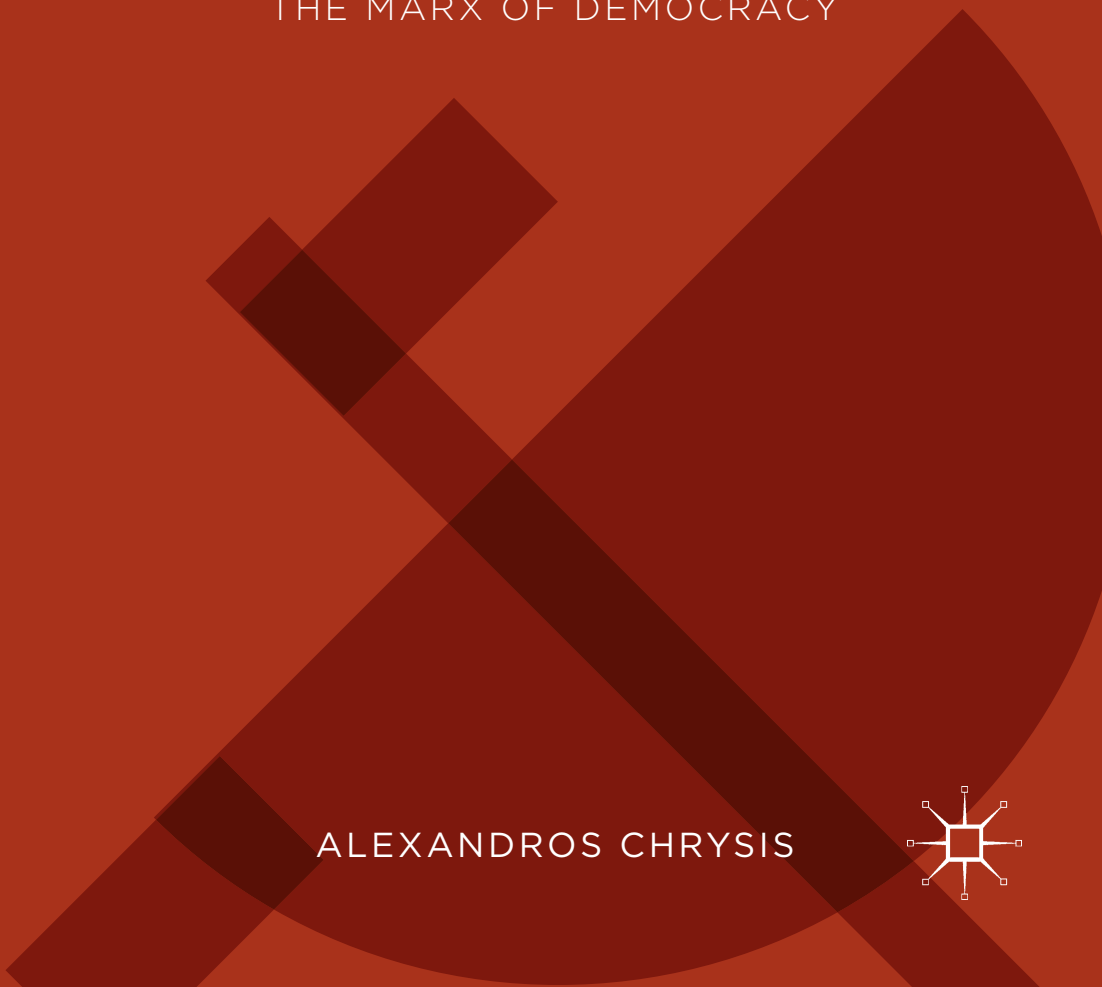
POLITICAL PHILOSOPHY AND PUBLIC PURPOSE

'TRUE DEMOCRACY' AS A PRELUDE TO COMMUNISM

THE MARX OF DEMOCRACY



ALEXANDROS CHRYSIS

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‘True Democracy’ as a Prelude to Communism

The Marx of Democracy

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To the memory of my mother Zoe and my dearest always missed Anaxagoras.
To my wife Eugenia and my daughter Zoe.

Series Editor's Foreword

'True Democracy' as a Prelude to Communism: The Marx of Democracy

The relationship between Marxism and democracy has caused much ink to be spilt. What is at stake is nothing less than the political dimensions of Marxist theory and its prospects to serve as a valid and compelling political theory in present times. Marx's own ideas about democracy were complex and were never the subject of prolonged theoretical reflection. But there is little question that his admiration for the democratic experiments in France, in his philosophic and historical affinities with Athenian democracy, and his persistent support for working class parties in parliamentary democracies of his own time attest to his continued engagement with questions of concrete political relevance. But perhaps even more, examining Marx's relation to democracy and his ideas about the political shape that human society should adopt could show us ways to overcome the alienation and fragmentation of modernity and to equip politics with a renewed sense of purpose in an age when liberalism is waning and few progressive alternatives present themselves. Marx's youthful ideas about democracy and politics, however, evince a humanism and emancipatory potential that has received scant scholarly attention.

Indeed, one reason for this has been the legacy of Soviet Marxism, of Leninism, Stalinism and the antipathy to ideas about democratic politics and democracy itself that this tradition has had on Marx's original ideas. The traces of this legacy have severely distorted Marx's nascent ideas on these questions and they still mark Marxist theory with an anti-political tinge. But in this important study, Alexandros Chrysis has provided us

with an important corrective to this theoretical straightjacket. His basic claim is that we should see Marx's ideas about democracy as an outgrowth of his early writings on politics. Rejecting Althusser's *coupure épistémologique* and insisting that we see Marx's mature idea as an outgrowth of his youthful ideas about the ethical aims of human self-development, Chrysis argues that Marx's argument for democratic politics is a creation of active citizenship that forms a way of life, a *vita politica*, for members of the political community. Rejecting the liberal separation between the individual, civil society and the state, Marx instead seeks to understand the political as constituted by active members of as association that promote the common interests of the social whole. This view of democracy is therefore a thicker one than an Arendtian community of opinion just as it is more than a participatory mode of politics.

Chrysis sees Marx's novel ideas about politics as rooted in his youthful republicanism and an insistence on the "rational state" as opposed to the actually existing state which is a mere instrument for elite economic interests. This republican idea is one that emphasizes the common good and interest over the particular interests of the bourgeoisie. In so doing, Chrysis makes a contribution to seeing Marx and his ideas as integrated within a radical republican tradition stemming back to Machiavelli and running through Rousseau and Hegel, among others. But he then goes on to claim that Marx's ideas evolve into a self-contained political theory, moving beyond this republican tradition. What concerns the youthful Marx, even before his turn to communism, is the fragmented and instrumental conception of politics that allows for the wealth-defense and its counter position to a society where politics has been allowed to penetrate all aspects of life.

The solution becomes the breaking down of the state-civil society barrier, a true democracy where the state breaks down and the political becomes a concern of all members of the association and for the common end of that association and the individuals that compose it. No longer will there be a separate state, alienated from the community, which can be used as a tool for the interests of any segment of the association. What Chrysis proposes is that we see Marx's idea of democracy as non-reducible to the state form, but instead as woven into the praxis of engaged solidaristic citizenship. The end of this kind of true democracy would be the flourishing and development of a free association of equals. It would be the realization of politics as an end in itself, of politics as constituting the shape of this free association of cooperative

equals that dialectically also develops the individual even as it develops and shapes the social whole. Chrysis therefore brings us to the political and philosophical horizon where Marx will come to adopt communism as his life-long political project. In so doing, Chrysis animates what has been locked away from view in much of twentieth-century Marxology. He has revived Marx's humanistic, democratic and political ideas, giving a potency and relevance much needed in an age where our collective political imagination has withered.

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Michael J. Thompson

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I feel deeply indebted to all my friends, colleagues and students with whom I share theoretical research and practical action for our common cause.

My special gratitude is due to Vassilis Fouskas, a good friend during our unclouded student years of the 1980s and a devoted scholar in the hard times we are living in now. Without his help this book could hardly have reached publication.

Last but not least, I would like to thank from the bottom of my heart my wife Eugenia and my daughter Zoe; their permanent support and patience allowed me to accomplish my task.

Contents

CHAPTER 1

Themes and Methodological Delimitations

Undoubtedly, the concept of 'democracy' is one of the most disputed and debated issues in the political theory and practice of all historical epochs. This is also the case in the context of Marxist theory and the political movements that it inspired: democracy, as both theory and practice, has never ceased to be a controversial subject within the fields of Marxist-oriented research inquiry, interpretation and political practice.

This study, which is part of a wider research project, attempts to answer the following questions:

- What is the content that Marx attributes to the term 'democracy' in his early work—that is, before he embraced the communist project?
- What is the inner relationship between the pre-communist Marxist theory of democracy and the quest for self-determination as formulated by Marx in his early work?

I attempt to show that these questions are anything but academic. Democracy is a major theme in the history of ideas and cuts across political theory and practice over time. One way or another, these ideas and practices have drawn on the theories of classical times, and have faced challenging interpretations and adaptation by theoreticians and politicians alike. In this context, it is clear that both the durability and the inner relationship inherent in the bipolar connection between democracy and emancipation anything but contingent. In essence, they are the expression of an existential need in human beings for liberation, emancipating themselves from any

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form or source of heteronomy. In all circumstances, and especially in periods of economic, social and cultural crisis—as indeed is the case at present—the development of a systematic theoretical effort to understand democracy and emancipation is inextricably connected to current social struggles and people's need for what we sometimes euphemistically call 'a better world'.

Having said this, we must admit that it is impossible to reach into the very core of the Marxist theory of democracy if we fail to tackle the broader philosophical issue of *human autonomy* as it arises from the ancient Greek cultural determinants of the young Marx's thinking. Broadly speaking, Marx's theory of democracy can be found in his doctoral dissertation, where the form-symbol of Prometheus breaks away from any god—that is, from any agency of heteronomy—contextualising the self-determination of human agency as the supreme attitude and value of life: 'In simple words, I hate the pack of gods' (Aeschylus, *Prometheus Bound*). From this perspective, Georg Lukács is not far off the mark when he argues that elements of a 'political programme' already exist in Marx's doctoral dissertation, elements that, starting from his articles in *Rheinische Zeitung*, find their culmination and scholarly elaboration in his later writings.[1]

The fact that I refer to the themes of democracy and emancipation in the early work of Marx as they relate to ancient Greek philosophy is not due to any obsession I have with ancient Greek literature. When exploring the theme of 'Marxism and democracy', I tend to believe that it would be a major theoretical mistake—and, ultimately, a *political* mistake—to underestimate or, even worse, to ignore Marx's own multiple interests in ancient Greece, in Aristotelian and post-Aristotelian philosophy, or even in ancient tragedy, which is a form of art closely connected to the rise and fall of Athenian democracy. The mistake that results from such a faulty approach takes on even greater dimensions when we reach the point where we ignore the fact that democracy and emancipation are not technical or institutional questions for both the young and the communist Marx, but questions that are determined both historically and *ontologically*. We therefore have to factor in 'human nature' if we do not want to produce a disastrous Marxist political theory accompanied by an equally disastrous 'liberating' political practice.[2]

[1] Lukács (1967, p. 519).

[2] The *anthropological question* is paramount in Marx's philosophy and political theory. In this context, it is worth mentioning, among many others, the works of Lucien Sève (1978) and Adam Schaff (1970).

