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Civil Society

Civil society is the oldest of all concepts related to third sector. In modern usage it emphasises, on one hand, the distinction between the official realm of the state and the grassroots activity of ordinary people and on the other hand, the distinction between the market and the life world of ordinary people. The concept includes not only all kinds of autonomous associations, co-operatives, social movements, mutual help and other informal groups but families and informal personal networks, too¹. In the last 20 years the concept has lived in the debates on democratic theory between defenders of elite versus participatory models, in discussions between rights-oriented liberalism versus communitarism and disputations between neo-conservative advocates of the free market versus defenders of the welfare state². The term has been used frequently but as **Jeffrey C. Alexander** has expressed it, civil society is a "richly evocative but undertheorized concept³."

The concept civil society has several connotations which depend on the scholarly tradition using it. The oldest meaning is the ancient Greek meaning that refers to the Greek word *polis*. The other derives from Medieval town system, *burg*. The third tradition is linked to liberalism of the seventeenth and the eighteenth centuries. The fourth tradition is from **Friedrich Hegel** and his interpreters **Karl Marx** and **Antonio Gramsci**. Finally, the modern

¹ Eisenstadt 1995,240; Black 1987,77; Bush Zetterberg 1996,9.

² Cohen & Arato 1994,3-15.

³ Alexander 1993,797.

usage is linked to the turbulence of the East Europe in the end of the 1980s.

KOINONIA POLITIKHE (unity of the town) and its Latin equivalence *societas civilis* (association of the citizens) are the original concepts of civil society. They mean the arena of politically active citizens⁴. The etymology of the word can be described as follows:

"κοινωνία, an abstract term from κοινωνος and κοινωνεω denotes 'participation', 'fellowship' esp. with a close bond... The group κοινων- is applied to the most varied relationships, the common share in a thing,... common enterprises, and esp. legal relations... Marriage is closer and more comprehensive... than all other forms of fellowship... friendship is also a supreme expression of fellowship. In Gk. thinking this includes a considerable readiness to share material possessions. Sharing the same city underlines the fellowship of equal citizens."⁵

Thus the etymology of the word emphasises the commitment to a shared destiny. In the thinking of **Plato**⁶, **Aristotle**⁷ and **Cicero**⁸ the concepts departed from the intimate meaning and became expressions of the rule of the town-state. The important point is that the ancient concept meant the whole civilised society, not any distinct part of it. The opposite to civil society was barbarism⁹. Much of the classical and the Medieval theorising focused on the requirements of the civil society.

Plato emphasised the unity and stated that civil society can never be built on individual interest. Only the state that is led by people, who do not have personal desires, can guarantee happy, just and civilised life¹⁰. Aristotle saw the civil society as a hierarchy of associations. The role of the family and the village

⁴ Dahlkvist 1995,172; Cohen & Arato 1994, 84f; Black 1987,77.

⁵ Hauck 1984,797f. See also Cohen & Arato 1994,84ff. This emphasis of citizenship was also meant in Lockes's **civil government**, Kant's **bürgerliche Gesellschaft** and Rousseau's **état civil**. Kumar 1994,75f; Cohen 1982,25f.

⁶ Plato 1977.

⁷ Aristotle 1965.

⁸ Cicero 1988.

⁹ Dahlkvist 1995,172; Ehrenberg 1999,3.

was to support the needs of the life itself and the role of the polis existed for the **good life**¹¹. Like Plato, Aristotle developed a theory of presuppositions for this good life on the basis of division of labour and the fear of individual interest. However, against Plato, Aristotle saw the importance of heterogeneity. He argued that the core of civil society lies in the middle class because it is likely to have fewer enemies than the rich and the poor. Thus the middle class is a guarantee of stability because it can mediate between and combine rich and poor.¹²

As for Plato and Aristotle, the requirement for civilised life for Cicero was stability. For him civil society was a political system that was organised around the principles of law and justice. However, he emphasised the importance of private property that protected citizens against tyranny and the state against corruption. Cicero laid the foundations for the thinking that divided the individual into a private person and a public citizen.¹³

Throughout the Middle Ages the concept of good life played a central role in the definitions of the civil society which was seen as the Christian Commonwealth. However, the Church emphasised the doctrine of original sin and saw the state as the consequence of humanity's fallen nature. Only under the guidance of the Church the state could have a role in correcting this error. Much of the discussion centred around the question of the independence / dependence of the state from the Church.

