]. He argued that the objectivity of the object was an effect of the subject's intellectual efforts and thus internal to it, rather than external to and separate from it. Moreover, the subject has an objective existence and transforms the world of objects through its activities. It was therefore mistaken to insist on the world of objects as separate from consciousness.

Although the unity of subject and substance was implicitly always already the case, Hegel insisted that it only became explicit to consciousness and thus actualized in the world through the process of history. In the *Phenomenology of Spirit* (1807) Hegel presented a retrospective account of history in terms the overcoming of an initial split in the whole; this originary alienation constituted the subject as separate from substance, and proceeded to trace its gradual, historical realization through a series of historical shapes or modes of consciousness, that "it is itself reality, or that everything actual is none other than itself."[16]

Each mode of consciousness represented a specific historical epistemological configuration of the relationship between subject and substance, which was inevitably negated by the contradictions inherent in any separation of subject and substance. This negation however, is always determinate, that is, it is the negation of a specific way of relating to the world, not the negation of that relationship altogether. Consciousness is thus continuously compelled to reconceive

and reconfigure its relationship to the world, based on the experience and deficiencies of the former modes of consciousness—or at least this is how it appears in Hegel's retrospective reconstruction. Hegel refers to this process as "sublation" [*Aufhebung*], a process which involves the simultaneous cancellation, preservation and elevation or expansion of one mode of consciousness in the formulation of a new and more inclusive one.[17] From this perspective, the negation of a mode of consciousness appears as a necessary and essentially positive moment in the gradual and cumulative overcoming of the division between subject and substance.

Hegel referred to the subject (and thus also implicitly the substance) of history as "spirit" [*Geist*], which he identified with both reason and God.[18] Spirit is the collective, historical consciousness of humanity, which Hegel presents as immanent in the consciousness and actions of particular historical individuals and groups (finite consciousness) at various points throughout history. Yet he simultaneously maintained that it also stood above them, and determined their actions independently of their own intentions—the famous "cunning of reason" [*List der Vernunft*], whereby spirit appears as a transcendent subject, which relies on finite consciousness solely as the passive material of its own actualization—a relationship which would later become a significant issue in the debate over Hegel's legacy.[19]

Given the unity of subject and substance, the historical actualization [*Verwirklichung*] of spirit was of course not limited to a one-sided subjective realization. The actualization of spirit included its objectification in the world, i.e., the development of increasingly rational social forms. Hegel's philosophy thus claimed to overcome not only the opposition between subject and substance, but also the opposition between what is and ought to be. Since the historical development of spirit and with it the actualization of reason in reality ("the idea"), had been achieved, the task that remained for philosophy was the theoretical task of identifying and comprehending its existence in reality in order to reconcile self-consciousness with it.[20] Hegelian philosophy had, as Marx summarized it "arrived at the point of seeking the idea in reality itself."

Nonetheless it was religion, a topic that Hegel had lectured and written widely on, which became the focal point of the debate over his legacy after his death in 1831.[21] Hegel, who had trained as theologian at a Protestant seminary in Tübingen (1788–1793) relied on a number of Christian motifs, from the notion of a transcendent subject and its occasional explicit identification with God, to its actualization in and through man. Towards the end of *Phenomenology*, Hegel even proposed that Christianity had attained the unity of subject and substance in principle and only needed philosophy in order to conceptualize it adequately.[22] Yet Hegel's thought still suggested that God only became

actual in and through history contrary to theological doctrine. This was never addressed directly by Hegel, who seems to have continued to consider himself an orthodox Lutheran throughout his life. Many of his contemporaries interpreted his praise for Carl Friedrich Göschel's *Aphorisms on Ignorance and Absolute Knowing* (1829), which argued for the compatibility and consistency of Hegel's philosophy and traditional Christian theology, as the conclusion to that matter.[23]

Yet only four years after Hegel's death, the theologian David Strauss published *The Life of Jesus Critically Examined* (1835): a Hegelian examination of the Gospels, which denied the miracles of Jesus.[24] Bruno Bauer, another theologian who had originally attacked Strauss's work, subsequently published a set of influential biblical studies that developed his conclusions a couple of years later. Bauer argued that the biblical figure of Jesus was a mythological representation of God's incarnation in all of humanity. Moreover, he explicitly counterposed reason and religion: drawing on Hegel's figure of the "unhappy consciousness" he argued that Christianity constituted a "self-alienation" of (human) consciousness which had to be overcome by philosophy, thus laying the grounds for the reorientation of Hegelian philosophy towards the future.[25] Bauer proceeded to suggest, in an anonymously published pamphlet, that this was in fact the position of Hegel himself, but that he had only revealed his atheism implicitly through the logic of his system out of fear of censorship and repression.[26]

Although Marx had been close to Bauer, it was Ludwig Feuerbach and his method of "reformatory critique" which was to provide the starting point of Marx's *Critique*.[27] In *The Essence of Christianity* (1841), Ludwig Feuerbach proposed that "the secret of theology is nothing else than anthropology."[28] Feuerbach argued that religion was a creation and representation of man [*Mensch*] projected unto an imaginary transcendent entity (God), which in turn appeared separate and independent of mankind.[29] To Feuerbach the religious conception of God implicitly revealed the potential universality and collective capacities of the human species, albeit in a separate and inverted form, which continued to deprive humanity of realizing these capacities as long as it did not recognize itself therein.[30] Feuerbach thus did not reject religion outright or reduce it to mere illusion, but sought to account for it starting from and ending with man. This inversion of the traditional theological conception of the relationship between God and man was the basis of his method of reformatory critique.

Feuerbach's idea first outlined in *The Essence of Christianity* was explicated and developed into a method in his "Provisional Theses for the Reformation of Philosophy" (1843), where he reiterated his critique of theology and extended it outside of its traditional confines, declaring that "the secret of *theology* is *anthropology*, but the secret of

speculative philosophy is *theology*."[31] While he did address speculative philosophy more generally, the primary target was Hegel. Contrary to Strauss and Bauer who considered the critique of religion to be fundamentally Hegelian, Feuerbach criticized Hegel's philosophy as "*the last place of refuge and the last rational support of theology*."[32] He proposed that philosophy as it figured in Hegel—i.e., as spirit transcending and determining man and nature from without—was an abstraction from, and an alienation of them; that is, a form of theology.[33]

Feuerbach proposed that Hegel's philosophy, as a form of theology, relayed an inverted representation of the world and, should thus be subjected to the same method of inversion employed in *The Essence of Christianity* in order to recover its implicit truth. He summarized this method of reformatory critique as:

> Mak[ing] the *predicate* into the *subject* and thus, as subject, into the *object* and *principle*. Hence we need only *invert* speculative philosophy and then have the unmasked, pure, bare truth.[34]

The pairing of subject and predicate suggests that "subject" is not used in the conventional (modern) sense of subjectivity, but in the logical and grammatical sense. In this context "subject" denotes the subject matter of a proposition. The subject in this sense is the underlying referent or bearer of predicates, which is not itself a predicate of anything else. It also refers to the active agent of a sentence or—as with Hegel—history. Both of these senses suggest a logical hierarchy, where primacy and agency are attributed to the subject, rather than the predicate, which figures primarily as a quality, attribute or derivative of the aforementioned. Given Feuerbach's insistence on materialism, his use of the term subject may also contain an implicit reference to its etymological roots in Aristotle's hypokeimenon [ὑποχείμενον], which denotes both the logical and grammatical subject ("primary subject") as well as the *material substratum* of which something consists—a connection which Marx, echoing Hegel's identification of subject and substance, makes explicit in his appropriation of this method in *Critique*.[35]

But the significance of Feuerbach's reformatory critique for Marx resided not just in its explicit materialism, but also equally in its distinctly dialectical relationship to Hegel's philosophy. Hegel's system subsumes negativity and turns it into a positive moment within its totality, thus critique becomes impossible. However, Feuerbach's method of reformatory critique resolved this problem by engaging the Hegelian system from within, in accordance with its own logic. Hegel had already bridged the gap between subject and substance. Feuerbach therefore only needed to invert their relationship in order to overcome Hegel's absolute idealism and reduce it to a one-sided moment in the movement of the material whole qua man's natural and material exis-

tence. Hegel's abstraction of spirit from man and nature thus comes to figure as the final form or mode of consciousness in Feuerbach's distinctly (post-)Hegelian account of mankind's overcoming of its self-alienation in theology.

Feuerbach's inversion of Hegel's philosophy meant that man and/as nature had to be conceptualized as the real subject and agent of history; and thought or spirit only a predicate thereof, and at times even an "abstraction with no reality."[36] The point being that thought comes out of being; being does not come out of thought. This inversion suggests that since Hegel's resolution of the contradiction between thought and being (subject and substance) occurred within the former, neglecting the primacy of the latter, it remained "within contradiction."[37] However, Feuerbach did not pursue this matter further, but considered this contradiction a product of Hegel's philosophy, and suggested that it was efficiently resolved by his (philosophical) inversion of it.