Equally problematic is the underestimation of the direct or indirect influence of the ideas of the European Enlightenment on Marx's thought, as well as the misinterpretation of political texts organically connected with the French Revolution and with nineteenth-century political movements all over Europe.[3]

There is no doubt that the relationship between Marx's pre-communist and communist theory on the one hand, and the ideas of the Enlightenment and the French Revolution on the other, is multifaceted and complex. This is why the dynamics of this relationship in history are destined to be re-examined and reconsidered continually. In any case, a clear distinction must be made between Marx's relationship as a thinker of the Hegelian Left with seventeenth- and eighteenth-century political theories and practices and the way in which Marx conceives the same theories and practices once he becomes a communist, a theoretician of the class struggle and of the critique of political economy in which he attempts to relaunch the theoretical nexus between politics and economics, society and the state.

The relationship between Marxism and the Enlightenment has been tested over the years, exposing all those organic intellectuals and left-wing practitioners, not to mention the bureaucrats, who have wished to interpret it in a simplistic, *tout court* manner. I therefore wish to state the following at the outset: the *enigma of democracy*, as a form of transition to socialism and as a form of organisation of a socialist society and its political avant-garde per se, has not been solved. The reasons for this failure are multiple. Within the context of a history of ideas and movements, I would argue that this failure is undoubtedly due in part to misunderstandings between Marxism and Enlightenment philosophy. On the one hand, we perceive thinkers who argue that the former follows in a natural sequence and linear continuity from the latter. On the other, we experience the perception that there is a break or a rupture between them: that is, there is no connection, or a total vacuum.

[3] On the relationship between Marx and the Enlightenment, see especially Besse (1963), Hook (1968) and Rihs (1963). On the influence of the French Revolution on Marx, see the following diverse approaches: Furet (1986, pp. 11–120), Guilhaumou (2002), Löwy (1989), Rubel (1989) and Soboul (1951).

The need for another crucial delimitation arises from the relation between Marxian and Hegelian philosophy and its subsequent social and political aspects. Althusser's theory of 'epistemological break', inspired by Bachelard, which leads to a rather schematic or positivistic opposition between the young Marx of ideology and the mature Marx of science, and the school of thought that overwhelmingly endorses an abstract humanism and a quasi-Hegelian idealism in Marx's thought have both laid the groundwork for serious theoretical and, in the final analysis, political mistakes.[4]

For his part, however, Marx, even before he embraced communism, realised that he had to confront *dialectically* the European philosophy of the late eighteenth and early nineteenth centuries in order *to comprehend the relationship between politics and economics* and between civil society and the state, relationships that remain critical today, when politics seems to have lost any autonomy vis-à-vis the capitalist economy. Recognising the needs and role of material interests as elements that determine the relationship with the (political) state, the young Marx laid the foundations for a *class-based* theorisation of politics, something that would be picked up by the communist Marx at a later stage. Nevertheless, Marx's relationship to the world of classical philosophy is not without its problems and is not an easy road to follow. It is a painful process that is marked by the inner struggles of a thinker who is trying to construct his intellectual and, ultimately, his political identity as cohesively as possible.

It is the communist Marx, the Marx of the critique of political economy, who confesses in 1859 in reference to his pre-communist past:

> The first work which I undertook to dispel the doubts assailing me was a critical re-examination of the Hegelian philosophy of law; the introduction to this work being published in the *Deutsch-Französische Jahrbücher* issued in Paris in 1844. My inquiry led me to the conclusion that neither legal relations nor political forms could be comprehended whether by themselves or on the basis of a so-called general development of the human mind, but that on the contrary they originate in the material conditions of life, the totality of which Hegel, following the example of English and French thinkers of the eighteenth century, embraces within the term 'civil society'; that the anatomy of this civil society, however, has to be sought in political economy.[5]

[4] See, in particular, the classic work by Calvez (1970 [1956], especially Chap. XVIII).

[5] Marx, *A Contribution to the Critique of Political Economy*, in Marx–Engels, *Collected Works*, vol. 29, p. 262.

In a way, the young Marx's quest to modify the relationship between economy and politics, between civil society and the state, gathers pace and expresses itself in the category of 'true democracy': that is, the *absorption* of the state by society as defined in his *Critique of Hegel's Philosophy of Right*. Below, I consider this work in detail in order to decipher Marx's theses on democracy and emancipation, as well as the way in which it can be projected in order to understand today's crises and political developments. However, it is worth emphasising from the start that both the communist Marx and the Marx of the pre-communist period, despite their *theoretical* differences, adopt a *dialectical* approach in regard to the relationship between politics and economics. Even before endorsing a communist theoretical approach—and even before starting to work on his own critique of political economy—the young Marx, in composing his *Critique of Hegel's Philosophy of Right*, draws the conclusion that civil society and the political state constitute the interrelated poles of a single totality, within which, however, civil society proves to be the main determinant.

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Given the preliminary remarks above, it becomes obvious that the research agenda of this book is based on the distinction between the Marx of the pre-communist period and the communist Marx. However, what are the criteria for such a distinction?

As is well known, this distinction itself has been controversial, at least in the history of Marxism. A definition of the criteria behind Marx's thought and work dynamics has been the subject of many debates, at times quite academic, the most popular being that by Louis Althusser. The French philosopher, having borrowed Bachelard's theory of *epistemological rupture*, distinguished between the young Marx of ideology and the mature Marx of science.

No doubt, while positing the point of rupture in the context of Marx's *Theses on Feuerbach* and the writing of *The German Ideology* by both Marx and Engels,[6] Althusser's theory constitutes not just an

[6]Marx's and Engels' own testimony is that they wrote *The German Ideology* in order to settle their accounts with their old philosophical conscience. The *locus classicus* of Althusser's *theory of rupture*—that is, of the distinction between young and mature Marx—is his work *For Marx*, especially his 1960 essay 'On the Young Marx', which is included in

application or an extension of epistemological approaches in the field of Marxism that are based on the notion of a 'break', but also a form of reaction to the abstract humanistic reinterpretation of Marx that was highly influenced and inspired by the discovery of the *Economic and Philosophical Manuscripts of 1844*, first published in 1932 by the Institute of Marxism-Leninism in the USSR, and in English in 1959.

For his part, almost five decades before Althusser, Lenin seems to endorse a *dialectical* approach. In 1914, just a few years before the October Revolution, he observed in *Rheinische Zeitung* 'signs of Marx's transition from idealism to materialism and from revolutionary democracy to communism'.[7] Although Lenin himself did not spend time on a definition of periods of Marxian thought, not least because most of the work of the young Marx did not appear before his own death in 1924, this attempt to discern a *transitional moment* in Marx's work proved highly influential, especially for a number of Soviet Marxists, such as Oizerman, Lapine and Bakouradze.[8]

From this perspective, the maturation process of Marxist theory is reflected in the content and methodology of Marx's writings across historical time and social space. This process is marked by elements of both continuity and discontinuity as Marx moves from idealism to materialism and from republicanism/democratism to communism.

My work does not adopt Althusser's theory. It does not subscribe to the theory of 'epistemological break' as a form of internal periodisation of Marx's work. From my point of view, the distinctions, intervals,

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the volume. There, Althusser criticises the works and arguments of political philosophers such as Oizerman, Lapine and Schaff, including Togliatti's text 'From Hegel to Marxism'. We read:

> We should realize that in a certain sense, if these beginnings are kept in mind, we cannot say absolutely that "*Marx's youth is part of Marxism*" unless we mean by this that, like all historical phenomena, the evolution of this young bourgeois intellectual can be illuminated by the application of the principles of historical materialism. Of course Marx's youth did *lead* to Marxism, but only at the price of a prodigious break with his origins, a heroic struggle against the illusions he had inherited from the Germany in which he was born, and an acute attention to the realities concealed by these illusions. (Althusser 1969, pp. 83–4)

[7] 'A Brief Biographical Sketch with an Exposition of Marxism' in Lenin (1974).

[8] I refer here to Bakouradze (1960), Lapine (1980) and Oizerman (1981). These works essentially adopt Lenin's position.

continuities and discontinuities in Marx's work occur *objectively* and in a *dialectic* way as one reads through the work, and as Marx, who never was a pure intellectual, transforms himself through political theory and action in each distinctive phase of his life and of his intellectual development.

In fact, the distinction between Marx's youthful writing and his texts as a theoretician of class struggle corresponds in some ways to that between a *young democrat* and a *mature communist*. This approach inculcates both intellectual elements of continuity and discontinuity, and transformations and dialectical leaps forward through Marx's own political experience. From a dialectical perspective, the criterion of delimitation between the pre-communist and the communist Marx is the way in which previous analytical elements and 'moments' are *superseded* and simultaneously incorporated into the transformative new terrain of the analysis that ensues.

In this context, I suggest that the theory of democracy proposed by the mature Marx is not schematically detached from the corpus of the theory of democracy that one can find in the young Marx. The pre-communist Marxian theory of democracy, as well as its innate relationship with Enlightenment theory, does not disappear in Marx's mature work, but is introduced dialectically in his theory of class struggle and the complex dynamics of the conflict between the bourgeoisie and the proletariat.[9] We are confronting, therefore, an *intellectual transformation* in terms of a dialectical process that took place in the development of Marx's texts over time.[10]

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[9]Moving in a different direction, Dick Howard, inspired by the works of Cornelius Castoriadis and Claude Lefort, distinguishes between *Marx the philosopher* and *Marx the revolutionary* (Howard 2002, pp. 17–23, 92–5), arguing that, although Marx the philosopher is not incompatible with Castoriadis's politics of autonomy (ibid., p. 95), Marx of 'the' revolution, and especially as the (co-)author of the *Communist Manifesto*, proves to be the defender of 'antipolitical politics', who in fact leaves 'no place for politics' and 'no room for autonomous political agency' (ibid., pp. 19–20).

[10]It is worth mentioning that Althusser, on the issue of delimitation between pre-communist and communist Marx, proposes the concept of *discovery* (*découverte*) instead of that of *Aufhebung* (transcendence, supersession, *dépassement*), as he considers the latter an idealistic concept. He argues: 'I hope it is now clear that if we are truly to be able to think this dramatic genesis of Marx's thought, it is essential to reject the term "*supersede*" and turn to that of *discoveries*, to renounce the spirit of Hegelian logic implied in the innocent but sly concept of "supersession" (*Aufhebung*)' (1969, p. 82). It should be noted that Althusser did not change this position when, some ten years after *For Marx*, he attempted to rectify some of his thinking in his *Elements of Self-Criticism*.

However, beyond this transformation, there is a *theoretical* transition of the *critical* Marx towards communism; or, to be more precise, there is a process of *existential* transmutation of Marx himself that is connected with his theoretical and political transition. These themes are fundamental not only for Marx's methodology, but also for our own study. There is a *transition* for Marx himself, as he moves from the field of action of *democratic critique* of the Prussian regime of his time to the field of a *militant communist*. Thus, he becomes a theoretician who, while changing his mind many times, eventually incorporates his research designs into the cause of communism.

Marx's undertaking to become an engaged supporter of the communist cause is crucial. It opens up new horizons to the approaches of communism, moving beyond utopian socialism and other communist agendas of his time. Such a decision reveals the organic connection between Marx's own research agenda and that of a political programme and action. In this frame of analysis, it is also worth mentioning what Maximilien Rubel suggests: namely, that Marx's moral incentive to embrace socialism precedes the necessity for its scientific foundation.[11] This raises the significance of the decision taken by Marx to adopt the perspective of communism as a *movement*—a movement in which Marx himself sought to play a substantive role, both theoretically and organisationally.