¹⁰ Ehrenberg 1999, 4-9.

¹¹ This Aristotelian concept became one of the most fundamental concepts of the European social ethics.

¹² Ehrenberg 1999, xi, 9-19.

¹³ Ehrenberg 1999, xii, 22-27.

Augustine¹⁴ saw that the state was needed to maintain the peace but this peace was founded on violence and fear. It was a temporary phenomenon until the earthly city will be replaced by the City of God.¹⁵ Pope **Gelasius I** developed a theory of two swords that preceded Luther's doctrine of two regiments. This distinguished the two European powers and legitimated their leadership in their own spheres, spiritual and secular. These two spheres served the unity. Although this distinction was later challenged by the Church, it "established the standard agenda that political philosophers would follow for hundreds of years¹⁶," as **John Ehrenberg** puts it. However, as important as the distinction between sacred and secular was the war between centralising and fragmenting tendencies. This dichotomy between the central and the local remains one of the basic questions in the theories of civil society for centuries.¹⁷

Thomas Aquinas¹⁸ directed the discussion back to the Aristotelian thinking of associations. He departed the idea that social and political life was a consequence of the Fall. He saw civil society as natural part of the human life. For him the political order was the highest form of human association.¹⁹ Aquinas' theses led later **Marsilius of Padua**²⁰ to deny that political organisations have any connection to external ends. His theories meant the end of the church lead Christian Commonwealth.²¹

BÜRGERLICHE GESELLSCHAFT is another etymological root for the concept of civil society. The German term originally means 'a society of the castle/town'. It refers to the Medieval town system

¹⁴ Augustine 1950.

¹⁵ Ehrenberg 1999, xii, 28-38.

¹⁶ Ehrenberg 1999, 39.

¹⁷ Ehrenberg 1999, 39-45.

¹⁸ Aquinas 1953, 1963.

¹⁹ Ehrenberg 1999, 43-48.

²⁰ Marsilius of Padua 1963.

²¹ Ehrenberg 1999, 52f.

although it is more known in English as bourgeois society. However, in German there is no distinction between the words²².

Heikki Lehtonen has described the formation of the Medieval town system and gives another view to civil society. The feudalism had its vertical relationship of rulers and ruled. However, there was the horizontal counter system that was manifested in families and guilds, as well. Both of these had internal interaction systems that were valid only inside of a particular family or guild. The civil society was then formed to cope with the interaction between the members of these communities inside the town. It was the sphere where an individual citizen could interact with the members of other communities. Thus in a Medieval town the main sectors were family, guild and civil society. The difference between the state and civil society was that the former meant the emperor or the king and the latter the political autonomy of the town.²³

In a Medieval town it was not any more a question of such intimate relationship as in the ancient idea of *koinonia* which meant intimate commitment to common destiny. Rather, it was the opposite: civil society was a sphere where individuals could act free from their old family or guild bonds. However, it had a connotation to the public sphere and it was seen as some kind of modification of ancient *polis*²⁴.

THE REFORMATION paved way to the new theories of civil society. **Martin Luther** provided two important aspects to the theories of civil society. First, the concept of common priesthood downplayed the role of the institutions²⁵. Basically there was the individual

²² Cohen & Arato 1994, viii, 97. It is good to remember that also in English the word 'citizen' means originally "An inhabitant of a City or (often) of a town; esp. one possessing civic rights and privileges, a burgess or freeman of a city." Oxford English Dictionary 1970, 442.

²³ Lehtonen 1988, 33f.

²⁴ Cohen & Arato 1994, 85.

²⁵ Luther 1915 (1520).

alone in front of God without any mediating body. This notion legitimated individual independence and, as we have seen in chapter 2.3.2., facilitated the emergence of small *ecclesiolae in ecclesia*. The other notion was Luther's teaching of two regimes that should not be blurred nor separated²⁶. Ehrenberg describes Luther's point of view: "If the household, political life, and church affairs constitute the three 'orders of creation' of Christian existence, they need the political order because civil society cannot generate the power, domination, and authority necessary to the life of fallen humanity²⁷."