From the Critique of Heaven to the Critique of the Earth

Feuerbach's method of reformatory critique provides the general method and argument of Marx's engagement with Hegel's *Philosophy of Right*, noticeable all the way down to the textual level, where it is constantly reiterated in the chiasmic inversions that enrich the text. However, the exact nature of the relationship remains a source of some controversy. The controversy originates in Marx's subsequent critique of Feuerbach in the unpublished *The German Ideology* (1845–6), co-authored with Friedrich Engels. Marx subsequently described this work as "settl[ing] our accounts with our former philosophic conscience," leading Louis Althusser to advance the influential argument that Marx "before the *1844 Manuscripts* … [was] a Feuerbachian—with no qualifications."[38] Marx's own comments on the matter are scarce: the manuscript itself contains no explicit methodological considerations or attempts to situate his project in its proper historical and philosophical context. However, in a letter to Arnold Ruge immediately preceding the writing of the manuscript, Marx thanks him for an edition of his *Anecdotes on the Newest German Philosophy and Journalism*, containing Feuerbach's "Provisional Theses" and offers the following observations:

> Feuerbach's aphorisms seem incorrect to me only in one respect, that he refers too much to nature and too little to politics. That, however, is the only alliance by which present-day philosophy can become truth.[39]

Marx largely agreed with Feuerbach's method, but contended that he insisted too much on nature at the expense of politics in its application. This immediately appears to be a relatively mild critique of Feuerbach, seemingly more concerned with justifying Marx's own projected critique of Hegel's political philosophy than challenging Feuerbach.[40] However, the following sentence suggests that his evaluation of Feuerbach was not without reservations as Althusser would have it: Marx makes it clear that "present-day philosophy" has not yet become truth; that is, the contradiction between subject and substance, is and ought, had not yet been overcome—against both Hegel and Feuerbach's claims of closure.

Marx asserts that this contradiction cannot be overcome through philosophy alone. This must be interpreted as a critique of the inconsistency of Feuerbach's materialism: if man's practical and material being is primary, the alienation that s/he immediately faces as theology, must be primarily practical and material and therefore cannot be overcome solely through philosophy. It can only be resolved through a practical and, at this point political, engagement aiming to change the material conditions of man.[41] The critique of Feuerbach is clear: like Hegel, he remained within the realm of speculative philosophy qua theology.

However, Marx's reservations regarding Feuerbach's conclusions should not be misunderstood. They are premised on his adoption and exploration of the implications of Feuerbach's reformatory critique. Some of these implications were implied in the brief comments we have already examined, but are not fully explored until the "Introduction." Here Marx suggests that a consistent materialist critique of religion cannot treat religion as an autonomous abstraction, but must insist on its roots in material reality. Otherwise the critique of religion would inevitably remain trapped within the realm of theology. The critique of religion must therefore become a critique of the material conditions that give rise to religion as Marx explains:

> *Man makes religion*, religion does not make man … But *man* is no abstract being squatting outside the world. Man is *the world of man*, state, society. This state and this society produce religion, which is an *inverted consciousness of the world*, because they are an *inverted world*.[42]

Marx here reiterates Feuerbach's critique of religion as the starting point of his own argument. However, he then proceeds to dispel the illusory self-sufficiency of his conclusion; man is not some ideal entity, but a complex of social and historical relations and institutions. Man here denotes a collective subject in both of the Aristotelian senses; i.e., the material in which these historically varied social forms inhere *and* the logical subject.[43] The conclusion that man makes religion thus

comes to mean that these relations and institutions produce religion: this inverted consciousness is the effect of the inversion in this world; the world of man. The fact that they are both inverted suggest structural parallels that would allow the method of reformatory critique to be applied to the world of man; the causal link that Marx identifies suggests that it should—the critique of religion can only be completed if it becomes a critique of the world of man.[44]

This entails that the critique of religion, now conceived in terms of the critique of the material inversion that produces religion, must itself assume a material form, if it is to overcome the practical and material contradiction that occasions religion. This does not mean that critique can simply be done away with. Critique is still necessary. However, it is no longer enough. Henceforth critique can only serve as the necessary prolegomenon to the practical inversion of this inverted world: in a word, revolution.[45] However, it is this prolegomenon that will remain our focus for now.

Marx does not explain the inversion in the world of man, but the presentation of religion in terms of man and religion matches his two-fold presentation of the world of man as consisting of state and society. This "inverted world" can thus be interpreted in terms of the relationship between state and society. Marx does not immediately assign them roles in terms of subject and predicate, but on the following page, in the midst of a rhetorical reiteration of the previous conclusion—that the critique of religion must turn into the critique of this world—he asserts that "the *criticism of theology* [must turn] into *the criticism of politics*."[46] The fact that politics qua the state, here figured as the equivalent of theology qua religion, allows us to infer that the inverted relationship between man and religion is analogous to the inverted relationship between society and state. This allows us to reread Feuerbach's conclusion in terms of Marx's critique of the world of man, anticipating the latter's conclusion: *society makes the state*, the state does not make society.[47]

Marx also neglects clarifying the specific relevance of Hegel's *Philosophy of Right* to his critique of this world. To understand this, we must look to Marx's preparatory notes, where Hegel's political philosophy figures as "political theology."[48] In the short excerpt we just examined theology qua religion was not simply an inverted consciousness of the world, but "*an inverted consciousness of … an inverted world*." This inverted consciousness is, in other words, parallel to the inverted world of man, suggesting that when theology turns to the world of man, as in the case of Hegel's *Philosophy of Right*, it provides an accurate (non-inverted) account of its contradictions, thereby constituting an obvious starting point for Marx's reformatory critique of the world of man.[49]

Excursus: Political Theology

Marx's reference to Hegel's political philosophy as an expression of "political theology" is important for a number of reasons: not only does it isolate the religious properties that Hegel attributes to the state and situate Marx's *Critique* in relation to Feuerbach's critique of religion. It also serves to situate it in its wider historical and philosophical context, which both Hegel and Marx rely on in making their respective arguments, as Marx suggests in his preparatory notes:

> [Hegel] only expresses the general political climate of the period, its political theology … the metaphysical expression of the Reaction.[50]

The theological structure and argument of Hegel's political philosophy was not unique to him, but an expression of a general political and philosophical tradition, which Marx describes under the heading of "political theology." Although there is no direct link between Marx and Carl Schmitt's uses of the term "political theology," the latter's historical analysis of the theological import of political thought is helpful in elucidating the content of Marx's allusion to a broader historical tradition of political theology in the above passage. For Schmitt, political theology denoted how "all significant concepts of the modern theory of the state are secularized theological concepts." Although Schmitt invokes "all significant concepts," he was primarily referring to the concept of sovereignty, as is clear from both the subtitle of the work ("Four Chapters on the Concept of Sovereignty") and the discussion contained therein.[51] The conservative implications that Schmitt develops from this observation and his insistence on the personalization of sovereignty need not detain us here, but his observation is significant since the modern state has historically been identified almost exclusively in terms of its sovereignty.[52]

The concept of sovereignty has religious (Christian) origins and, in spite of its secularization, retains the conceptual structure of transcendence of its antecedent. It is derived from the notion of a transcendent and omnipotent God "who worketh all things after the counsel of his will," and migrated via the mediation of ecclesiastical institutions to become vested in the modern state in the political thought of the sixteenth and seventeenth centuries.[53] The first modern articulation of the concept is to be found in Jean Bodin's 1576 *Six Books on the Commonwealth* (henceforth *Six Books*), where it was defined as the "the absolute and perpetual power of a commonwealth."[54] While this absolute and perpetual power had to be vested in a determinate individual or group ("the sovereign"), sovereignty itself was perpetual and inhered in the "commonwealth" (that is to say, the state)[55] itself, which

was conceived as transcending and determining both rulers and ruled. This is a secularized religious conception of the state. Here it is illustrative to remember Lactantius's etymology of the concept of religion, which he argues is derived from *religare* meaning to bind. More specifically he proposes that religion refers to the fact that "we are fastened and bound to God by this bond of piety, whence religion itself takes its name."[56] The bond or unity of religion, however, presupposes and posits a fundamental separation between mankind and God, temporal and transcendent spheres—consistently subordinating the former to the latter in a hierarchical structure of transcendence. The religious concept of sovereignty likewise served to separate political authority from the society it purported to govern. It suggested that the state transcended and determined society from without; it was, in other words, sovereign.

Although Bodin's doctrine of state sovereignty assumed a fundamentally secularized religious form, it also remained embroiled in a fundamentally Christian world-view, and he invoked God as the ultimate source of authority legitimizing it; thus *Six Books* is located at the threshold between a theologically legitimated politics and a modern fully secularized political theology.[57] The continuing conflicts and controversies over theological doctrine and ecclesiastical authority subsequently led Hugo Grotius—and after him, Thomas Hobbes—to further secularize the concept of sovereignty, that is, replace religion with natural law as its foundation. Hobbes famously argued that in the hypothetical absence of a state—the "state of nature"—freedom would reign supreme and everyone would have the unlimited right to everything. However, this would inevitably lead to a war of everyone against everyone. This in turn would lead people to attempt to end this state of insecurity and conflict through a mutual covenant that surrendered their natural freedom and obedience to constitute the sovereign state, "that mortal god" with absolute and unlimited power, to maintain peace and security amongst them.[58]

However, the aforementioned "secularization" should not be misunderstood: sovereignty retained all of its religious characteristics albeit in a secularized form; that is, sovereignty remained absolute and transcendent in regards to the temporal realm, i.e. society.[59] This secularization can best be understood as the establishment of the doctrine of sovereignty independently of its original theological and ecclesiastical sources and referents.[60] It is the achievement of a modern and distinctly *political* theology, which established the state as sovereign in regards to both people and God/the church—a doctrine that was subsequently codified in international law with the Peace of Westphalia (1648), which is commonly identified as the historical foundation of the modern sovereign state.