However, it was not just his study and criticism of the theoretical currents of his contemporaries that pushed the young Marx towards communism. Moving from Kreuznach to Paris in October 1843 was quite an experience. Paris was the centre of activity of alert proletarian elements, which, coupled with the Romantic ideas of German migrants, created the right mix for the *existential* transformation of Marx as a theoretician of communism. Even before the end of his first year in Paris, Marx wrote to Feuerbach:

[11] 'Marx became a socialist *before* he elaborated "scientific socialism",' argued Rubel (1962). However, Rubel's point of departure for such an approach is to show that Marx's choice was related to his preconceived humanistic ethics, an approach that Marx is supposed to maintain unaltered throughout his communist/mature phase. Clearly, Rubel underestimates the way in which the mature Marx re-composes his political approach in connection to the issue of militant communism and his systematic engagement with political economy. A more balanced and careful account on this theme is by Richard N. Hunt (1975, vol. I, pp. 49–51).

> You would have to attend one of the meetings of the French workers to appreciate the pure freshness, the nobility which burst forth from these toil-worn men. The English proletarian is also advancing with giant strides but he lacks the cultural background of the French. … The German artisans in Paris, i.e., the Communists amongst them, several hundreds, have been having lectures twice a week throughout this summer on your *Wesen des Christenthums* from their secret leaders, and have been remarkably responsive.[12]

Undoubtedly, the world of impoverished and pauperised people attracted Marx's attention and influenced his writings in *Rheinische Zeitung*, where he defended the right of the poor to 'steal' wood and the rights of the vine-growers in the region of Mosel. It was during this period that Marx decided to engage systematically with the communist ideas of his age, although he considered them problematic, both theoretically and practically.[13]

It is widely recognised that Marx's *communist-theoretical identity* began to be formed in Paris, the capital of politics, where he wrote crucial texts such as *Critique of Hegel's Philosophy of Right: Introduction* and the *Economic and Philosophic Manuscripts of 1844*. In particular, the *Manuscripts of 1844* is the first text written by Marx from the perspective of an early critique of political economy in which he describes himself, albeit indirectly, as *communist*, making clear his own opposition to utopian, egalitarian and other crude interpretations of socialism and communism, up to a crucial point.[14] Thus, in Paris, the city in which class

[12] Marx, 'Letter to Feuerbach, August 11, 1844', in Marx–Engels, *Collected Works*, vol. 3, p. 355, 357.

[13] Marx, 'Letter to Ruge, November 30, 1842', in Marx–Engels, *Collected Works*, vol. 1, p. 394.

[14] The young Marx's *communist identity* first appears in the *Economic and Philosophic Manuscripts of 1844*. According to Löwy's archival research (2003, p. 50), Marx's close links with French and German communists did not begin before April 1844. In addition, according to Althusser (1976, p. 159), Marx is 'politically a communist' in *The Manuscripts of 1844*, although still trapped in 'petit-bourgeois philosophical positions'. Kouvélakis (2003, pp. 234–6) also views Marx's transition to communism in terms of *rupture*, thus essentially adopting Althusser's position. It is Engels who insists that Marx himself 'opened the series of his socialist writings' while writing his *Introduction to the Critique of Hegel's Philosophy of Right*, published in *Deutsch-Französische Jahrbücher* early in 1844 and just before the writing of the *Manuscripts* (Engels, *Karl Marx*, in Marx–Engels, *Collected Works*, vol. 24, p. 184). Kamenka (1962, p. 18) is of the same opinion, especially when

struggle was pregnant with important political and social developments, Marx was already approaching communism not as an abstraction but as a *concrete possibility*. The 'moment' of *Deutsch-Französische Jahrbücher* was not just the outcome of Marx's *Critique of Hegel's Philosophy of Right* and his systematic review of the most important works of the social and political philosophy of the European Enlightenment and the French Revolution; it was also the time when he decided upon his *practical* reorientation both politically and in terms of research. He is reaching a turning point as he transcends democratism and moves in the direction of communism.

My work explores the relationship between democracy and emancipation in the context of pre-communist Marxian theory during the years 1835–43. While confining my study to this first phase—the pre-communist period of Marx's life and work—I pinpoint three relatively distinct but interlinked cycles in relation to his life and themes:

- The first cycle focuses on young Marx's university studies, which began at Bonn University in 1835 and continued at the University of Berlin in 1836, to be completed in 1841, when he submitted his doctoral dissertation at the University of Jena.
- The second cycle takes shape during Marx's involvement with *committed/philosophical-political journalism*, when he was an editor (from April 1842) and then editor-in-chief at *Rheinische Zeitung* (October 1842–March 1843).
- The third cycle refers to the democrat Marx's critical confrontation with Hegel's philosophy of state and law, as crystallised in the *Manuscript of 1843*, produced when Marx was living in Kreuznach.[15]

The second, rather brief, phase is the *moment of transition* from pre-communist to communist and covers the last four months of 1843 and the first months of 1844, when Marx, moving from Kreuznach to

he refers to the meeting between the young radical thinker and the socialist cause of the proletariat.

[15] Megill (2002, pp. 71–4) distinguishes four moments of the young Marx's engagement with politics: the *Rhenish* moment (Trier); the *radical Hegelian* moment (Berlin: October 1836–March 1841); the *journalistic* moment (*Rheinische Zeitung*: October 1842–March 1843); and the *theorising* moment (March 1843–August 1844).

Paris, published two critical essays in the (first and last) double issue of *Deutsch-Französische Jahrbücher—On the Jewish Question*, which acknowledges the centrality of universal/human emancipation, and *Critique of Hegel's Philosophy of Right: Introduction*, in which the proletariat is recognised as the agent of revolution. Both these texts indicate Marx's transition from his pre-communist period towards his communist militancy.

I want to reiterate that there is a relationship inherently governed by the principle of 'continuity/discontinuity' between Marx's pre-communist texts of the first phase and the transitional articles in *Deutsch-Französische Jahrbücher*.[16] During Marx's pre-communist years, and before reaching the crucial transitional point near the end of 1843, the concepts of *revolution* and *proletariat* are absent. It is worth noting, however, that even as a university student Marx supported the turn of philosophy towards the *real* world and raised the philosophical demand for a critical confrontation with religion.

We find this radical approach further developed in *Rheinische Zeitung* as a *political* claim for a rational state, a state that realises 'reason' in a reasonable form: for example, such a state defends the freedom of the press, hence the public use of reason, and rejects censorship, as it is incompatible with any form of reason emanating from the rational state. From the start of 1842, the young Marx began to criticise a state that he considered to be in opposition to the principles of the European Enlightenment and in denial of those of the French Revolution and its *Déclaration des droits de l'homme et du citoyen* (Declaration of the Rights of Man and of the Citizens).

Nevertheless, his sympathy towards the *material* interests of the poor and the deprived did not lead him to a revolutionary perspective. It is worth noting that even in the *Manuscript of 1843*, in which he acknowledges the primacy of civil society as the key for understanding the riddle of the state, Marx confines himself to demanding universal suffrage as a means to the end of 'true democracy', and, as I have already mentioned, there is still no talk of social revolution or its agent, the proletariat.[17]

[16] See McGovern (1970), who offers a useful periodisation of young Marx's views about the state, although his analysis proves to be rather descriptive.

[17] According to Norman Levine, 'Marx does not call for a revolution against Frederick Wilhelm IV, but rather for "breaches", or small reformist steps within the framework of a constitutional monarchy' (Levine 2012, p. 147, see also p. 151, 170).

However, in the transitional essays—for example, in the two articles in *Deutsch-Französische Jahrbücher*—the Marxian *pre-communist* defence of a total revolution finally appears.[18] It is through his *On the Jewish Question* and his *Critique of Hegel's Philosophy of Right: Introduction* that Marx argues in favour of a universal/human emancipation and against partial/political emancipation, which is judged as utopian and impractical for an economically and socially backward Germany.

In sum, given Marx's clear reference to the revolutionary role of the proletariat in the *Critique of Hegel's Philosophy of Right: Introduction*, there is no doubt that the starting point of his transition from the pre-communist to the communist phase of his life and thought can be safely identified as occurring at the end of 1843 and in the first months of 1844.[19]

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The argument presented above acknowledges two fundamental questions for this study:

- Is there a *Marxian* political theory?
- Is there a *Marxian* theory of democracy?

The bibliography and sources available on these issues are immense. I attempt here to provide a brief introduction to the various schools of thought that have tried to answer these questions in the past, an introduction that is intended to prepare the reader to absorb the analysis that follows. Thus, let me propose a brief—and, I hope, useful—overview.

I would first list Althusser's school, which proposes one of the most controversial understandings of the Marxist theory of the state in connection with the epistemological thesis of the 'break' between the young and the mature Marx. From this perspective, the case of the young Nicos Poulantzas is quite interesting. Applying Althusser's theory of a 'break' between the young Marx of ideology and the mature Marx of science,

[18] On the transitional character of Marx's articles in *Deutsch-Französische Jahrbücher*, see the influential analysis of Georg Lukács (1967, pp. 556–72).

[19] A similar analysis is followed by Mészáros, when the Hungarian philosopher, by way of referring to the Marxian issue of alienation, notes: 'The point of real significant change [in Marx's thought] is not between 1844 and 1845 but between 1843 and 1844. (And even this change is far more complex than the vulgarizers—who can only operate with crude schemes like "idealism" and "materialism" etc.—imagine.)' (Mészáros 1970, p. 232).

Poulantzas argues that there is an absolute *discontinuity* between Marx's early work and his mature work.[20]

In my view, Poulantzas rightly refuses to reduce Marx's theoretical revolution to the mechanical reversal of the relationship between state and society, insisting that Marx redefined the contents of those two concepts and not just their relationship. However, by adopting Althusser's theory of epistemological break, Poulantzas fails to comprehend the Marxian dialectics of redefining the contents of these concepts in terms of *transcending* the pre-communist Marxian theory in order to develop a communist approach.

The fact that the *democrat* Marx has not yet adopted the *scientific concepts* (mode of production, relations of production, social formation, social classes, etc.) that will allow him later to form his own *science*—the science of history (*The German Ideology*) or the science of the critique of political economy (*Capital*)—does not necessarily mean that his political theory of the early 1840s constitutes a copy of bourgeois theorising, as Poulantzas argues, or an anarchic type of theorising the state as a mechanism of alienation.[21] Besides, Poulantzas himself admits that the young Marx is far from the 'political democracy' approach of bourgeois liberalism) as espoused by John Locke or Benjamin Constant.[22]

However, does the young Marx reproduce Rousseau's 'egalitarian democracy', as Poulantzas states, converging at this point with Galvano Della Volpe and his school? Paradoxically, despite adopting Althusser's epistemological views, Poulantzas does not hesitate to recognise not only the *affinity* of Marx's pre-communist theories with those of Rousseau, but also the relationship between Marx's mature writings and Rousseau's political theory, especially in his texts on the Paris Commune.[23]

In my view, this affinity between Rousseau and Marx, especially when Marx has constructed his *scientific* and conceptual apparatus, cannot be more than a *nominal* affinity. This is not just because Marx's mature work is inscribed within a different scholarly problematic to that of Rousseau—the problematic of the critique of political economy. It must

[20] Poulantzas (1966, pp. 3–4). This is a rare text by the young Poulantzas presented at a conference organised in Athens by leading Greek Marxists at the time and by the Center for Marxist Studies, just a year before the Colonels' Dictatorship in Greece.

[21] Ibid., pp. 13–19.

[22] Ibid., pp. 13–15.