Political thinkers of this era, **Niccolò Machiavelli**²⁸ and **Thomas Hobbes**²⁹ emphasised the stability and leadership in the maintaining civil society which was seen in the classical way as a civilisation. Both saw the civil society as a sphere where public and individual interests are mediated. Both had also a similar solution: the sovereign prince is a guarantee of civil society. In this these traditions departed from Medieval emphasis on the Church and came close to classical theories that emphasised the centrality of the state. However, in all these traditions the essential distinction was seen between civil society and barbarism³⁰.

LIBERALISM modified the old Aristotelian and the Medieval understanding of civil society as the realm of political life. Civil society was actually the society of the free citizens. **Mats Dahlkvist** has argued that this usage can also be seen in the works of liberal philosophers in the seventeenth and the eighteenth centuries. He argues that

²⁶ Luther 1968 (1523).

²⁷ See Ehrenberg 1999, 62-70.

²⁸ Machiavelli 1990 (1532).

²⁹ Hobbes 1994 (1668).

³⁰ Ehrenberg 1999, 83.

the division in the political theory of liberalism, and thus in later western thought, goes *not* between 'state' and 'society'. When the distinction to 'state' is hinted or outspoken, it is the distinction to the unjust royal state, not to the hoped liberal state authority.³¹

Thus **John Locke**³², **Adam Smith**³³, **Adam Ferguson**³⁴ and **John Stuart Mill**³⁵ all see the civil society basically in the Aristotelian way: civil society is the same as the civilisation.

The new point that liberal thinkers presented was on the question 'what constitutes the core of civil society?' For Locke and Smith the core of civil society was based on individual property and thus their civil society was the market. For them the state was a protective organ of the civil society. However, the distinction between the state and civil society began to appear because the thrust for the independence of the market. Thus, when theorists of Reformation and Enlightenment aimed to free civil society from the Church, liberal thinkers aimed to free it from the state.³⁶

This tribute for the market was, however, not unanimous. Especially Ferguson was afraid of the disrupting elements of the market. For him the civil society was a mode of human existence that was grounded on moral sentiments. These moral sentiments build bridges between self interests and moral welfare of the community. When Ferguson saw the inequality that markets caused, he developed his theory of unanticipated consequences. Thus civilisation was not a result of rational contract but it is often shaped by casual practices and habits. These fears led Ferguson to emphasise the role of political institutions in society.³⁷

³¹ Dahlkvist 1995,176 (my translation, italics in original). See also Kumar 1994,75.

³² Locke 1960(1690).

³³ Smith 1976(1776).

³⁴ Ferguson 1995(1767).

³⁵ Mill 1987(1859).

³⁶ See Ehrenberg 1999,84ff; 96-108.

³⁷ See Ehrenberg 1999,91-96.

ENLIGHTENMENT modified the concept of civil society, as well. **Jean Jacques Rousseau**³⁸ followed Ferguson and emphasised natural sentiment accompanied with love to oneself as the basis of the civilisation. This notion arises from his view of a natural man that is isolated from others. The need for security draws these isolated people together and civilises them. Rousseau's philosophy can be summarised in his version of the Golden rule: "Do what is good for you with the least possible harm to other"³⁹.

Baron de Montesquieu⁴⁰ defended the status of the aristocracy and developed the theory of mediating organisations. He started from the Aristotelian notion of three classes in society but identified the middle class to be the aristocracy between the monarch and the people. For him the legal institutions of the lords (courts, parliaments, estates) protected civil society. Now it is important to note the difference that Montesquieu made between despotism and constitutional monarchy. All his theories concerned the latter one. Ehrenberg argues that "it was Montesquieu who first placed intermediate organizations at the center of civil society"⁴¹.

IN THE NINETEENTH CENTURY the historical equation of civil society and state was broken by **Georg Wilhelm Fredrich Hegel**⁴². His theory was based on the idea that there are three spheres of social life which are also three stages of ethical development. The family is the natural phase and tends to suppress the differences between its members because of the common destiny. Civil society is the antithesis of the family and it is marked by diversity and competition. Finally, the state reconciles these two. Thus Hegel saw the civil society basically in the same way as liberalism. The difference was that Hegel emphasised the need for

³⁸ Rousseau 1978 (1762).