The natural law tradition as we know it today was a subsequent development affected primarily by John Locke and Jean-Jacques Rousseau. Both emphasized the individual freedom of the state of nature already identified in Hobbes, but rejected his conclusions regarding its war-like nature. This changed the initial form of natural law from a covenant based on the model of the biblical pact, into a voluntary contract, suggesting that sovereignty was not only originally, but continuously invested in the people. Nonetheless, Rousseau proceeded to argue that the collective sovereignty of the people, the "general will," transcended and determined its individual elements, thus establishing a highly ambivalent, yet significant place in the tradition of political theology.[61]

Hegel's claim that his system marked the culmination of the preceding philosophical tradition was commonly accepted among the Left Hegelians, and his political philosophy can be read, as Marx did, as the summation of and conclusion to the tradition of political theology. Hegel's *Philosophy of Right* reiterates and develops the dualistic (religious) structure of the preceding tradition, but explicitly rejects the contract as the basis of the sovereign state, since it implied mutual obligations and the possibility that it could be undone and thus "destroy the divine [element]."[62] Instead he proposed that the sovereign state had to be conceptualized as the historical objectification of spirit, which exists in and of finite individuals, yet transcends these and determines them independently of their will.[63] The state thus comes to figure as a transcendent omni-present and -potent subject, while society is reduced to a mere predicate thereof: "the state consists in the march of God through the world."[64]

Hegel's *Philosophy of Right* also offers a significant engagement with the arguments of his predecessors, which would become decisive for Marx's *Critique*: according to Hegel, the historical aim of spirit was the actualization of freedom. Contrary to Hobbes and Rousseau, he argued that this freedom was not a "natural" condition. He agreed with Hobbes that the state of nature was a state of war and therefore incompatible with freedom.[65] Instead, he argued that freedom was an achievement of the modern sovereign state. This did not mean that Hegel did not consider individual freedom, but he considered it secondary to the state, and displaced it from Hobbes's and Rousseau's states of nature to the modern social and economic sphere of civil society [*bürgerliche Gesellschaft*]. Hegel conceived individual freedom in terms of private property, which existed and was exchanged in the realm of civil society, where the exchange of property implied both mutual recognition and formal universality. [66]

However, the particularity of economic interests in civil society also tended towards division and conflict, which Hegel likened to the Hobbesian "war of all against all." As such the state of nature qua

freedom retained a paradoxical presence in Hegel's political philosophy, contemporaneous with the sovereign state.[67] The conflicts and contradiction of civil society threatened the very freedom that occasioned it and thus required an autonomous and sovereign power that transcended the particular wills and interests of civil society, to mediate and unite them in a "common will," on the model of Rousseau's general will as much as Hobbes's Leviathan. The sovereign state thus comes to figure as the condition of subjective freedom (identified with private property) of civil society against itself, and as such, argued Hegel, it was the highest, universal expression of freedom.[68]

What began as a religious legitimation of political authority gradually came to constitute an autonomous and secularized tradition of political theology; Hegel for instance posits the state as a sovereign subject, which transcends and determines its predicate civil society. This is not only inadequate to grasp the social and practical existence of the state, but serves to perpetuate and legitimize it, insofar as it is precisely the idea of the sovereign state that lends coherence to and animates the various public institutions and the differentiated participation of the population in them, while simultaneously separating it from them and, thereby, also the possibility of any practical or intellectual contestation. Political theology thus comes to function as a part of the state and its reproduction. It therefore cannot be enough to simply invert the terms and assert the primacy of civil society; any adequate account and critique of the sovereign state, must also analyze the role and function of political theology therein, and this is the topic we will now turn to.

The Sovereign State as an Abstraction

Marx's reformatory critique of Hegel's political theology follows Feuerbach: God is not the material and logical subject, but man and/as nature. This corresponds to the state, which figures in Hegel's *Philosophy of Right* as the self-realization of spirit, while civil society parallels nature via Hegel's invocation of the state of nature[69]—although it should be noted that civil society in this context by no means denotes a natural condition, but a specifically modern mode of social and economic existence, i.e. the emerging capitalist system, which we will return to examine in the following section.[70]

Man is not an abstract being, but a social and practical being, which, according to Marx, has its existence primarily in the sphere of civil society. The modern state according to Hegel has no independent reality, but consists solely in its determination and incorporation of the former alongside the apparatuses of the political state. Marx deploys this argument to support his inversion, asserting that since civil society, constitutes the material reality of the state, it should be understood as

the logical subject and thereby also potentially, the practical universal subject of history.

Crucially this should not be taken to suggest that the state does not exist, but that it does not exist independently of civil society's social and practical enactment of it. Marx's reformatory critique of political theology centers on precisely this attempt to abstract the state from civil society, which appears in the guise of the people in the following:

> Just as if the people were not the real state. The state is an abstraction. Only the people is [*sic*] concrete reality.[71]

This proceeds along the lines of the general argument we anticipated: the people make the state, the state does not make the people, with an important addition: the state figures here as an "abstraction"—a central concept in Marx's reformatory critique of political theology, which will be the primary focus of this section.

The concept of abstraction figures prominently in the modern European philosophical tradition, where it has been employed in the sense of its Latin origin *abstrahere*, which, like religion, denotes "drawing away or removing (something from something else)." From Kant and onwards it was used to refer to the process of abstracting the essential from the contingent elements of the experience of reality. While Hegel contested Kant's conception of abstraction as a one-sided concept of the understanding without any relation to the whole, he simultaneously posited an alternative, positive notion of abstractions related to "the Idea." The task that Hegel ascribed to philosophy was, as we previously examined, to abstract from the seemingly irrational and contingent elements of reality [*Realität*], in order to reveal and reconcile itself with its rational essence [*Wirklichkeit*].[72]

Marx's use of the concept derives primarily from Feuerbach, who similarly used this concept to criticize the essentially religious separation of speculative philosophy from its basis in the sensory and material existence of man. Hegel's claims to overcome this separation were the result of his initial separation of speculative philosophy from material reality, and their subsequent reunification was premised on the subordination of the latter to the former: the reduction of man's natural existence to a predicate of speculative philosophy. Feuerbach, on the other hand, suggested that speculative philosophy could only ever be a predicate thereof, as such it always referred back to and depended on this as the logical subject, and could not be said to exist independently of it, let alone determine it. It was at most a variation or characteristic of the logical subject that appeared to be a separate entity: a misleading appearance that had to be overcome. Feuerbach's use of the term abstraction thus relied on its colloquial connotations of an illusion "with no reality," against Hegel's claims regarding the primacy and autonomy of spirit.[73]

In the above passage, from the early part of *Critique*, Marx's use of the term in many ways coincides with Feuerbach's employment—the sovereign state as it figures in Hegel, and the political theological tradition more generally; i.e. as a sovereign subject that transcends and determines the people, is an abstraction, in the sense of an illusion. The state consists of the people's differentiated participation in and obedience to the authority of the state. The state therefore cannot be considered to be sovereign, in the sense posited by the political theological tradition:

> Sovereignty is nothing but the objectified spirit of the subjects of the state.[74]

This definition of sovereignty is misleadingly simple; while it contests the political theological conception of the sovereign state as a religious, or otherwise separate entity, it does not suggest that the sovereign state does not exist, but that it does not exist independently of the people—and as such cannot be conceived as sovereign in the traditional sense. Marx relies on Hegel's critique of the dichotomy between subject and object to make his point: although the object appears to be independent of and opposed to the subject, it should be understood as an objectification [*vergegenständlichung*] of the subject—bearing in mind that Marx's inversion has displaced the state/spirit with civil society as subject. Marx conflates this Hegelian thematic with the traditional political philosophical distinction between sovereign and subjects to stress its political import: the state appears to be a sovereign entity, but in reality it is nothing but the collective agency (spirit) of its subject(s).[75]

While the above passage reveals the sovereign state to be premised on the collective and practical agency of the people, it simultaneously maintains that this appears as it does in the political theological tradition: as a separate or abstract entity that stands opposed to them and seemingly exercises sovereign power over them. And this is not mere appearance or arbitrary political theology; insofar as the people proceed to act on this presumption, participating in and obeying the state, they confer a practical and material existence upon this abstraction, allowing the state to function as if it was actually a separate and sovereign entity; it is "the idea of a *separation that actually exists*."[76] This abstraction from the people thus attains a social and material existence, but only through the very same people it appears to transcend and determine.