[23] Ibid., p. 15.

not be forgotten that Rousseau's political theory, as opposed to Marx's theory, has a *regulative* character. Rousseau's theory of democracy unfolds as an ethical/normative theory to which human beings ought to orient themselves. For Rousseau, the sovereignty of the demos is a norm and not the real or historical possibility of society's inner dialectics, as Marx argued, directly or indirectly, from his early writings.

The Italian school of Della Volpe and his students had their own reading of Marx and the political philosophy of the European Enlightenment. For them, the important elements in Marx's theory of democracy were Rousseau's references to *egalitarian democracy*. In Lucio Colletti's writings one finds the most characteristic formulations of this approach, according to which young Marx's political theory 'predated (at least in general outline) the development of Marxism proper'. Moreover, Colletti argues, Marx's theory was not original because it was profoundly influenced by, if not identical to, Rousseau's political theory; it is as if Rousseau's lines or argument extend from his *Social Contract* only to land in the Parisian Commune of 1871 and in Marx's own theoretical analysis in *The Civil War in France*.[24]

In other words, based on the false equation of 'true democracy' with the 1871 Commune, Colletti draws the incorrect conclusion that Marx possessed a mature theory of politics and the state before he conceived and elaborated his materialist conception of history.[25] Where did Marx find such a theory ready-made? In Rousseau's theory of democracy, answers Colletti, ignoring the indisputable fact that the critique of political economy and the formation of a materialist conception of history—that is, Marx's conception of communism—cannot help but react to and *transform* his pre-communist theory of democracy.

If Colletti's view were correct, then we would have to solve the real contradiction that he himself had no problem in admitting: Marxist political theory assumes its maturity not because of its innate dynamics but because of the many elements it borrowed from other traditions of

[24] Colletti (1975, p. 46). For his part, Leopold (2007, pp. 262–71), while admitting the Rousseau–Marx 'political affinity', comments on Colletti's hypothesis and recommends 'some caution regarding both its precise character and the emphasis that it should properly receive'.

[25] 'What strikes us most forcibly is that while Marx has not yet outlined his later materialist conception of history he already possesses a very mature theory of politics and the state' (Colletti 1975, p. 45).

revolutionary and democratic thought, especially from Rousseau, elements that were organically integrated into its own body of thought. Needless to say, in such a case, as Colletti himself remarks, the originality of Marxism, expelled from the field of political theory, should have been looked for and noted exclusively in the analysis of economic and social life.[26]

This study criticises this line of argument. While Althusser and his school argued in favour of a total rupture between the early and mature work of Marx, cutting off the pre-communist theory of democracy from the *Marx of science*, recognising the former as part of the bourgeois tradition and keeping the *purity* of the latter for the proletariat, the Italian school minimised the differences between Marx's and Rousseau's theory of democracy, leaving no substantive room for a positive answer to our central research questions: Is there a *Marxian* political theory? And is there a *Marxian* theory of democracy?

Following a different rationale, Maximilien Rubel, one of the most important analysts of Marx's writings, ends up saying that Marx's transition to communism in no way indicates a departure from his early work on democracy—despite the fact that Rubel distinguishes two phases in the intellectual formation of Marx, that of liberal democrat and that of communist.[27] More specifically, Rubel argues that Marx embraced communism through what he calls 'the ethics of democracy', a position he never abandons in his mature work.[28]

Given my disagreement with Rubel's argument, I think that, while confronting the issue of whether there is a distinctive, original Marxist theory of democracy, it is worth taking into consideration his position, according to which Marx always remained a 'bourgeois democrat in practice', even when he was a 'revolutionary communist in theory'.[29]

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[26] Ibid., p. 46.

[27] Rubel (1962).

[28] It is true that, in 1851, Marx tried to republish, in cooperation with Hermann Becker, a member of the Communist League, some of his articles of the 1842–43 period, and this is something we should not forget. The attempt, initiated by Marx himself, was blocked by the intervention of Prussian state authorities. This means that Marx continued to believe that his work of the period was still significant, at least in the context of the social and political juncture of the time. However, this does not mean that Marx's own conception of democracy remained unchanged throughout the decades.

[29] Rubel (1962, p. 79).

From Rubel's point of view, Marx does not reproduce Hegel's or Rousseau's theory of the state, but Spinoza's concept of democracy. Marx read Spinoza's *Theological-Political Treatise* during his stay in Berlin in 1841. According to Rubel, the young Marx found in this work the basic argument about emancipation and democracy, an argument that remained unchanged even after his adoption of communism. I do not think we need to prove that, if we subscribe to Rubel's approach and the paramount emphasis he places on the *continuity* between Spinoza and Marx, then we end up admitting once again that there is no distinctive Marxist theory of democracy. For Rubel, there is an *internal bond* politically connecting Marx's pre-communist and communist conceptions, the *democrat* Marx and the *communist* Marx. Rubel insists that Marx never managed to discard his early pre-communist ideas about democracy, which included elements of an *anarchical* humanism to which communism contributed just one facet.

In other words, Marx's theory of communism is, according to Rubel, a *smooth reincarnation* and *linear integration* of the theory of democracy of his early years, which was influenced by the writing of Spinoza and even by the dynamics of American society in the first decades of the nineteenth century, as it transpires in the works of Thomas Hamilton, which Marx read during his stay in Kreuznach. In this context, Marx's turn towards communism does not reflect a conflict with his previous approach to democracy, but rather a reinforcement of it.

In short, lacking what I would call *the dialectic*s of *transcendence*, Rubel defends the position of an absolute continuity between Marxian and pre-Marxian conceptions of democracy, a continuity that deprives us of the possibility of searching for an *original* Marxian political theory: that is, a search for a Marxian theory of democracy with strong elements of originality and self-determination.

In contrast to those who juxtapose schematically the political theory of the young Marx with that of the mature Marx, but also in contrast to those who see, in a variety of ways, a Marxist theory of democracy already present in the early works of Marx, an interesting school of thought of *orthodox* Marxism has been developed around the elaborations of Auguste Cornu, a distinguished Marxist scholar of the mid-twentieth century.[30]

[30] See Cornu (1948, 1958, especially vol. 2).

Essentially, Cornu attempts to develop Lenin's formulation; as we have already noted, Lenin saw a gradual transition of the young Marx from the ideas of *revolutionary democracy* to those of *communism*. The attempt is not easy, especially since Cornu tries to include in his theoretical construction such works as *Critique of Hegel's Philosophy of Right* and *The Manuscripts of 1844*, which were unknown during Lenin's lifetime.

From the point of view of the perspective we adopt here, however, this attempt is not necessarily futile or negative. Defining the transition of Marxian thought from *liberalism* to *communism*, as presented by Cornu, turns out to be rather interesting. The question is whether Cornu managed to determine and elaborate in detail the criteria needed to achieve a concrete and historical periodisation of Marx's thought.

In what way, I wonder, was the young Marx a *liberal*, as Cornu suggests? What kind of theoretical branding could be applied to, for example, Marx's argument about 'true democracy' and universal electoral rights, or his argument against Hegel's constitutional monarchism?[31] Is Cornu's *liberal* Marx, if such a Marx ever existed, a *democrat-reformist* who, within a few months, would become a *revolutionary democrat*, and then, in turn, end up being recruited to the cause of the proletariat and communism?

If we embrace Colletti's position in his criticism of Cornu, then we must accept that Cornu is confused, repeating the old mistake of treating bourgeois democracy and parliamentarianism as being identical to the concept of democracy in general. There is a nucleus of truth in Colletti's argument.[32] The universal electoral right as a means of opening up the possibility of 'true democracy' is not identical, even in pre-communist Marxian analysis, to the argument for a typical bourgeois reform of the political system. Indeed, even the claim for 'universal suffrage' in the context of parliamentarianism, which is the trademark of classical liberalism, takes on a different meaning in the Marx of the pre-communist period: it is not understood as a way to enable the parliamentary system to function better, but as a means to go beyond the distinction between

[31] According to Cornu (1954, p. 72), 'in the *Critique of Hegel's Philosophy of Right* Marx was still not a communist, having reached out only to the notion of radical democracy, which he wanted to see it being materialized through reforms that could not go beyond the boundaries of bourgeois democracy'.

[32] Colletti (1975, pp. 40–2).

civil society and the state, as Marx himself argues in the *Critique of Hegel's Philosophy of Right*.[33]

I do not intend to refer in detail to Cornu's views and other debates related to his work. It is perhaps worth remembering that I am only sketching out some key approaches within Marxism with regard to the question of whether there is a *Marxian* theory of democracy. Meanwhile, I will simply point out that dealing with issues such as 'true democracy', universal suffrage and bureaucracy is not something merely academic or scholastic; in fact, these are still crucial *political* issues, especially today after the collapse of 'really existing socialism' and the crisis, decomposition and degradation of so-called liberal polities.[34]

The enigma of using democracy as a platform to achieve socialism and as a way of organising a socialist society on the basis of a revolutionary political avant-garde has not yet been tackled successfully or solved. This does not mean that Marxism and Marxists should give up. Certainly, the young Marx's decision to focus his studies and research on the anatomy of civil society—that is, on the critique of political economy—and his conclusion that all state forms have their roots in the material conditions of life[35] create a void, or rather an inner asymmetry, in the entire body of his work.

Nevertheless, Marx leaves us a great legacy, especially those of us who want to study and continue his arduous attempt at a theory of democracy. In my view, Marx does not underestimate the critique of politics and law or suggest that this is of secondary importance vis-à-vis the critique of political economy. What I believe is that Marx's suggestion is that any radical critique of the bourgeois polity should be re-founded on the scientific analysis of civil society as this results from the critique of political economy in every historical phase of its development.

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[33] In this regard, see Colletti's (1975, pp. 44–5) accurate critique of Cornu's interpretation.

[34] Claude Lefort (1988, p. 5), while connecting 'really existing socialism' with the eclipse of the political, insists that, 'although Marxism has, as a result of the collapse of the myth of Soviet or Chinese socialism, been declining in popularity … it is only in restricted circles that this has led to a rehabilitation of the political as such'.

[35] It is worth recalling that, in January 1844, Marx receives for publication in *Deutsch-Französische Jahrbücher* Engels' article on 'Outlines of a Critique of Political Economy', the analysis and conclusions of which, as confirmed by Marx in his preface to *Critique of Political Economy*, are definitely shared by him.

Summing up, let me take the opportunity to comment on Fredric Jameson's argument about Marxian political theory. Jameson, indisputably an important current intellectual, has argued that Marx's primary theoretical legacy was economic rather than political, in that it involved a critique of capitalism as an economic system. According to Jameson, Marx deals with the issue of political power as a tactical question, aiming 'opportunistically' at the strategic goal of communism! In other words, in interpreting Marx, Jameson proposes for Marxism a combination of radicalism for the economy and *opportunism* for politics. Not possessing political theory is, according to Jameson, quite a powerful thing for Marxism.[36]

It is, of course, up to the reader to draw their own conclusions from such an argument, which, in fact, specifically answers the question of whether there is a *Marxian* political theory and a *Marxian* theory of democracy. In my view, however, Jameson's argument looks dangerous, and not just from a theoretical point of view: it is dangerous politically.