³⁹ Rousseau 1964 (1755).

⁴⁰ Montesquieu 1989 (1748).

⁴¹ See Ehrenberg 1999, 148.

⁴² Hegel 1967 (1821).

social and civic institutions to regulate the individual interest. Ehrenberg states that for Hegel the state "is the final realization of spirit in history because... its ability to organize rights, freedom, and welfare"⁴³.⁴⁴

Krishnan Kumar argues that for **Karl Marx** the concept of civil society was almost equivalent to political economy and later he dropped the term and spoke only of society and state⁴⁵. Although Marx disliked the corporatist civil society, the intermediary thinking has got backing from the Marxian philosophy and, as **Jean L. Cohen** puts it: "its dislike of the institutions of modern civil society and their reduction of these institutions to mere bourgeois culture and capitalistic relations"⁴⁶. In the Marxian philosophy the civil society has been something that has to be eliminated. For Marx the state was not an ideal final goal of the history, like for Hegel, but an oppressive mechanism that served the bourgeois civil society. Thus, it does not mediate individual interests but was in the service of them. The civil society itself should be transformed.⁴⁷ This explains why the Marxist tradition opposes both the civil society and the state.

Antonio Gramsci brought the concept back into the Marxist discussion when he recognised the plurality of associations, churches, unions, cultural organisations, clubs, neighbourhood groups and political parties that were typical in modern civil society. These he recognised to be elements of the hegemonic system of bourgeois civil society. This hegemony is build on the web of interactions and connections of family, economy, law and

⁴³ See Ehrenberg 1999,128.

⁴⁴ Ehrenberg 1999,122-132; Kumar 1994,76; Cohen and Arato 1994,91-116. For the critics of Cohen and Arato, see Dahlkvist 1995,191-196.

⁴⁵ Kumar 1994,76.

⁴⁶ Cohen 1982,5. On Marx's critique of civil society see pages 23-52.

⁴⁷ See Ehrenberg 1999,132-143.

informal norms.⁴⁸ Thus, unlike Hegel, he located both family and political sphere in the civil society. From Marx he differed by excluding economy from it. Cohen notes that "from Gramscian perspective civil society is a site of social contestation wherein collective identities, ethical values, and alliances are forged"⁴⁹. However, as Cohen and Arato note, Gramsci's terminology is quite confusing. Sometimes he identifies civil society with the state, sometimes he sees it as a counterpart of the state and sometimes as part of the state as a counterpart of political society. For Gramsci the civil society is the sphere of 'cultural politics', where the system is maintained and challenged at the same time.⁵⁰

In the non-Marxian discussion the leading theorist was Alexis de Tocqueville⁵¹. His theory became the basis of contemporary American theorising of civil society. He adopted from Montesquieu the concept of mediating organisations that lie between the state and the individual. However, he noted that in America there was no *ancien régime* but the mediating institutions were voluntary organisations that were focusing on the private matters. Thus, as Ehrenberg notes, Tocqueville's "civil society is populated by voluntary associations that are oriented to the pursuit of private matters and are generally unconcerned with broad political or economic affairs"⁵². In the American thinking this exclusion of political sphere has remained a dominant phenomenon.

THE CONTEMPORARY DISCUSSION of civil society arose from the turbulence of East Europe in the late 1970s when the concept was used to oppose the totalitarian states. Especially in Poland the Solidarity movement used the concept to describe "democratic political government of people and for people but also the hope of

⁴⁸ Ehrenberg 1999, 209.

⁴⁹ Cohen 1998, 1.

⁵⁰ Cohen & Arato 1994, 142-159; Kumar 1994, 76.

⁵¹ Tocqueville 1945.

⁵² Ehrenberg 1999, 167.

liberal society with freedom of thought, freedom of belief and market economy." Dahlkvist states that "the concept civil society was not used in East Europe differently from its usage in the West."⁵³

The Solidarity movement and social movements of the 1960s inspired neo-Marxists to elaborate the concept. They found an alien ally, namely neo-liberals who favoured the concept from their own point of view. Dahlkvist states that they "introduced and propagated for the concept of civil society that was seen as special sphere." He continues that the main point in neo-Marxism was that the state with parliamentary democracy was in fact a bourgeois class state. When neo-Marxism turned to post-Marxism this negative attitude remained but the attitude towards bourgeois life world changed. "The state became depressive or inhuman per se." Neo-Liberals, on the other hand, campaigned against the welfare state and official sector. They reformulated the old laissez-faire principle to justify their negative attitude to the state.⁵⁴

In its present meaning civil society combines NGOs, social movements, families and individual activity. It means citizens' independent activity outside the sphere of the state. In this sense the market is part of the civil society, too. However, Cohen and **Andrew Arato**⁵⁵ define

⁵³ Dahlkvist 1995,214 (my translation). See also Trägårdh 1999,15f and Kumar 1994,76.