On the one hand, this exposes the untruth of Hegel's political theology. The sovereign state does not stand apart from or rule the people as such, but is premised on their participation in and enactment of its sovereignty; hence it cannot be considered sovereign, in the sense attributed to this term by the political theological tradition—it does not transcend and determine the people, but is immanent to them.

On the other hand, this does not mean that the state does not appear and function as if it was sovereign and the people merely its subjects and/or predicates; it is, as Marx stressed, an "*inverted world*." Political theology might be an untruth, but it is an untruth with a practical and material existence, an "existing untruth" in Marx's words.[77]

Hegel's philosophy was not accidentally inverted, but reflected the practical and material inversion of subject and predicate: society and state. The untruth of Hegel's political philosophy lay in its elevation of this "inverted world" into an abstract and unchangeable truth that subsisted independently of the people that constitute it:

> Hegel should not be blamed for describing the essence of the modern state as it is, but for identifying what is with the *essence of the state*.[78]

The state may very well appear and function as a sovereign entity, but this consists solely in society's participation and is therefore not sovereign in any traditional sense of the word. Marx's analysis thus does not deny the significance of political theology as such, but reinscribes it in terms of its practical and material existence in and of society: "the state … [is] the social life of these illusions."[79]

This marks a significant development from Feuerbach's initial reformatory critique of Hegel's philosophy, which reduced it to an "abstraction with no reality."[80] In spite of Feuerbach's insistence on materialism, he nonetheless remained trapped within the realm of speculative philosophy, addressing abstractions as being purely abstract. Marx, on the other hand, insisted that a consistent materialism had to approach abstractions in terms of their social and practical foundation and efficacy.[81] The abstraction of the sovereign state was no abstract matter. It had a reality in and of its enactment by society. The illusion of the abstraction of the sovereign state consisted in its seeming separation from civil society, rather than its existence therein. Marx's reformatory critique of political theology therefore could not limit itself to abstract negation like Feuerbach's, but had to incorporate and account for the continued practical significance of this abstraction.

In spite of the limitations of Feuerbach's own materialism in this regard, it was his engagement with Hegel that provided Marx with the key for his materialist account of this abstraction. Marx's reformatory critique followed the Hegelian pattern of Feuerbach, but whereas Feuerbach's initial sublation of Hegel's philosophy was primarily an inversion within this dualist (religious) structure, which displaced absolute idealism with an equally one-sided (and inconsistent) materialism, Marx's reformatory critique of Hegel is, in many ways, much more consistently Hegelian: the concept of sublation, as we previously noted, denotes not only the cancelling out, but also the incorpora-

tion and elevation of the preceding perspective. Marx's sublation of Hegel's political philosophy thus does not just deny the transcendence and primacy of the sovereign state, but also recovers and inscribes this abstraction as a part of the new conception of the social and material whole qua society. Rather than disregarding or dispelling Hegel's political theological account of the sovereign state, Marx recovers it to his materialist epistemology. This ultimately amounts to a material grounding of Hegel's political theology: the idea of the sovereign state not only has its foundation in the social and practical reality of society, but likewise impacts and shapes society. Political theology, in other words, is not just a reflection of this inverted world, but an integral part of it.

Indeed, the role of ideas in material reality is the very premise of Marx's project, which he summarized in the "Introduction" as critique becoming a "material force" that can contest and overcome the pre-existing conditions, which he likewise described in terms of a "material force." This rests on the assumption of reciprocity between ideas and material practices. Marx characterizes the process of critique becoming a material force in his habitually charged rhetoric as a process of "seizing the masses." Although this remark refers to critique, we can infer that the pre-existing "material force" that it confronts must likewise consist of a set of dialectically entwined ideas and practices that have their existence in and of their enactment by "the masses."[82]

This suggests that the state's sovereignty consists in the objectified and self-perpetuating reciprocity of ideas and practices—an objectification which finds its most acute philosophical expression in Hegel's *Philosophy of Right*. This may at first appear odd, or at the very least historically misleading; Hegel's philosophy, although influential in the intellectual milieu, and in some favor amongst the political establishment of his own time, was relatively obscure to the public, and was viewed with great suspicion by the subsequent court of Friedrich Wilhelm IV.[83] However, the significance of Hegel's political philosophy did not reside in his personal influence, but in his summation and expression of the tradition of political theology, which not only reflected the appearance of the modern sovereign state, but had also been highly influential in regards to both the historical constitution and the constant perpetuation of this existing untruth.

Approaching Hegel from this perspective allows us to expand and explore our previous conclusions regarding the motivation for Marx's critique of Hegel; *Critique* is not simply a critique of Hegel's political philosophy, but an intervention aiming at the existence of the sovereign state at the intersection of ideas and practices—although this project of course cannot be completed without translating it into practice, i.e. seizing the masses. The critique of political theology is meant to reveal the sovereign state as an effect of the collective and practical

agency of society, rather than the transcendent and thus incontestable subject it appears to be.[84]

It is important to emphasize that Marx's reformatory critique is not just an inversion within the realm of political theology; it is not a political variation of Feuerbach's "anthropotheism," positing the people as an abstract and sovereign entity. Neither people nor the state can be considered sovereign in the political theological sense of a subject that exists separately from its predicate and determines it. Marx's sublation of Hegel's political philosophy overcomes the religious separation of state and society. It collapses the sovereign state into society, rendering it immanent, without therefore denying the continued existence of this separation *within society*. The sovereign state persists as the differentiated collective practical agency of the people, which appears and functions as a separate institution that transcends and determines them. Marx's sublation of political theology thus provides an immanent account of the sovereign state; and while this designates society as the logical subject, it does not abstract it from the state: society and state exist as part of the same world—the inverted world of man. However, Marx's sublation of Hegel's political theology reveals the practical possibility of contesting and overcoming the separation of the people from their own collective agency, which constitutes the state, without therefore presupposing its achievement.

Political Theology as Alienation

The sovereign state is the practical separation of the people from themselves, but it is not, as it purports to be, separate from the people. The sovereign state is an abstraction in and of the people, a separation within the social whole; it is an *alienation*—a central concept in Marx's reformatory critique of political theology. It comes from Hegel via Feuerbach, both of whom used it to denote a split or separation within the implicitly universal subject (and substance). In Marx's social analysis this is potentially constituted by society. The sovereign state is an alienation of society in two closely entwined respects: as we have already established, the sovereign state is the appearance of the collective and practical agency of the people as a separate and alien entity. This alienation coincides with the split within civil society itself: the competition and conflict over private property that divides the people as competing individuals and antagonistic classes, whose collective agency constitutes the "earthly existence" of the sovereign state. This is explored through the concept of alienation's origin in the fields of political philosophy, which Marx employs to make the case that the sovereign state is a central and structurally integrated part of the modern system of private property.

In order to understand Marx's deployment of this concept it is necessary to return to his definition of sovereignty as an objectification [*Vergegenständlichung*] of its subject(s). We have already noted that this relied on Hegel's identification of subject and object, but we have yet to explore this import in detail: with Hegel the concept of objectification and occasionally externalization [*Entäusserung*] coincides with the concept of alienation [*Entfremdung*]. Both *entäusserung* and *entfremdung* are translations of the English "alienation," which means "to make alien," and has historically also been used to describe the social contract in early natural law, which we will return to shortly.[85] Although Marx would later differentiate between objectification and alienation, neither he nor Hegel does so consistently at this point in time—in fact Marx's use of the concept is almost analogous to Hegel's, albeit in an inverted (materialist) form.[86]

For Hegel alienation denoted spirit's projection of itself into the world. This process involved an experience of negativity or alienation for finite consciousness. However, for Hegel this negativity was only a moment in the historical development towards consciousness's recognition, that it is itself constitutive of the objectivity or otherness of the object, which is only the phenomenal "objective" expression of the subject.