From my perspective, the idiosyncratic nature of a Marxian theory of democracy and the distinctive identity of a Marxian political theory, as was rightly pointed out by Henri Lefebvre, can be pinned down to its form as a 'political strategy' connected organically to the international labour movement on the one hand, while aiming at the 'end of politics' on the other, in the strict sense of 'the withering away of the state once its functions have been taken over by society'.[37]

Utilising elements from the richness of Marx's thinking, and without ignoring the adventures of Marxist dialectics and socialist movements over the decades, this study aims to contribute to the understanding of this *peculiar* relationship between Marxism and democracy. And it is indeed peculiar, for, through the dynamics of its development, the Marxian theory of democracy does not constitute simply a matter of tactics; rather, Marx's theory of democracy—and 'true democracy' in particular—constitutes a *project* in terms of strategy. The end goal of this

[36] Jameson (2010, especially pp. 11–14). Richard Ashcraft (1984, especially pp. 665–9) also adopted a similar perspective well before Jameson, arguing that Marx adopts an *anarchistic attitude* as regards political theory: that is, a stance not dictated by standard and abstract theoretical principles but by the practical needs of the political movement in every particular juncture of its development. This line of thinking, in my view, conforms to an approach to Marxist political theory that we could describe as pragmatic.

[37] Lefebvre (1982, pp. 164–5).

strategy—later called communism—is nothing less than the termination of politics as a form of power and privilege of a ruling minority and its replacement with politics as a way of *communal* life, as the *aesthetic* formation of personalities living and creating in a society without classes or the state.

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CHAPTER 2

The Philosophical 'Moment' of Marx's Theory of Democracy: From the Metaphysics of Law to the Critique of Politics

Historically, the formation of the Marxist theory of democracy should be placed within the political, social and cultural contexts and tensions of the French Revolution of 1789 and the July uprising of 1830. After Napoleon's rule and the fifteen-year restoration of the Bourbon dynasty, the events of July 1830 gave additional impulse to the liberal-bourgeois demands of the time, but also to those of utopian socialism, such as those of Saint-Simon and his followers.

As expected, the hitherto economically and socially laggard Germany started to be influenced by developments in France.[1] In 1834, Germany achieved its customs union (*Zollverein*), thus initiating the first forms of its institutional and bourgeois integration. Germany advanced its capitalist development at its own pace, a process that brought about the first proletarian organisations, such as the 'League of Rights', later renamed the 'Communist League', on behalf of which Marx, in cooperation with Engels, wrote the *Manifesto of the Communist Party*.

The simultaneous emergence of the movement for a 'Young Germany', mainly a philological and cultural movement but one with crucial philosophical and political aspects as well, must also be considered. This was the period of *Vormärz*, a term that refers to the

[1]For a precise picture of the historical, socio-economic, cultural and political circumstances of the time, see Cornu (1958, vol. I, pp. 3–48), Lacascade (2002, pp. 21–52) and McLellan (1980, pp. 1–23).

A. Chrysis, *'True Democracy' as a Prelude to Communism*, Political Philosophy and Public Purpose,
https://doi.org/10.1007/978-3-319-57541-4_2

socio-political and cultural developments in Germany from 1815 to 1848, when Europe experienced a series of bourgeois revolutions, including Germany's own failed revolution in March 1848. It was during this period that Heinrich Heine transplanted some of the liberal and radical elements of the French context into the most sensitive layers of German youth and intellectual society, a development with various political and cultural consequences.[2] Many decades later, Engels recognised Heine's radical interpretation of the Hegelian philosophical formulation: 'Whatever is real is logical and whatever is logical is real.'[3]

Needless to say, since this study is not a strictly historical description of Marx's political ideas, but a critical analysis of his theory of democracy as a prelude to communism, I do not intend to dwell on Heine's personality and work or on his multiple contributions to the development of the Hegelian Left or the Young Hegelians' critique of Prussian absolutism.[4] Thus, I confine myself, at least for the time being, to a search for and evaluation of the philosophical and political origins of Marx's theory of democracy.

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It is often argued, from different theoretical perspectives, that Marx did not engage in the study of politics as a student during the period 1835–41, in contrast to his militant philosophical–journalism period, when he was editor-in-chief of *Rheinische Zeitung* (1842–43).[5] At first glance, it would appear that a similar conclusion emerges from a

[2] In Heine's own words (1882, pp. 171–2), the authors of the Young Germany school:

> draw no line between practical life and authorship; they do not separate politics from science, art from religion, and they are simultaneously artists, tribunes, and apostles. I repeat the word apostles, for I know no more appropriate word. A new religion thrills them with a fervor of which the authors of an earlier period had no conception. It is the faith in progress, – a faith founded on knowledge.

[3] Engels, 'Ludwig Feuerbach and the End of Classical German Philosophy', in Marx–Engels, *Collected Works*, vol. 26, p. 357. Engels soon began criticising the current of Young Germany, his most characteristic piece being 'Alexander Jung: Lectures on Modern German Literature', published in 1842 in *Deutsche Jahrbücher für Wissenschaft und Kunst* (Marx–Engels, *Collected Works*, vol. 2, pp. 284–97). For Engels's rupture with the movement of Young Germany, see Oizerman (1981, pp. 147–53).

[4] See the interesting article by Mayer and Zipes (1973).

[5] See Hunt (1975, vol. I, p. 26), although on the same page we read: 'Yet the intensely political writing which immediately follow Marx's university years, in the *Rheinische Zeitung* period, cannot have emerged from a perfect vacuum.'

literature review of the classical works accomplished by Marx as a student at the University of Berlin.[6] In fact, if one disregards the extracts of Spinoza's *Theological-Political Treatise* that Marx selected and copied, though without comment, neither the extracts relating to the preparatory notebooks for his doctoral dissertation nor those from his study of Aristotle, Leibniz and Hume betray any political interest, *stricto sensu*.[7]

However, even a prosaic analysis of the notebooks for Marx's doctoral dissertation, which was influenced by Promethean symbolism, especially those of 1839, shows that they are imbued with the aroma of *political* intervention in philosophy, opposing the powerful agencies of religion and its servants. On the other hand, the Berlin notebooks (which date from the first half of 1840 to the start of 1841) reveal that their compiler was focused on *theoretical* issues of knowledge. Moreover, Marx's extracts of *On the Soul* by Aristotle, which are part of the same notebooks, like those from Spinoza's *Theological-Political Treatise*, do not shift the main pillars of his research. Yet, a more careful and flexible approach, at least to some of the readings and writings of the student Marx, could bring to the surface deeper *political* motives that directed the feverish philosophical and legal research of the young scholar.[8]

No doubt, during his Berlin years, Marx was not yet focusing on the study of political theories of ancient Greece and the modern world. From this perspective, those arguing that the Marx of the critique of politics appeared later, during his years of militancy and his editorial work on *Rheinische Zeitung*, are not completely mistaken. However, such a restrictive interpretation would risk limiting the meanings and content of politics itself as a theoretical and practical activity, a quasi-technical process that is arguably disconnected from its inner ontological or anthropological dimensions, which determine the *decisions* made by individual and collective social agents.

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[6] For Marx's student years in Berlin and the lifestyle in the city in this period, see the fascinating narrative by Miller and Sawadzki (1956, pp. 35–115).

[7] For a concise but comprehensive review of the content of Marxian notes during the period 1839–41, see the 'Introduction by the Editors of K. Marx—F. Engels, *Exzerpte und Notizen bis 1842*', included in Marx–Engels, *Gesamtausgabe* (*MEGA*$_2$), IV, 1, pp. 13*–22*.

[8] It is worth noting that many years later, in a letter to Lassalle dated 21 December 1857, in which he refers to the objectives of his studies during those years, Marx lets us assume that the motivation of his studies were *political* rather than *philosophical*.

The research standpoint of my study approaches politics from the opposite direction. Those searching for the political element and its meaning at the beginning of Marxian theory and writing should not limit themselves to the letter of those writings, but should go beyond that. I investigate the spirit of the evidence provided by Marx's work and life during this early period, as well as what influenced, to varying degrees, his perception of politics in general and democracy in particular. There are a number of indications, as I examine below, that reveal Marx's *political* motives for a *philosophy of praxis* at a time when philosophy was already beginning to address the real world, not just in order to understand it but to transform it. These indications are found in documents such as the following:

- the letter of 10 November 1837, which the young student at the University of Berlin sent to his father;
- written evidence relating to his legal studies and the lectures he attended at the University of Berlin, where he studied under the leading representative of the Historical School of Law at the time, Friedrich Carl von Savigny, as well as Savigny's opponent, the Hegelian Eduard Gans;
- the surviving parts of the draft material for his doctoral dissertation 'The Difference Between the Democritean and Epicurean Philosophy of Nature' (1839–41);
- the material and remnants of the literature reviews that Marx attempted during his student years (1835–41); and
- last but not least, Marx's correspondence with intellectuals, such as Bruno Bauer.

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In his letter of 10 November 1837 to his father, Heinrich, Karl Marx set out the moment and direction of a *theoretical transition*, the significance of which is clear for both his intellectual formation and his conception of politics.[9] Marx was fully conscious of this transition process, and drew the lines between two philosophical poles. The pole that he decided to abandon was idealism, which, he admitted, he adopted from

[9] Marx, 'Letter to his Father, November 10[–11, 1837]', in Marx–Engels, *Collected Works*, vol. 1, pp. 10–21.

Kant and Fichte; the pole to which he moved was that of Hegelian philosophy.[10] This polar opposition, which Marx described in confessionary prose, is clear and significant. On the one hand, there is the philosophically *pure*, a priori approach of 'the truth', which originates with Kant or Fichte; on the other, there is the Hegelian search for the Idea *within* reality itself, according to which 'if previously the Gods had dwelt above the earth, now they became its center'.[11]

Obviously, there is a distinction here that is connected with the sphere of politics. What ought to be done is no longer formed in purity and a priori following Cartesian mathematical logics; instead, it is shaped in terms of reason (Logos), which runs through the world itself in the dynamics of its own course as a living organism. Having been critical of his failed efforts to construct a system of law based on a pure or a priori logic, Marx initiated a critical philosophical approach to the real, which, as I will try to show, is quite significant, especially in regard to the Marxian critique of politics and its related theory of democracy.

Marx states:

> Here, above all, the same opposition between what is and what ought to be, which is characteristic of idealism, stood out as a serious defect and was the source of the hopelessly incorrect division of the subject-matter. First of all came what I was pleased to call the metaphysics of law, i.e., basic principles, reflections, definitions of concepts, divorced from all actual law and every actual form of law, as occurs in Fichte, only in my case it was more modern and shallower. From the outset an obstacle to grasping the truth here was the unscientific form of mathematical dogmatism, in which the author argues hither and thither, going round and round the subject dealt with, without the latter taking shape as something living and developing in a many-sided way. A triangle gives the mathematician scope for construction and proof, it remains a mere abstract conception in space and

[10] Ibid., p. 18. Marx sets out the distance separating the two poles not only in the letter to his father, in which he clearly stands by the Hegelian perspective, but also somewhat earlier, in one of his epigrams, when he presents Hegel admitting that: 'Kant and Fichte soar to heaven blue/Seeking for some distant land,/I but seek to grasp profound and true/ That which—in the street I find' (Marx–Engels, *Collected Works*, vol. 1, p. 577).

[11] Marx, 'Letter to his Father, 10[–11, November 1837]', in Marx–Engels, *Collected Works*, vol. 1, p. 18.

> does not develop into anything further. It has to be put alongside something else, then it assumes other positions, and this diversity added to it gives it different relationships and truths. On the other hand, *in the concrete expression of a living world of ideas, as exemplified by law, the state, nature, and philosophy as a whole, the object itself must be studied in its development; arbitrary divisions must not be introduced, the rational character of the object itself must develop as something imbued with contradictions in itself and find its unity in itself.*[12]

I have chosen to quote this lengthy extract from Marx's letter because it shows clearly the shift in the way in which he perceived and theorised the real. It is worth questioning what this shift consisted of, and what its specific significance is for a Marxian understanding of the state.[13] Quite early, then, from about mid-1837, as a student fervently engaged in the study of the philosophy of law, Marx distanced himself from normative approaches that measure and judge the field of the real according to an a priori paradigm constructed *in abstracto* outside the sphere of the empirical.