⁵⁴ Dahlkvist 1995,216 (my translation). Dahlkvist continues his argumentation that there is no such sphere than civil society that is outside the sphere of the state. However, he, as many other scholars, forget that in European history the church has almost always been a sphere outside the state, and - surprisingly many of those organisations that belong to civil society have emerged from the bosom of the church.

⁵⁵ Their theory of civil society arises from their 'post-Marxian' heritage of the critical theory. It forms a combination of Alexis Tocqueville's thoughts, Hegel's philosophy, Talcott Parson's structuralism and Jürgen Habermas' concept of life world that is different from political and economic subsystems. Especially Habermas' concept of discourse ethics is important to them.

civil society as a sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements, and forms of public communication. Modern civil society is created through forms of self-constitution and self-mobilization. It is institutionalized and generalized through laws, and especially subjective rights, that stabilize social differentiation.⁵⁶

Accordingly, Cohen and Arato distinguish civil society from both political and economical fields of action. For them the civil society has the following distinct components:

(1) *Plurality*: families, informal groups, and voluntary associations whose plurality and autonomy allow for a variety of forms of life; (2) *Publicity*: institutions of culture and communications; (3) *Privacy*: a domain of individual self-development and moral choice; and (4) *Legality*: structures of general laws and basic rights needed to demarcate plurality, privacy, and publicity from at least the state and, tendentially, the economy.⁵⁷

Later Cohen stresses the role of publicity even to the point that a reader gets an impression that civil society is almost an equivalence to the public sphere where public opinion is formed. She writes:

The public sphere is where people can discuss matters of mutual concern... Discourse on values, norms, laws, and policies generates politically relevant public opinion... This concept of the public sphere is the normative core of the idea of civil society and at the heart of any conception of democracy.⁵⁸

However, with this definition Cohen comes back to the classical understanding of civil society, namely that it is a sphere where independent citizens rule themselves. Public opinion is one crucial part of the democratic state and thus the division between state and civil society is blurred.

It seems that the modern usage of civil society is quite flexible. In the long run it has meant the political sphere where independent citizens can arrange their government. In its narrow meaning it has meant the sphere outside the realm of the state. In both meanings the concept is wider than the concept of third

⁵⁶ Cohen & Arato 1994, ix.

⁵⁷ Cohen & Arato 1994, 346.

⁵⁸ Cohen 1998, 2.

sector. In the first case it means the whole society including the state. In the latter meaning it also includes households that are not usually included in the third sector.

In the narrow meaning we could also call civil society ***non-statutory sector*** or ***independent sector***. These are concepts used mainly in British and American contexts. In a similar way as the concept of civil society these terms aim to underline the independence of the sector from the state and the market. The terms have been used especially by some American umbrella organisations which guard the interests of nonprofit organisations against the state.⁵⁹

The problem of the concept lies in the interaction with the state. Basically there are two ways to frame the state and these frames give different meanings to the civil society. The state is either 'our business' - a common enterprise of all citizens that guards the rights of people. This is what Scandinavians eagerly think about their societies and what the old liberal tradition propagated. Or it is a realm outside and above the grassroots level. In this case the state can be a dictatorship, where there are no citizens but subjects, or a bureaucracy that is so involved in maintaining itself that it has forgotten the citizens. Examples of dictatorships we can find through the history from Antique to the present day. In these contexts the state has given more responsibilities than rights and thus social services and education were organised in other spheres. A new phenomenon is a state that is in principle democratic but in practice far away from its citizens. This is what post-Marxists claim the modern state to be. Thus the frame of the state thus defines the frame of civil society, as well.

⁵⁹ Helander 1998, 41f.

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