Marx's invocation of the concept of alienation retains the logical structure of Hegel's dialectic, but profoundly changes its content by drawing upon its origins in the early natural law tradition. Grotius introduced the concept of alienation in modern political thought, using it to denote to the people's forfeiting of their natural freedom to the sovereign state in order to institute peace and safety amongst them. Alienation in this sense denotes the social contract that founds the sovereign state, but it also inadvertently invokes the popular origins of the sovereign state and explicitly identifies the latter as an alienation of the former. This displacement suggests, along the lines of our argument so far, that society is the (potentially) universal subject, alienated from its own collective agency in the form of the sovereign state and, moreover, that this alienation can and should be overcome.[87]

In the Hegelian (idealist) dialectic this recognition would be sufficient to overcome and dissolve the object into the universality of the subject.[88] However, this operates on the assumption that reason has already been achieved in the world, and that no practical change is therefore necessary to overcome its inherent contradictions. This at least is the conclusion that we can gather from the preface to the *Philosophy of Right*, where Hegel explained his project as the reconciliation of consciousness with actuality, which he aimed to achieve by presenting the sovereign state "as an inherently rational entity." He admitted that this required abstracting from its empirical imperfections in order to focus on what he proposed was its rational and universal essence.[89]

Marx argued that this reduced Hegel's political philosophy to a "philosophical stamp of approval" wherein "material reality is accepted as it is; it is even declared to be rational." In other words, it did not aim to overcome the contradictions which it conceded existed, but contented itself with abstracting from them.[90]

While this implies that the sovereign state is an attribute or a predicate of civil society, it should not be taken to imply a pre-existing popular sovereignty that has been alienated. While the collective and practical agency of civil society, that constitutes the sovereign state *is* alienated, sovereignty technically speaking does not pre-exist alienation. It is not sovereignty that is alienated from civil society; rather *sovereignty is the alienation of civil society*.[91]

The structure of the Hegelian dialectic suggests that alienation does not consist in the relationship between subject and object as such, but is internal to the subject. Similarly in the early natural law tradition, it is the state of nature, the conflict and strife between the people, that gives rise to the alienation of the sovereign state. Hegel of course rejected the mythical notions of both the state of nature and the social contract, yet his conceptualization of the modern relationship between society and state relied on a similar structure wherein the competition and conflicts over private property in civil society split the people as competing individuals and antagonistic classes, which he describes with reference to Hobbes's state of nature, and which likewise serves to legitimize the mediation of the sovereign state. Marx accepted the structure of this argument, but contended that the state, rather than overcoming this split, coincided with it, forming a central and structurally integrated part of the modern system of private property and its inherent contradictions.[92]

Marx argued that the particular interests of civil society, in the sense of bourgeois society, permeate and determine the state at every level. While Marx's analysis of civil society is not nearly as rigorous or developed as his mature critique of political economy, its basic contours are prescient. However, he has yet to develop the vocabulary which allows him to clearly differentiate between what, already at this stage, appear as distinct elements in his analysis. The concept of civil society is employed in two different although interrelated senses, which are indicated by the duality of the German original *bürgerliche Gesellschaft*, which can be translated as both civil and bourgeois society. Marx generally uses the concept to refer to the emerging capitalist system, organized around the possession and exchange of private property. Civil society in this sense encompasses all of society. But later in the text Marx starts to use civil society in the sense of bourgeois society, to refer exclusively to the property-holding classes at the expense of the property-less class of "concrete labor"—the conceptual forerunner of the proletariat.[93]

This is significant in regard to the identification of the state with civil society. While the modern state formally abstracts from socio-economic status, it primarily recruits political representatives and officials from the propertied classes or makes sure to integrate them therein through the provision of entailed estates and significant incomes, the state thus inevitably came to consist of and reflect the particular interests of civil society in the narrow sense.[94] Marx proceeds to show how the interests of these different groupings of civil society (in the narrow sense) diverge based on trade, position, etc., and how these particular interests determine the state contrary to Hegel's argument that it mediates and unites them.

However, as the argument progresses, subsequent to the debut of the excluded class of concrete labor, the interests of civil society (in the narrow sense) within the state increasingly seem to coalesce around the protection and perpetuation of the system of private property. Towards the end of the manuscript and in the "Introduction," the particularity of the state is almost exclusively associated with the propertied classes' common interest in the protection and perpetuation of property relations viz. private property, in opposition to the rest of society (particularly, the systematically impoverished proletariat). It will be remembered that Hegel argued that the state's universality consisted in its function as the guarantor and mediator of subjective freedom, conceived of in terms of private property. Marx concurred with regard to the state's function, but argued that this exposed the state's pretension of universality as a cloak for the particular interests of the propertied classes.[95]

However, this does not mean that the state is reducible to an instrument of the propertied members of civil society, who cannot be conceived independently of the state's constitution and maintenance of the property relations that constitute and maintain them as a distinct class with particular interests (which we will return to examine shortly). Moreover, the convergence of their private interests cannot simply be assumed independently of the mediation of the state's various institutions. As such, the modern state's role in civil society must be conceived as structural rather than instrumental. What is more, the state's social and material existence and function remains premised on the differentiated participation and obedience of society as a whole.[96] This is in turn premised on the legitimacy that derives from the appearance of a separation between the private economic interests of civil society and the supposed universality of the state, i.e. political theology. The primary achievement of Hegel's *Philosophy of Right* was the legitimation of the state via its abstraction from the contradictions of civil society. Marx, on the other hand, insisted on their continuity: civil society determines the state and politics, thus comes to figure as the legitimation and perpetuation of the very contradictions it claims

to transcend. The state is the illusion of the overcoming of the split within civil society: the nature of the state is, in other words, the state of nature.[97]

At this point in *Critique,* private property increasingly comes to figure as the organizing principle of the state, the real principle behind Hegel's Idea. However, Marx's inversion of the relationship between private property and the state should not be misunderstood; while the method of inversion has so far been utilized to reveal the subject of the inverted world, this inversion should not be taken to suggest that private property has replaced civil society as the logical subject. It is identified as both "religion" and an "alienation" on par with the state, that is, as an objectification and thus also a logical predicate of civil society.[98] But neither should its significance be underestimated. Private property appears and functions as the subject of this inverted world: its unequal distribution determines individuals' (class) position and interests, dividing them against each other, individualizing competition and the structurally opposed classes of civil society, reducing them to a "property of property," i.e. objects of social and economic relations that appear to transcend and determine them from without.[99] The point of this inversion is to expose the limitations of Hegel's claim that the state overcomes the contradiction and division of civil society (as a system of private property) and expose their convergence:

> The constitution is the *constitution of private property*.[100]

Constitution [*Verfassung*] is the concept that Hegel uses in the *Philosophy of Right* to describe the structure of the state in its entirety. In light of the preceding argument, the immediate point of this passage is apparent: the state is occasioned by the conflicts and contradictions of that arise from the institution of private property, but rather than transcending these conflicts, it participates in and perpetuates them, protecting the possessions (private property), power and privilege of the propertied classes against those excluded from them. But it is also necessary to consider the role of the state in constituting and perpetuating this system of private property, which is clearer from the duality of the English "constitution" than the German *Verfassung*. The state is not only constituted by the system of private property but is likewise constitutive of it. The institution of private property does not exist or subsist in a vacuum; the mere fact of possession or formal ownership cannot sustain itself in the context of the contradictions of civil society, and therefore presupposes the state and the legal system's codification, regulation and protection of it as private property. The state, in other words, constitutes the very same property relations that give rise to the contradiction and conflict that in turn constitute it. The state and the system of private property thereby form a self-perpetuating and

legitimizing (alienated) whole. We thus arrive at a literal reading of the above quote, which identifies the state and private property as continuous and mutually constitutive elements of the same system of social alienation: the modern capitalist system.

This collapses the distinction between the political and economic spheres, and highlights their continuity viz. political economy. Private property is a legal and political category, which is maintained and perpetuated through the illusory transcendence, legitimacy and, of course, absolute power attributed to the sovereign state, that is, political theology; as such the state figures as both the origin and guarantor of private property *and* an expression of thereof, viz. the interests of the propertied classes. In that sense, the sovereign state and private property must be conceived as essentially contemporaneous parts of the same system of alienation, sustained and legitimized by their seeming separation qua political theology. This alienation of society entails that it comes to figure and function as a predicate of what should logically be its predicate: the subject is reduced to an object of political and economic institutions and relations that appear to transcend and determine it from without. Marx's *Critique* reveals this as an inverted world, which only exists in and through the objectified collective practices of the people, and which can therefore be contested and potentially overcome in practice; Marx insists that this can only be achieved through the simultaneous abolition of the sovereign state and private property.[101] Only the abolition of state and property can overcome society's alienation from itself and its collective agency, and thereby constitute it as a universal and self-determining subject. Crucially, this self-determination should not be conceptualized on the model of sovereignty, insofar as this refers to the political theological alienation of the people from their own agency, which Marx's *Critique* is directed against and points beyond. It is not sovereignty, which is alienated from the people; sovereignty is the alienation of the people.

Conclusion

This article has argued that Karl Marx's unfinished 1843 manuscript, posthumously published in 1927 as *Critique of Hegel's Doctrine of State*, contains a highly original and hitherto neglected critique of political theology. A careful analysis of Marx's *Critique* and its intellectual context shows that Marx's concern with political theology developed out of his critical engagement with the Young Hegelians' critique(s) of religion, most notably Feuerbach's reformatory critique, which provided the methodological and conceptual point of departure for his *Critique*. The article outlined the tradition of political theology and its construction of the modern state as a sovereign subject that transcends and exercises absolute power society up to and including its

contemporary summation in Hegel's *Philosophy of Right*, which was the object of Marx's *Critique*.

Marx's *Critique* was conceived on the model of Feuerbach's reformatory critique as a distinctly Hegelian inversion and a sublation of Hegel's political theology, which showed that society was the real subject, that it was its differentiated participation and collective agency that constituted the social and material existence of the modern state, and as such the idea of it as a sovereign subject transcending and determining society was an abstraction. However, it was an abstraction with a material basis and effect. It was the appearance of society's collective agency in and as a separate or abstract entity—and, insofar as its members proceed to act on this presumption, partaking in and obeying its various institutions—that conferred a social and material reality upon it, allowing these institutions to function as if they actually constituted a transcendent and sovereign subject.