According to the law student Karl Marx, the study and critique of a concrete system of right and polity, of the organism of the state, do not require a rational, a priori construction of a normative paradigm on the basis of which the thinking human being is called on to evaluate the living social, political and cultural organism. It is reality itself—which is not identical to what exists and which inculcates its *transcendence* (*Aufhebung*) as a necessity—that leads us towards a perception of theory as a critical force in understanding and transforming the world.

'I had read fragments of Hegel's philosophy, the grotesque craggy melody of which did not appeal to me,' Marx admitted in the letter to his father.[14] But this was no longer the case: he now radically reviewed

[12] Ibid., p. 12 (emphasis added).

[13] According to an accurate formulation by Mah (1987, p. 164), this relates to Marx's transition from *romantic* to *realistic idealism*.

[14] Marx, 'Letter to his Father, November 10[–11, 1837]', in Marx–Engels, *Collected Works*, vol. 1, p. 18.

his philosophical ideas, realising the richness of Hegelian dialectics.[15] The Idea is rooted and unfolds *within* reality itself; and there was now nothing to keep Marx from the quest for what was to be done, the search for 'the ought' within the very being of the world. Marx is categorical: we can no longer expect from him the authorship of an abstract, normative theory of the state and law, a pure theory of principles and institutions of democracy.

In October 1836, after a year of study, Marx abandoned the University of Bonn and his *romantic* teachers of law and philosophy, along with the spirit of philosophical and poetic romanticism, in order to enrol as a student at Berlin University, where Hegel himself had taught and had been a leading figure.[16] It is safe to assume that, in attending lectures by the Hegelian Professor Gans, as well as participating in the lively debates of the Doktorenklub, which Marx joined in summer 1837, the young student Marx became familiar with Hegel's broader lines of thought and argument, and especially the theory of the state that Hegel had outlined some fifteen years earlier in the preface to the *Philosophy of Right*:

> This treatise, therefore, in so far as it deals with political science, shall be nothing other than an attempt *to comprehend and portray the state as an inherently rational entity*. As a philosophical composition, it must distance itself as far as possible from the obligation to construct *a state as it ought to be*, such instruction as it may contain cannot be aimed at instructing the state on how it ought to be, but rather at showing how the state, as the ethical universe, should be recognized. … To comprehend *what is* is the task of philosophy, for *what is* is reason.[17]

[15] According to Megill (2002, pp. 14–35), who attempts to answer the question of the Hegelian works through which Marx turned towards dialectics, there is no indication that Marx as a student had read *The Phenomenology of Spirit* or *Science of Logic* 'attentively' (p. 17). Further, Megill argues that Marx's first contact with the texts of Hegelian philosophy during the period in question was through his study of the *Encyclopedia of the Philosophical Sciences*, and especially Hegel's *Lectures on the History of Philosophy*.

[16] There are a number of very interesting narratives about Marx's studies in Bonn and Berlin; see, among others, Cornu (1958, vol. 1, especially pp. 67–112), McLellan (1980, pp. 40–71; 1995, especially pp. 13–32) and Mehring (1983, pp. 30–47).

[17] Hegel (1991, p. 21).

Influenced by this point of view, Marx cut himself off from an abstract and normative kind of rationality and began to approach philosophy in general, and the *study of the state* in particular, on the basis of what has successfully been defined by Allan Megill as *embedded rationality*: 'a rationality that is *in* the world [and] is to be distinguished from a norm or standard outside the world'.[18] However, this 'embedded rationality', to which Marx already subscribed during his Berlin years, was not a copy of Hegel's rationality. The young Marx, even before he distanced himself from the ontological-idealistic foundations of Hegel's philosophy, endeavoured to turn from an understanding of the past, in which Hegel had 'trapped' philosophy, to a formation of the *future*—a future arising not from the arbitrary will of an individual or collective agency, but rather from an *objective* tendency unfolding in the present. This means that the Marxian theorisation of law and the state, of the polity as a living organism that develops within and through the dialectics of history, does not exhaust itself in understanding what has *already* happened, as in the flight of the Hegelian owl of Minerva; Marx's theorisation sheds light on the transformation of the world, announcing the *moment of praxis*, the moment of the dawn, as the 'ringing call of the Gallic cock'—to recall Marx's use of the poetic symbolism of Michelet, a Hegelian who tried in vain to bridge the gap between Hegel's left- and right-wing pupils. From this perspective, the Marxian theory of democracy is constructed not just in opposition to the abstract and normative theories of the state and politics, but also in accordance with the dynamics of history, in the context of a *philosophy of praxis* that addresses changes in the world and is influenced by those changes, without being overwhelmed by mere understanding.

Meanwhile, the fact that the young Marx, a student of the philosophy of law, distanced himself from the abstract rationality of Kant and Fichte during his Berlin years should not lead to schematic distinctions and refutations. I allude here to the influence of Fichte's philosophy on the Hegelian Left—which is often overlooked by relevant bibliographies—and, more specifically, to the Marxian concept of theory as a process of intervention in social and political developments.[19]

[18] Megill (2002, p. 3).

[19] For a critical review of the relationship between Fichte's philosophy and the Hegelian Left, including Marx himself, see Rockmore (1980, pp. 121–44).

Although Fichte's political theory of a 'closed commercial state' did not influence Marx's theory of politics, his doctrine of human self-consciousness and action as a process of constructing and transforming society and politics was of crucial importance for the young Marx.[20]

I do not disregard the fact that, on a general philosophical level, the *subjective idealism* of Fichte is quite far from Marxian thought, which tends to embrace Hegel's *objective dialectics*.[21] I do subscribe, however, to the opinion according to which Fichte's active *scholar* (*Gelehrter*) who focuses steadily on the future, as opposed to Hegel's *philosopher* who reconsiders the past, is closer to the core of the young Marx's thinking as regards the relationship between philosophy and action, a relationship that is of fundamental importance for Marxian political theory in general and specifically for the Marxian theory of democracy.

Fichte's committed intellectual, who differs from Stirner's individualistic ego, is also distinct from Kierkegaard's lonely and despairing existence, as Garaudy rightly observes,[22] and calls for action to change the existing order of things.[23] Such a *Gelehrter*, expressing a powerful will for practical creation and self-determination, is deeply devoted to his social role and foreshadows, to a significant extent, the later Marxian praxis-oriented intellectual:

> The scholar is especially destined for society. More than any other class, [his class] insofar as he is a scholar, properly exists only through and for society … The scholar should now actually apply for the benefit of society that knowledge which he has acquired for society. He should awaken

[20] See Garaudy (1976, pp. 33–43, particularly the comment in the note on p. 35).

[21] Marx's distancing from *philosophical subjectivism*, such as that of Fichte, becomes clear in the 'Notebook Z' of the draft material of the Marxian doctoral dissertation, 'The Difference Between Democritean and Epicurean Philosophy of Nature', in *Collected Works*, vol. 1, p. 494. In the same vein, see Cornu (1954, p. 68). See also the notes of the editors of $MEGA_2$, who make use of this remark in order to point out how far the young Marx is from the 'extreme individualistic' and 'voluntaristic' ideas of other Young Hegelians (I, 1, p. 65*; IV, 1, pp. 17*–19*).

[22] Garaudy (1976, pp. 38–9).

[23] See Fichte (1987, pp. 67–8, emphasis added):

> Your vocation is not merely to know, but *to act* according to your knowledge. This is what I clearly hear in my inmost soul as soon as I collect myself for a moment and pay attention to myself. *You do not exist for idle self-observation or to brood over devout sensations. No, you exist for activity. Your activity, and your activity alone, determines your worth.*

> in men a feeling for their true needs and should acquaint them with the means for satisfying these needs.[24]

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The turn of philosophy towards the real world and the future, as it was developed in the context of classical German civilisation through various versions of a philosophy of praxis, marks the beginnings of an anthropocentric and, ultimately, a radical conception of politics. The demand for the self-determination of the agent/subject, whether individual or collective, which had already been raised *in abstracto* during the years of the Enlightenment, just after the French Revolution of 1789, appeared to be charged with historical dynamics and revolutionary perspectives all over Europe. In this cultural and socio-political vein, Kant, Fichte, Hegel and the Hegelian Left, including the young Marx, who converged in the *Liberale Partei* (Liberal Party), as Marx himself characterised their philosophical grouping,[25] all confronted the fundamental question of *autonomy*, the *political* ramifications of which were paramount and self-evident.

In Marx's doctoral dissertation, 'The Difference Between the Democritean and Epicurean Philosophy of Nature', the emancipation of man is demanded from both the celestial and terrestrial gods and powers, 'who do not recognize as ultimate divinity the human self-consciousness'.[26] And this demand is formed in opposition to theology and its representatives, the agents of *heteronomy*, which determine the life and conditions of their believers. The 'titanic clash' between religion, on the one hand, and, on the other, the philosophy of self-consciousness and praxis, which inspires the demand for emancipation and self-determination, makes politics not just an organisational system for managing the existing order of things, but an open process of radical refutation and transformation. This is precisely the *profane* version of politics that Marx, albeit indirectly, hinted at and supported *ontologically* through his doctoral dissertation.

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[24] Fichte (1988, pp. 173–4).

[25] Marx, 'The Difference Between the Democritean and Epicurean Philosophy of Nature', in Marx–Engels, *Collected Works*, vol. 1, p. 86.

[26] Ibid., p. 30.

This, among other pieces of evidence, is shown by the use of Promethean symbolism and Marx's interpretation of the Epicurean theory of the *deviant atom*. Despite the terms of idealistic ontology employed, which are those used in Hegel's philosophy, Marx argues that, 'as Prometheus, having stolen fire from heaven, begins to build houses and to settle upon the earth, so philosophy, expanded to be the whole world, turns against the world of appearance'.[27]

Yet, as Marx tells us, this philosophy goes beyond Hegel and through Hegel (*hinausgegangen*)[28]; it tears the tissue of the Hegelian system and takes on a practical and, broadly speaking, a *political* character. In the words of Marx, this philosophy 'turns its eyes to the external world, and no longer apprehends it, but, as a practical person, weaves, as it were, intrigues with the world, emerges from the transparent kingdom of Amenthes and throws itself on the breast of the worldly Siren'.[29]

However, we have to be measured and careful of an *extreme* and *directly political* interpretation of Marx's dissertation. If anything, between the *ontological foundation of the freedom of man* and the *political demand for democracy* as a process of self-organisation and autonomy of a polity and its members, there is a prolonged process of *mediation*—a process that Marx's doctoral thesis is not suitable to conceive.

Nevertheless, given the political and cultural milieu of the German *Vormärz*, within which the student Marx was shaping his philosophical and political ideas, it is worth taking into consideration the arguments of Mikhail Lifshitz, an inspired researcher of the young Marx's writings. I therefore quote Lifshitz at length, because his analysis, albeit insufficiently supported by historical documentation, is interesting in its description of the way in which Marx perceives *politically* the Epicurean theory of the (deviant) atom:

[27] Ibid., p. 491.

[28] Ibid., p. 85.

[29] Ibid., p. 491. Marx takes a similar position on the practical role of philosophy as an 'intellectual quintessence of its time' a bit later as a columnist on *Rheinische Zeitung* (see in particular Marx, 'The Leading Article in No. 179 of the *Kölnische Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, pp. 195–6).