Marx's inversion and sublation of Hegel's political theology thus amounted to a material grounding of it, providing a critical analysis of the seemingly sovereign state's earthly existence in and as a part of civil society. Marx thus reconceived the supposedly sovereign state as the collective agency of society, which appeared to stand apart from and rule it. However, it was not in fact separate from it but a separation within it—that is to say, an alienation. The sovereign state was an alienation of the collective and practical agency of society in the form of the state. This alienation coincided with the alienation of society from itself: the competition and conflict over private property that divided it into structurally opposed classes. Much like in classical political philosophy, it was the inherent contradiction and conflict within (civil) society ("the state of nature") that occasioned and legitimized the alienation of the sovereign state. Marx followed Hegel in arguing that the two coincided, but contended that the state, rather than overcoming the inherent (class) contradictions of civil society, formed a central and structurally integrated part of both.

The modern state constituted and was in turn constituted by this system of private property, which divided the populace against itself, constituting a reciprocal and mutually reinforcing relationship that perpetuated society's alienation from its collective agency, which appeared solely in the abstract and alienated form of the seemingly sovereign state. The sovereign state and the system of private property thus formed a seemingly self-perpetuating and self-legitimizing whole: the modern capitalist system. However, Marx's *Critique* revealed that this only existed in and through the collective agency and participation of society, and could thus potentially be overcome through a practical inversion and sublation of this inverted world; that is to say, a revolution overthrowing the state and abolishing the system of private property.

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Notes

1. Carl Schmitt, *Political Theology: Four Chapters on The Concept of Sovereignty* (Chicago: University of Chicago Press, 2006), 36ff; Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: Princeton University Press, 1997); Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone Books, 2014), 54, 58–9, 26; Jean Elshtain, *Sovereignty: God, State and Self* (New York: Basic Books, 2008); Wayne Hudson, "Fables of Sovereignty" in Trudy Jacobsen, et al (ed.s) *Re-envisioning Sovereignty* (England: Ashgate Publishing, 2008), 19–32.
2. Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999); John Hoffman, *Beyond the State* (Cambridge: Polity Press, 1995); Phillip Abrams, "Notes on the Difficulty of Studying the State," *Journal of Historical Sociology* 1, no.1 (1977); Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977), 159–197.
3. Schmitt, *Political Theology*, 36ff.
4. Kantorowicz, *King's Two Bodies*. Interestingly, Kantorowicz never mentions Schmitt despite the subtitle of his book referring explicitly to "political theology." The closest Kantorowicz ever came to reckoning with Schmitt's work is a footnote in an article where he notes that the concept of political theology was "much discussed in Germany in the early 1930s." Ernst Kantorowicz, "Mysteries of State: An Absolutist Concept and its Late Medieval Origins," *Harvard Theological Review* xlviii (1955), 67n6.
5. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978–79* (Basingstoke: Palgrave MacMillan, 2008), 77; Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977–78* (Basingstoke: Palgrave MacMillan, 2007), 248; Michel Foucault *The Will to Knowledge: The History of Sexuality Volume One* (London: Penguin, 1998), 88ff.

   Note that Foucault had read and praised Kantorowicz's study of political theology. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Allen Lane, 1977), 28–29.
6. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998); Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005); see also Andrew Norris, "The Exemplary Exception: Philosophical and Political Decisions in Giorgio Agamben's Homo Sacer," *Radical Philosophy* 119 (2003): 13–4; Mikkel Flohr, "Giorgio Agamben's Inclusive Exclusion of Étienne de La Boétie," *Telos* 181 (2017): 106–112.
7. Karl Marx „Historisch-politische Notizen: Heft 4," *Karl Marx-Friedrich Engels Gesamtausgabe IV.2: Karl Marx-Friedrich Engels: Excerpte und Notizen, 1843 bis*

Januar 1845 (Berlin: Dietz Verlag, 1981), 181; Karl Marx, "Critique of Hegel's Doctrine of State," *Early Writings* (London: Penguin, 1975), 57–198. To ease cross-referencing all references to the latter manuscript will be followed by a parenthesis containing the corresponding page numbers in the authoritative Karl Marx, "Zur Kritik der Hegelschen Rechtsphilosophie," *Karl Marx-Friedrich Engels Gesamtausgabe I.2: Karl Marx: Werke, Artikel, Entwürfe, März 1843 bis August 1844* (Berlin: Dietz Verlag, 1982), 5–137. Likewise, all references to Karl Marx, "A Contribution to the Critique of Hegel's Philosophy of Right. Introduction," *Karl Marx: Early Writings* (London: Penguin, 1975), 243–57 will be followed by a parenthesis containing the corresponding page numbers in Karl Marx, "Zur Kritik der Hegelschen Rechtsphilosophie. Einleitung," *Karl Marx-Friedrich Engels Gesamtausgabe I.2: Karl Marx: Werke, Artikel, Entwürfe, März 1843 bis August 1844* (Berlin: Dietz Verlag, 1982), 170–183.

8. David Leopold, *The Young Karl Marx: German Philosophy, Modern Politics and Human Flourishing* (Cambridge: Cambridge University Press, 2007), 19–21; Lucio Colletti, "Introduction," in Karl Marx, *Early Writings* (London: Penguin, 1975), 47; Richard Hunt, *The Political Ideas of Marx and Engels. Volume One: Marxism and Totalitarian Democracy 1818–1859* (Basingstoke: Palgrave MacMillan, 1974), 50. For an enlightening analysis of the historical and political factors that contributed to the marginalization of this work see Colletti, "Introduction," 7–18.
9. Only three authors that I know of have even noticed Marx's 1843 critique of political theology: Miguel Abensour briefly notes that Marx's *Critique* contains a critique of the political theological conception of the state but primarily associates this with feudalism. Warren Breckman likewise identifies it with a (proto-feudal) personification of a transcendent (religious) power in the monarch. Stathis Kouvelakis comes closest to the present interpretation of Marx's 1843 critique of the construction of the modern state as a sovereign subject transcending and exercising absolute power over society even though it remains peripheral to his investigation. See Miguel Abensour, *Democracy against the State: Marx and the Machiavellian Moment* (Cambridge: Polity Press, 2011), 31–3; Warren Breckman, *Marx, the Young Hegelians and the Origins of Radical of Social Theory: Dethroning the Self* (Cambridge: Cambridge University Press, 1999), 63–4, 296, 301; Stathis Kouvelakis, *Philosophy and Revolution: From Kant to* Marx (London: Verso, 2003), 289–90.
10. Marx, "Critique," 189 (129), see also 89 (32–3); Marx, "Heft 4," 181.
11. Karl Marx, "Kreuznacher Exzerpte 1843," *Karl Marx-Friedrich Engels Historisch-Kritisch Gesamtausgabe. Abteilung 1. Band 1. Zweiter Halbband* (Frankfurt am Main: Marx-Engels-Archiv Verlagsgesellschaft, 1929), 130; referring to the initial transcription of this passage in David Rjazanov "Vorwort zur Gesamtausgabe und Einleitung zu Band 1, erster Halbband," *Karl Marx-Friedrich Engels Historisch-Kritisch Gesamtausgabe. Abteilung 1. Band 1. Erster Halbband* (Frankfurt am Main: Marx-Engels-Archiv Verlagsgesellschaft, 1927), lxxv; Karl Marx, "A Passage from the Kreuznach Notebooks of 1843," *Karl Marx – Frederick Engels Collected Works. Volume 3: Marx and Engels 1843–1844* (London: Lawrence and

Wishart, 1975), 130. Ironically, the only correct reproduction of this passage that I have been able to find in English is a seeming mistake in Schlomo Avineri's quotation of this particular passage from the *Historisch-Kritisch Gesamtausgabe* in the first edition of his *Social and Political Thought of Karl Marx* (Cambridge: Cambridge University Press, 1968), 32. Avineri does not pursue the topic as such and the translation was "corrected" in the second edition of the book.

12. Avineri, *Social and Political Thought*, 39–40; Colletti, "Introduction," 40.
13. Karl Marx, "Letter from Marx to His Father in Trier," *Karl Marx-Frederick Engels Collected Works. Volume 1: Karl Marx: 1835–43* (London: Lawrence and Wishart, 1975), 18.
14. Marx, "Letter to His Father," 18.
15. G. W. F. Hegel, *Phenomenology of Spirit* (Oxford: Oxford University Press, 1977), 10.
16. Hegel, *Phenomenology of Spirit,* 139.
17. G.W.F Hegel, *Science of Logic* (Cambridge: Cambridge University Press, 1969), 81–2; G. W. F. Hegel, *The Encyclopaedia Logic. Part I of the Encyclopaedia of Philosophical Sciences* (Indianapolis: Hackett, 1991), 154.
18. Hegel, *Science of Logic*, 50.
19. G. W. F. Hegel, *Lectures on the Philosophy of World History, Volume one: Manuscript of the Introduction and the Lectures of 1822–3* (Oxford: Oxford University Press, 2011), 96; G. W. F. Hegel, *Elements of the Philosophy of Right* (Cambridge: Cambridge University Press, 1991), 373, 375.
20. Hegel, *Philosophy of Right*, 22. This should not be taken to suggest that Hegel considered reality as a whole to be rational. Hegel distinguished between reality [*Realität*] in the conventional sense and actuality [*Wirklichkeit*]. The irrational and contingent may exists in *reality*, but it is not *actual* in the sense of being rational and thus relevant to philosophy or science. The task of philosophy is to abstract from the seemingly irrational and contingent appearance of reality in order to grasp its rational/actual essence, see Hegel, *Philosophy of Right*, 301; Hegel, *Science of Logic*, 477–488.
21. David McLellan, *The Young Hegelians and Karl Marx* (London: MacMillan, 1969), 1.
22. Hegel, *Phenomenology*, 483.
23. McLellan, *Young Hegelians*, 2; Hegel cited in Lawrence Stepelevich "Introduction," *The Young Hegelians: An Anthology* (New Jersey: Humanities Press, 1997), 4.
24. David Strauss, "The Life of Jesus," Stepelevich, *Young Hegelians*, 21–52.
25. Stepelevich, "Introduction," 6, 11; Bruno Bauer, *Kritik der evangelischen Geschichte der Synoptiker* (three volumes) (Leipzig: Otto Wigand, 1841–2); Hegel, *Phenomenology*, 126–7.
26. McLellan, *Young Hegelians*, 53; see also Bruno Bauer, *The Trumpet of the Last Judgement against Hegel the Atheist and Antichrist. An Ultimatum* (Lewiston: Mellen Press, 1989).

27. Zvi Rosen rightly notes a similar inversion of the relationship between God and humanity in the works of Bruno Bauer. There can hardly be any doubt that the Young Hegelian critiques of religion were developed in a constant dialogue amongst them and that Bruno Bauer was a central figure in this milieu. However, it was Feuerbach's formalization of this as a method that provided the point of departure for Marx's *Critique*, as is evident from both its language and contents. See Zvi Rosen, *Bruno Bauer and Karl Marx: The Influence of Bruno Bauer on Marx's Thought* (Hague: Martinus Nijhoff, 1977), 202–5.
28. Ludwig Feuerbach *The Essence of Christianity* (Walnut: MSAC Philosophy Group, 2008), 166. Ludwig Feuerbach had already begun to question the compatibility of Hegelian philosophy and central Christian doctrines in the anonymously published *Thoughts on Death and Immortality* in 1930. However, this pamphlet did not achieve the same impact as Strauss's, Bauer's and his own later works.
29. The German term *Mensch* is central to both Marx and Feuerbach. Although grammatically masculine, it is further gendered in the somewhat outdated English translation "man" (rather than "human"). However, for the sake of terminological consistency, this terminology is reproduced throughout.
30. Feuerbach, *The Essence of Christianity*, 52.
31. Ludwig Feuerbach, "Provisional Theses for the Reformation of Philosophy" in Stepelevich, *Young Hegelians,* 156.
32. Feuerbach, "Provisional Theses," 167.
33. Feuerbach, "Provisional Theses," 158, 166.
34. Feuerbach, "Provisional Theses," 157; probably inspired by Hegel's motif of the inverted world [*die verkehrte Welt*] in *Phenomenology*, which seems to have been inspired by a play by Ludwig Tieck. Hegel, *Phenomenology*, 95–99; Donald Verene, *Hegel's Recollection: A Study of Images in The Phenomenology of Spirit* (New York: State University of New York Press, 1985), 50–1.
35. Marx, "Critique," 80 (25); Aristotle, *Metaphysics* (Michigan: University of Michigan Press, 1952), 1049a-b; Etienne Balibar, et al., "Vocabularies of the European Philosophies, Part 1: Subject," *Radical Philosophy* 138 (2006): 16–18, 29–32. Note that Hegel's identification of subject and predicate in the preface to *Phenomenology of Mind* refers to the speculative unity of logic and reality and thereby assumes that this can be attained solely through the former, which is precisely what Feuerbach is contesting. Hegel, *Phenomenology*, 38–41; *pace* Gillian Rose, *Hegel Contra Sociology* (London: Verso, 2009), 52–3.
36. Feuerbach, "Provisional Theses," 169 [emphasis removed].
37. Feuerbach, "Provisional Theses," 166.
38. Karl Marx, *A Contribution to the Critique of Political Economy* (Chicago: Charles H. Kerr and Company, 1904), 13; Louis Althusser, *The Humanist Controversy and Other Writings* (London: Verso, 2003), 244; see also Christopher Arthur, *Dialectics of Labour: Marx and his Relation to Hegel* (Oxford: Blackwell Publishing, 1987), 99; Jean Hyppolite, *Studies on Marx and Hegel* (New York: Basic Books, 1969), 112.

The initial confusion may also have been further compounded by Engels" subsequent description of Marx's (and the other Young Hegelians') enthusiastic reception of Feuerbach's 1841 *The Essence of Christianity,* which claimed that "we all became at once Feuerbachians." See Friedrich Engels, *Ludwig Feuerbach and the end of Classical German Philosophy* (Moscow: Progress Publishers, 1946), 18.

39. Karl Marx, "Letter to Arnold Ruge. March 13, 1843," *Karl Marx-Frederick Engels Collected Works. Volume 1: Karl Marx: 1835–43* (London: Lawrence and Wishart, 1975), 400.
40. Marx had promised to finish a critique of Hegel's *Philosophy of Right* and send it to Ruge for publication a year before, see Karl Marx, "Letter from Marx to Arnold Ruge in Dresden. March 5, 1842," *Karl Marx-Frederick Engels Collected Works. Volume 1: Karl Marx: 1835–43* (London: Lawrence and Wishart, 1975), 382–383.
41. Marx had already made this point in a prior letter to Ruge, see Karl Marx "Letter to Arnold Ruge in Dresden. November 30, 1842," *Karl Marx – Frederick Engels Collected Works. Volume 1: Karl Marx: 1835–43* (London: Lawrence and Wishart, 1975), 394.
42. Marx, "Introduction," 244 (270).
43. This should not be taken to refer to a transcendent subject, but a social and historical dynamic and its potentials; *Critique* contains the basic outlines of a historical account of various social and political forms that together constitute "man." Ibid; Marx, "Critique," 90–91, 177–183 (33–4, 118–23).
44. Marx, "Introduction," 244–5 (170–1).
45. Marx, "Introduction," 251 (177).
46. Marx, "Introduction," 245 (171).
47. Marx, "Critique," 87 (30–1).
48. Marx, "Heft 4," 181.
49. It is worth noting that subsequent scholarship, has suggested that the state-structure outlined in the *Philosophy of Right* does not conform to the exact organisation of the Prussian state, and even contains some progressive variations, especially noticeable in the lectures before the political repression of 1820–1. This however, has little or no bearing on Marx's critique of Hegel's political philosophy as an expression of political theology. Karl-Heinz Ilting "Einleitung: Die Rechtsphilosophie von 1820 und Hegels Vorlesungen über Rechtsphilosophie," in G.W.F. Hegel, *Vorlesungen über Rechtsphilosophie 1818–1831. Band 1* (Stuttgart: Fromman-Holzboog, 1973), 23–126; Leopold, *Human Flourishing*, 60–62.
50. Marx, "Heft 4," 181.
51. Schmitt, *Political Theology*, 36.

    Marx's *Critique* was discovered and published five years after Schmitt's work and the preparatory notes were published even later, it is therefore unlikely that there is any direct relation between their employments of the term.
52. It is worth noting that I diverge slightly from Carl Schmitt's conception of political theology. Schmitt identified sovereignty with a single person

with the absolute power to decide on the state of exception and suspend the law. The modern political theological tradition from Jean Bodin and onwards has generally insisted that sovereignty as such belongs solely to the state itself and is only ever *represented* by the monarch (or head of state).

53. Ephesians 1: 11 (KJV); Schmitt, *Political Theology*, 36ff; Kantorowicz, *King's two Bodies*; Brown, *Walled States*, 54, 58–9, 26; Elshtain, *Sovereignty*; Hudson, "Fables of Sovereignty," 19–32.

54. Jean Bodin, *On Sovereignty: Four Chapters from the six Books of the Commonwealth* (Cambridge: Cambridge University Press, 1992), 1.

    While Bodin in this passage initially identifies sovereignty with "what the Latins call *maiestas*; the Greeks *akra exousia*, *kurion arche*, and *kurion politeuma*; and the Italians *segnioria* […] the Hebrews call it *tomech shévet*—that is, the highest power of command," his conception of sovereign power is highly original and extends far beyond any of these predecessors as he himself signals "we must now formulate a definition of sovereignty because no jurist or philosopher has defined it." Presumably these precedents were invoked to downplay the novelty of his doctrine and provide it with some semblance of historical legitimacy.