> The atom is 'the full' as opposed to 'the empty': it is matter. It is subject to 'dependent motion', to falling down. But at the same time as an absolute unit the atom is free and independent. In emphasizing this distinction, Marx had in mind the contrast between material necessity and formal civic liberty, or, in the language of the Young Hegelians, between 'bourgeois society' and the 'political state'. Figuratively speaking, the atom as an aspect of materiality is nothing but a bourgeois; as an absolute form of existence it is a citizen of the French Revolution. …
>
> Quite in the spirit of classical German philosophy, Marx took the opportunity in his Dissertation to discuss metaphorically some basic contemporary socio-political problems. In the doctrine of atomism he saw reflected the principle of the isolated private individual and the independent political citizen, a principle triumphantly brought forth by the French Revolution. The contrast between bourgeois-democratic ideals and the realities of life which grew apparent immediately after and even during the revolution, Marx, as a follower of Hegel, deduced from the concepts of the 'atom' and 'self-existence'.
>
> A genuine atom exists only in the abstract, *in vacuo*, in the empty principles of the Constitution of 1793.[30]

If we follow Lifshitz's interpretation, then one conclusion seems inescapable. On the one hand, through Epicurus's atomic theory, Marx reads the distinction between *bourgeois* and *citizen*: the atom is considered as a unit determined by the laws of (material) necessity because it is *inscribed* in (material) reality (the substantive/material case of the bourgeois). On the other hand, Marx reads the bourgeois–citizen distinction as a complete or absolute form of existence that constitutes an abstraction: that is, it abstracts itself from material reality (the typical/ideal case of the citizen).[31]

Having said this, we must accept that Marx, as a Left Hegelian, alludes to a critical dimension of his theory of democracy, even if he does so obliquely. He alludes to the relationship between *abstract democratic ideals* and the existing *material/bourgeois reality* as a contradiction that was expressed historically by the French Revolution and by the Jacobins, and that took legal form in the Constitution of 1793.

[30] Lifshitz (1973, pp. 23–4).

[31] Ibid., p. 24.

Returning to Lifshitz's argument, according to the young Marx, the Epicurean deviation of the atom is a manifestation of freedom. This is a freedom *from* being and not freedom *in* being,[32] because *authentic* individuality cannot shine 'in the light of being': that is, where the kingdom of materiality, and of material necessity, is constructed and developed. For the *political* Marx of the dissertation, according to Lifshitz, the freedom of individuality is realised not through an escape from the kingdom of materiality, but through the unity of two worlds—that of materiality and that of the political ideals of democracy. This means constructing a democratic polity, not formally through *abstraction* from the world of material needs, but essentially by transforming and transcending this world in the context of a superior unity of democratic principles and material life.[33]

According to this interpretation, the Marxian *political* reading of Epicurus's theory of deviant atom ends up by concluding that individuality does not escape from the repressive materiality of everyday life only to reach to the interstices of ataraxy; thanks to the deviation and repulsion that accompany it, the atom meets other atoms and moves towards the transformation of the world and the constitution of *contracts* and *communities*. If this is the case, then Lifshitz is right to characterise Epicurus—based on the Marxian interpretation of the text he proposes—as the 'theoretician of the social contract', 'Rousseauist before Rousseau' and the 'harbinger of the French Revolution'.[34]

However, as Lifshitz himself admits, this *political* reading of the Epicurean atomic theory introduced by Marx is in 'a latent form and wrapped in a heavy blanket of Hegelian idealism',[35] which demonstrates the limits within which all efforts to promote the *political meaning* of Marx's doctoral dissertation should unfold.

Nevertheless, the thesis that Marx's doctoral dissertation moves in a socio-political orbit, at least on a latent level, is not groundless. Marx himself, after all, called Epicurus 'the greatest Greek Enlightener',[36]

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[32] Marx, 'The Difference Between Democritean and Epicurean Philosophy of Nature', in Marx–Engels, *Collected Works*, vol. 1, p. 62.

[33] Lifshitz (1973, pp. 28–9).

[34] Ibid., p. 29.

[35] Ibid., p. 30.

[36] Marx, 'The Difference Between Democritean and Epicurean Philosophy of Nature', in Marx–Engels, *Collected Works*, vol. 1, p. 73.

whereas some years later, when he criticised Stirner's anarchic and self-centred theses in *The German Ideology*, he would repeat what he had already noted in the draft notebooks for his doctoral dissertation: namely, that 'the idea that the state rests on the mutual agreement of people, on a *contrat social* (*συνθήκη*) is found for the first time in Epicurus'.[37]

In short, the young Marx was pushed towards a *critical/political* direction by the long waves of the French Revolution, which, in one way or another, reached out to Germany, the lectures on law Marx attended at the University of Berlin, and his participation in the Doktorenklub of the Hegelian Left, which criticised the Prussian establishment via a critique of religion. The *political* stigma in Marx's philosophical endeavours is provided, even indirectly, by an analogy of Aristotle's epoch, marked by the crisis, decline and death of Athenian democracy, with that of Hegel's own, an analogy that is characterised by the decomposition of the old philosophical and political systems and a transition towards a new cultural and social era.[38]

Based on the evidence laid out above, I could therefore logically assume that the young Marx already possessed an increased sensitivity to the historicity of socio-political processes and institutions. I can therefore conclude that, despite the influence on Marx of the ancient Greek world with its cultural and political achievements, the young Marx did not have any intention of reviving an Athenian democracy. Despite the fact that he was still far from conceiving and establishing a *materialistic* understanding of the historical process, the young Marx knew that the violent and voluntaristic imposition of an ancient Hellenic type of democracy on the economic, social and political conditions of his time did not have any prospect of success.

From this perspective, the demand for self-determination and, literally, for *autonomy*, would have to be posed completely *anew and with new terms* by and for the members of a *modern* democratic polity in the making, or else it would remain unfulfilled. After all, Marx's dissertation was unable to provide concrete answers to questions regarding the

[37] Marx–Engels, 'The German Ideology', in Marx–Engels, *Collected Works*, vol. 5, p. 141. See also the first notebook of the dissertation (Marx–Engels, *Collected Works*, vol. 1, pp. 409–10).

[38] In a similar vein, see Oizerman (1981, pp. 49–50 and footnotes).

organisation, institutions and processes through which the materialisation of the demand for human emancipation could be achieved, despite the fact that this doctoral thesis has anthropological/ontological depth and can be subject to creative *political* interpretations.

* * *

The traces of a clearer conception by the young Marx of the way in which a democratic commonwealth could be constructed and function can be found to some extent in the review of Spinoza's *Theological-Political Treatise* that he attempted in Berlin just before submitting his doctoral dissertation at the University of Jena. Here, I refer to the extracts that have been integrated into the *Berlin Notebooks*; even if, as already mentioned, there are no comments from Marx himself, these extracts are important and are of political interest, albeit indirectly.

However, before focusing my analysis on the Marxian extracts of Spinoza's *Theological-Political Treatise*, I would like to refer in brief to the influence of *Aristotelian politology* on Marx as a university student. Despite the fact that Marx's contact with Aristotle's *Politics* cannot be established during this period, we can conclude that Marx, by studying Hegel's *History of Philosophy*, did have indirect contact with Aristotle's political thought through Hegel's reading of it. Moreover, a specific direct contact with Aristotelian writing is documented in Marx's letter of 10 November 1837 to his father, in which he confirmed his engagement with translating Aristotle's *Rhetoric*, a very significant work from the point of view of political and moral theory.[39] There is no doubt, however, that it was not Aristotle's politics but Aristotelian ontology, philosophy of nature and theory of knowledge that were the specific areas that attracted the interest of Marx as a young student.

I now return to the relationship between Marx's emergent political theory during 1840–41 and Spinoza's *Theological-Political Treatise*, as it is presented in Marx's *Berlin Notebooks*. Although it has no comments, Marx's review reveals the extracts of Spinoza's theory of democracy upon which Marx's perspective is focused.[40]

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[39] On the theory of a democratic polity, see in particular Chaps. 4 and 8 of the first book of Aristotle's *Rhetoric*.

[40] The material for Marx's review of Spinoza's *Theological-Political Treatise*, as well as similar material from Spinoza's correspondence, which Marx also reads, are included in *MEGA*$_2$, IV, 1, pp. 233–51, 252–76. It is worth noting that the editors of *MEGA*$_2$ take as a given that Marx had sufficient knowledge of Spinoza's ethics (*MEGA*$_2$, IV, 1, p. 21*).

These extracts refer to the following ideas, among others:

- Spinoza's *theory of natural law* and the related concept of *power* (*potentia*), as they relate in turn to Spinoza's central philosophical concept of *conatus*, the 'sovereign law and right of nature that each individual should endeavour to preserve itself as it is, without regard to anything but itself' (Chapter XVI)[41];
- Spinoza's *theory of contract* (*pactum*) as a way of founding a polity, inasmuch as and in order that 'men must necessarily come to an agreement to live together as securely and well as possible if they are to enjoy as a whole the rights which naturally belong to them as individuals, and their life should be no more conditioned by the force and desire of individuals, but by the power and will of the whole body' (Chapter XVI)[42];
- Spinoza's *definition of democracy*, as Marx himself copies it:

> If each individual hands over all his power to the body politic, the latter will then possess sovereign natural right over all things; that is it will have sole and unquestioned dominion, and everyone will be bound to obey, under pain of the severest punishment. A body politic of this kind is called a Democracy, which may be defined as a society which wields all its power as a whole (Chapter XVI).[43]

At this point, it is worth underlining that Marx chose to copy, among other sections, the extract in which the heretical author of the *Treatise* opposed the argument that such a theory of democracy and sovereignty creates slaves. It is wrong, according to Spinoza, to consider as slave whoever acts on orders, considering instead as a free individual anyone who acts however he likes. In this latter case, the man surrenders to his pleasure, making it impossible for him to understand and practise what is socially beneficial. This, therefore, is the worst slavery of all, whereas, according to the philosophical approach of the 'free man' as determined by Spinoza and reviewed by Marx, the only 'free' man is the man who 'lives with free consent under the entire guidance of reason' (Chapter XVI).[44]

[41] Spinoza (1951, p. 200).

[42] Ibid., pp. 202–3.

[43] Ibid., p. 205.

[44] Ibid., p. 206.

Spinoza, therefore, concludes that a 'free state' par excellence is one 'whose laws are founded on sound reason, so that every member of it may, if he will, be free; that is live with full consent under the entire guidance of reason' (Chapter XVI)[45]—and it is this that Marx chose to review;

- The critical *relationship between political power and theology*, or, put differently, the *relationship between politics and ecclesiastical potestas*, an issue that Spinoza contemplates in a radical way (Chapters. XVII, XIX and XX). This is the issue upon which the young Marx capitalised when he began his transition from the critique of religion to the critique of politics;
- The significance of the *freedom of opinion* and *free circulation of ideas*, which are fundamental principles of Spinoza's concept of democracy and which attracted Marx's interest as a careful reader of the *Treatise*. Defining the objective of the state using the formulation 'the true aim of government is liberty',[46] which Marx copied verbatim in his notebook, the radical philosopher of the Enlightenment raised the importance of the unfettered use of discourse and the free formation of opinion on the part of the democratic state's citizens. It is worth noting that the young Marx returned again and again to review extracts that expressed, in different ways, the same thesis: the democratic polity, as an open-ended process and not as an already given fact, tends towards its self-constitution and functioning as a collectivity, whose members act according to reason to the extent that such a polity guarantees freedom of thought and the concomitant freedom of the circulation of ideas.