55. "Commonwealth" is the customary English translation of Bodin's *république* and has remained in use since Richard Knolles" original English translation from 1606 (using "common-weale"). This translation reflects the original Latin use of the term to denote "the public thing" [*res publica*], i.e., the state, which is exactly the same way that Bodin uses *république* throughout *Six Books of the Commonwealth*, i.e., without any of the anti-monarchical or proto-democratic connotations. Moreover, Bodin's text itself contains numerous synonymous uses of state (*estat*) and republic. See Quentin Skinner, *Visions of Politics. Volume II: Renaissance Virtues* (Cambridge: Cambridge University Press, 2004), 400–1; Daniel Lee, *Popular Sovereignty in Early Modern Constitutional Thought* (Oxford: Oxford University Press, 2016), 11n36.

56. Lactantius, *The Divine Institutes* (Washington: The Catholic University of America Press, 2008), 318. The etymology of the term religion remains controversial with the literature almost evenly divided between supporters of Cicero and Lactantius's etymologies. Lactantius's etymology was favoured by the church father St. Augustine of Hippo and thereby attained a significant influence within the church and beyond. Prior to Lactantius, Cicero had proposed that the concept derived from *relegere* meaning to (re-)read, (re-)collect or (re-)unite. His conclusions were supported by Émile Benveniste, who insisted on the latter two meanings, both of which remain compatible with the argument presented here, see Augustine, *Earlier Writings* (Louisville: Westminster John Knox Press, 2006), 281–2, 221; Cicero, *De Natura Deorum* (London: Methuen, 1896), 112–3; Émile Benveniste, *Indo-European Language and History* (Florida: University of Miami Press, 1973), 518.

57. Bodin, *Six Books*, 46.

58. Hugo Grotius, *The Rights of War and Peace* (Indianapolis: Liberty Fund, 2005); Thomas Hobbes, *Leviathan with Selected Variants from the Latin Edition of 1668* (Indianapolis: Hackett, 1994), 75–86, 106–10, 109.

59. The structural parallel between divine and early natural law-based conceptions of sovereignty are evident in Hobbes characterization of the sovereign as a "*Mortal God*." See Hobbes, *Leviathan*, 109; see also Schmitt, *Political Theology*, 36–7.

60. Grotius for instance maintains that the sovereignty of the monarch persists, even if "we should … grant, what without the greatest Wickedness cannot be granted, that there is no God, or that he takes no Care of human Affairs." See Grotius, *Rights of War*, 89.

61. John Locke, *The Second Treatise of Government* (Indianapolis: Bobbs-Merrill, 1942); Jean-Jacques Rousseau, *The Social Contract or Principles of Political Right* (Hertfordshire: Wordsworth, 1998), 41, 18.

This reading of the *Social Contrac*t is far from exhaustive but corresponds to the interpretation current in Germany at the time, accepted by both Hegel and Marx, see Lucio Colletti, *From Rousseau to Lenin* (London: Monthly Review Press, 1972), 188.

On the theological origins of Rousseau's concept of the general will, see Patrick Riley, *The General Will before Rousseau: The Transformation of the Divine into the Civic* (Princeton: Princeton University Press, 1986).

62. Hegel, *Philosophy of Right*, 276.

63. Hegel, *Philosophy of Right*, 285; see also Marx, "Critique," 61 (7).

64. Hegel, *Philosophy of Right*, 279. Hegel later followed Hobbes in proposing that we conceive the sovereign monarch as an "earthly divinity," see page 307.

65. Hegel, *Philosophy of Right*, 102–3.

66. Hegel, *Philosophy of Right*, 63, 224; see also Locke, *Second Treatise*, 5–6.

67. Hegel, *Philosophy of Right*, 329.

This is not without precedent; Hobbes's covenant does not include the sovereign who persists in and as the state of nature, see pages 106–9; see also Agamben, *Homo Sacer*, 35, 109.

68. Hegel, *Philosophy of Right*, 259–62, 276.

69. Hegel, *Philosophy of Right*, 329; see also Marx, "Critique," 189, 101 (129, 45). Note that this marks a substantial development from the letter to Ruge previously discussed, where Marx seems to identify himself as a "state-enthusiast." At that point in time, Marx and most of his fellow Young Hegelians identified the modern state as the historical subject that would rationalize and secularize society—inspired by Hegel's notion of objective spirit. However, this state-enthusiasm was challenged when the deeply conservative pietist Friedrich Wilhelm IV assumed the throne in 1840 and his administration began to suppress of the Young Hegelians shortly thereafter. Miguel Abensour therefore suggests that "Critique" can be read as a self-critique of Marx's own previous position mediated by Hegel. Marx, "Letter to Ruge. March 13, 1843," 400; Abensour, *Democracy against the State*, 33.

70. Hegel's outlined three distinct spheres of ethical life: the family, civil society and the state. Marx's initially suggested that the social and practical existence of man in the initial two spheres was primary, but in the course of his argument the family increasingly falls into the background

and ultimately disappears entirely, entailing that the potential for a gendered critique of political theology (and political economy) is abandoned.

71. Marx, "Critique," 85 (29).
72. See also Peter Osborne, "The Reproach of Abstraction," *Radical Philosophy* 127 (2004): 21–8.
73. Feuerbach, "Provisional Theses," 163–4, 169.
74. Marx, "Critique," 80 (25).
75. Marx relies on the convergence of two etymologically distinct concepts of "subject:" *Subjectum*, a translation of the Greek "hypokeimenon" also related to the modern concept of subjectivity, which infuses Hegel's use; and *Subjectus/Subditus*, which denotes juridical and political subjection. Their convergence is limited to neo-Latin languages and English, whereas the primary German term denoting a political subject is *Untertan*. According to Balibar this has meant that the link between subjectivity and sovereignty/political rule has remained "repressed" in German philosophy until recently. Marx's use of *Staatssubjekte* dating from 1843 challenges this conclusion although it was not published until 1927, see Balibar, "Subject," 27–28, 32.
76. Marx, "Critique," 146 (89).
77. Marx, "Critique," 86 (30) [translation amended].
78. Marx, "Critique," 127 (68); for a similar affirmation of the relevance of Hegel's *Philosophy of Right* see also page 177 (118).
79. Marx, "Critique," 177 (117).
80. Feuerbach, "Provisional Theses," 169 [emphasis removed].
81. See for instance Marx, "Critique," 177, 161 (117, 103).
82. Marx, "Introduction," 251 (177).
83. McLellan, *Young Hegelians*, 14–5; 28–9; see also Lawrence Stepelevich, "The First Hegelians: An Introduction," *The Philosophical Forum* 8 (1976): 20–2.
84. Marx, "Introduction," 244, 251 (171, 177).

    Contrary to Bob Jessop who discards *Critique* and "Introduction" as primarily philosophical works, with little concern for, or bearing upon practical politics; a reading which misses the dialectical interrelation of theory and practice, which motivated Marx's critique of Hegel, as well as the relationship to his subsequent critique of political economy, see Bob Jessop, "Marx and Engels on the State" in Hibbin, Sally (ed.) *Politics, Ideology and the State* (London: Lawrence and Wishart, 1978), 45–6.
85. Georgy Lukacs, *The Young Hegel* (London: Merlin Press, 1975), 538.
86. Karl Marx, "Economic and Philosophical Manuscripts" in *Karl Marx: Early Writings* (London: Penguin, 1975), 322–400; István Mészáros, *Marx's Theory of Alienation* (London: Merlin Press, 1970), 69.
87. Note that this rest on a practical analysis of society's unrealized capacity for collective self-determination, rather than teleology or metaphysical assumptions.

88. This applies equally to Feuerbach's initial reformatory critique.
89. Hegel, *Philosophy of Right*, 22, 21.
90. Marx, "Critique," 99, 63 (43, 9).
91. As Daniel Lee has convincingly shown "sovereignty in all its forms—and above all, popular sovereignty—was regarded by its adherents, as intrinsic to, and inseparable from, the concept of the state and its authority." Lee, *Popular Sovereignty*, 10; see also Martin Loughlin *Foundations of Public Law* (Oxford: Oxford University Press, 2010), 184ff.
92. Hobbes, *Leviathan*, 77; Hegel, *Philosophy of Right,* 329; Marx, "Critique," 101, 189 (45, 129).
93. Marx, "Critique," 146 (89); see also Marx, "Introduction," 255–7 (180–3).
94. Marx, "Critique," 136, 164, 167–8, 171–2 (77–8, 105–6, 108–11, 112).
95. Marx, "Critique," 166, 176–7 (108, 116–8); Marx, "Introduction," 254–6 (180–2).
96. For instance "[t]he state constantly requires the guarantee of spheres external to itself. It is not realized power. It is *supported* impotence; it represents not power over these supports but the power of these supports. The power lies in the supports." Marx, "Critique," 184 (124).
97. Marx, "Critique," 164, 167–8, 174–5 (105–6, 108–11, 114–5).
98. Marx, "Critique," 171, 169, 180 (112, 110–1, 120).
99. Marx, "Critique," 149, 175 (91–2, 116).
100. Marx, "Critique," 177 (118); see also page 166 (108).
101. Marx, "Critique," 88, 191 (31–2, 130–1); Marx "Introduction," 256 (181–2).