  I quote here a characteristic sample from Spinoza's defence of the freedom of speech and opinion, which is one of the many chosen by the young Marx and eventually reproduced in the relevant *Berlin Notebook*:

> Since, therefore, no one can abdicate his freedom of judgment and feeling; since every man is by indefeasible natural right the master of his own thoughts, it follows that men thinking in diverse and contradictory

[45] Ibid., p. 206.

[46] Ibid., p. 259.

> fashions, cannot without disastrous results, be compelled to speak only according to the dictates of the supreme power. … What greater misfortune for a state can be conceived than that honourable men should be sent like criminals into exile, because they hold diverse opinions which they cannot disguise? (Chapter XX).[47]

To conclude, and to the extent that these extracts from Spinoza's *Treatise* copied by Marx allow us to paint a rough picture of Marx's early philosophical interest in democracy, the hypothesis that the young Marx was attracted by the radical-democratic perspective of Spinoza is indisputable.[48] The continual process of enlargement and deepening of the structures and functions of a polity towards its autonomy and self-determination, and thus a process of *democratisation without end*, influenced Marx's early approach to politics.

From this perspective, it is worth highlighting the significance Marx, as a reader of Spinoza's *Theologico-Political Treatise*, attributed to the opposition between arbitrary/subjective will and freedom as *potentia*, which results from the knowledge (of laws) of necessity. Ultimately, this is the opposition between arbitrariness and the concept of freedom as power that is compatible with reason. Given that, my conclusion is that the young Marx, while being a student of Hegelian philosophy, established a link with Spinoza's theory of democracy as power and the sovereignty of a collective body (*the people*); this theory, rather than threatening personal *political* freedoms, especially those of thought, opinion and communication, attempts to guarantee them.

The extent to which the political themes of Marx's review of the *Treatise* reveal the influence of Spinoza's political theory, as it will later manifest itself in Marx's articles in *Rheinische Zeitung* (which is Rubel's position),[49] or the extent to which this influence extends to the *Critique of Hegel's Philosophy of Right* and the proposition of 'true democracy',[50] is a question that will arise again, either directly or indirectly, in the course of this study. For the time being, however, it should be noted

[47] Ibid., p. 258, 263.

[48] The validity of this hypothesis could additionally be reinforced by the fact that Marx gave the following title to the relevant material: 'Spinoza's Theologisch-politischer Tractat von Karl Heinrich Marx. Berlin. 1841'.

[49] Rubel (1977).

[50] Igoln (1977).

that Spinoza's influence on Marx's pre-communist theory of democracy relates not only to the *institutional aspects* of that theory, but also to the *anthropological dimension* of democracy as a process of self-production, and, in this respect, as a process of *self-determination* and *self-action* by the people, who are the ultimate agents of sovereignty.

Moreover, on the basis of the evidence presented so far, it is clear that the 'meeting' of Marx and Spinoza is relevant not just in its historical context but also today, in an era of deep political crisis of so-called parliamentary democracy and of the steady weakening of constitutionally institutionalised popular sovereignty and related liberties. This is, of course, anything but an academic discussion.

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The lectures Marx attended during his student years (1835–38) influenced his political views further. As already mentioned, as a university student, Marx came under the influence of the Historical School on the one hand, and Hegel's philosophy of law on the other. More specifically, and based on his certificates of study,[51] we can document historically that whereas at Bonn (1835–36) Marx's engagement with political theory was almost non-existent, in Berlin (1836–38) things changed. In Bonn, Marx simply engaged in the history of Roman and German law following the professors of the Historical School of Law: Puggé, Böcking and Walter.[52] In Berlin, he attended lectures by Savigny on pandect and by Gans on criminal and Prussian law. In other words, Marx was caught in the crossfire of the most important currents in the philosophy of law and the state of his era.[53]

It is, of course, quite difficult to establish the degree of influence that the Historical School of Law and Gans's Hegelian philosophy had upon the Marxian theory of state, democracy and law.[54] This question, as will become clearer below through the lines of Marx's critique of Hegel's philosophy of state, is not merely academic or historical but

[51] For Marx's certificates of study and grades at the Universities of Bonn and Berlin, see Marx–Engels, *Collected Works*, vol. 1, pp. 657–59, 703–4.

[52] Jaeger (1967, p. 67).

[53] See, among others, Cornu (1958, pp. 79ff.) and Miller and Sawadzki (1956, pp. 35–44).

[54] For a concise appraisal of the transition of the 'very young' Marx from the 'metaphysics of law' to the critique of politics and political economy, see Kelley (1978).

has a deep political significance and therefore merits our full attention. In fact, it concerns the juxtaposition of the connection of history and law as interpreted by theoreticians of the Historical School of Law, such as Savigny and Hugo, whose reactionary romantic views Marx criticised in *Rheinische Zeitung*, with philosophical opinions that, in one way or another, appraise positively the principles and role of the French Revolution in history, as is the case with the radical descendants of Hegel.

A fundamental pillar of Savigny's theory of law is *historicism*. This is expressed in the clash between the theses of the Historical School and the views on natural law held by the French Revolution and its supporters across Europe. This clash between the two schools of law—the historical, which attempts to bury the present and its dynamics in the structures and spirit of the past,[55] and that of the rationalists of natural law—is what characterises Savigny's thinking, as one can see in his introductory text in *Zeitschrift für geschichtliche Rechtswissenschaft* (1815). There, Savigny approaches history as the 'only road towards the true knowledge of our peculiar situation',[56] while, in his masterpiece *Of the Vocation of Our Age for Legislation and Jurisprudence*, he argues as follows:

> During this period the whole of Europe was actuated by a blind rage for improvement. All sense and feeling of the greatness by which other times were characterized, as also of the natural development of communities and institutions, all, consequently, that is wholesome and profitable in history, was lost; … the law was likewise affected by it. Men longed for new codes, which, by their completeness, should insure a mechanically precise administration of justice; insomuch that the judge, freed from the exercise of private opinion, should be confined to the mere literal application: at the same time, they were to be divested of all historical associations, and, in pure abstraction, be equally adapted to all nations and times.[57]

Although it takes a counter-revolutionary position, Savigny's theory of legal and political institutions proved to be *historicist*. I would argue that the young Marx's contact with Savigny's historicism during his years

[55] See, among others, the critical analysis by Hook (1962, pp. 135–44).

[56] This is a phrase from Savigny's introductory text for the edition *Zeitschrift für Geschichtliche Rechtswissenschaft* (Berlin, 1815, p. 4).

[57] Savigny (2002 [1814], pp. 20–1).

of legal and political formation should not be neglected.[58] In particular, the reactionary political perspective of the Historical School and the apologetic/romantic attitude to the existing order of things that cuts across its doctrine[59] should not lead us to underestimate its influence on Marx's study of the state and law, especially as it relates to the rejection of colourless norms and the importance attributed to history.[60] In other words, Hegel's indisputable and paramount influence on the structuring of historicity in Marxian thought and its theorisation of social and political phenomena should not result in disregarding the influence on Marx's pre-communist view of Savigny's historicist arguments.

Needless to say, Savigny had his own *historical* way of dealing with the *spirit of law*, distinct from Hegel's and Montesquieu's, and in opposition to the theses of prominent theoreticians of the time, such as Thibaut, who was a natural law supporter of the national codification of laws alongside Napoleon's code.[61] Savigny sought the foundation of law and its political institutions not in abstract reason but in the might of *national* tradition that creates law:

> This organic connection of law with the being and character of the people, is also manifested in the progress of the times; … Law grows with the growth, and strengthens with the strength of the people, and finally dies away as the nation loses its nationality. … The common consciousness of the people is the peculiar seat of law.[62]

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[58] It is worth noting, however, that Engels does not believe that 'the discovery of the materialist view of history should be ascribed to the Prussian Romantics of the Historical School' during the period 1837–42. As he himself argues, at that time he was only 'superficially' engaged with the relevant bibliography, whereas Marx was always 'somewhat scornful of that vapid, cliché-ridden caricature of the French Romantics, Joseph de Maistre and Cardinal Bonald' (Engels, 'Letter to Mehring on September 28, 1892', in Marx–Engels, *Collected Works*, vol. 49, pp. 549–51).

[59] In this context, see the critique of the *programme* of the Historical School, especially of Savigny, by Klenner (1989).

[60] Michael Levin argues for the importance of German romanticism in the Marxian social and political thought of the young Marx (see Levin 1974).

[61] We must remember that, in this case, and as Klenner (1989) rightly observes, the conflict between Thibaut and Savigny is not an exclusively German affair. It has to do, in the final analysis, with the natural law philosophy of the French Revolution per se and the arguments about the *universal* character and the *progress* of humanity from its pre-capitalist past to the capitalist present and future.

[62] Savigny (2002 [1814], pp. 27–8).

It was on this basis that Savigny approached the formation of particular national legal and political systems, which assumed an increasingly more complex physiognomy with the passage of time. This allowed Savigny to distinguish between a *political* and a *technical element*: 'For the sake of brevity, we call, technically speaking, the connection of law with the general existence of the people—the political element; and the distinct scientific existence of law—the scientific element.'[63]

In this way, Savigny finally identified a historical process for the formation of law. This process begins with so-called customary law, moves towards law as a science, and takes real shape through the energy of 'internal silently operating powers, not by the arbitrary will of a lawgiver'.[64] In this context, Savigny argues for a type of legislation that is subsidiary to the customary legislative function and, through the linking of its political and technical elements, 'brings to the light, and keeps pure, the real law, the proper will of the people'.[65]

Thus, the philosophical-political conclusion, drawn from the presentation of Savigny's position as a prominent representative of the Historical School of Law, mainly consists in raising the significance of *historicity* for the study of law and the state. To illustrate this, it is worth quoting at length Savigny's combined defence of the historical spirit and attack against the abstract reason of modern times and their legal systems:

> The historical spirit, too, is the only protection against a species of self-delusion, which is ever and anon reviving in particular men, as in whole nations and ages; namely, the holding that which is peculiar to ourselves to be common to human nature in general. Thus, in times past, by the omission of certain prominent peculiarities, a natural law was formed out of the Institutes, which was looked upon as the immediate emanation of reason. … When we lose sight of our individual connection with the great entirety of the world and its history, we necessarily see our thoughts in a false light of universality and originality. There is only the historical sense to protect us against this, to turn which upon ourselves is indeed the most difficult of applications. … History, even in the infancy of a people, is ever a noble instructress, but in ages such as ours she has yet another and holier duty to

[63] Ibid., p. 29.

[64] Ibid., p. 30.

[65] Ibid., p. 33.

> perform. For only through her can a lively connection with the primitive state of the people be kept up; and the loss of this connection must take away from every people the best part of its spiritual life.[66]

At the same time, Savigny's *historicism* fits into the *holism* of his philosophical perception and methodology, connected with his *organismic* approach to legal and political institutions. From this perspective, the distinction between the *whole* and the *part,* as set out by Savigny,[67] becomes crucial. Arguing in terms of an organismic *pattern*, Savigny defends the subtle balance between the whole and the part in the overall study of social and political processes. In this sense, the organic totality does not nullify the part but gives it meaning at the very moment when the part is upgraded in the context of the whole:

> The well-being of every organic being, (consequently of states,) depends on the maintenance on the equipoise between the whole and its parts – on each having its due. … Were it possible to generate a peculiar corporate spirit in every class, every town, nay, every village, the common weal will gain new strength from his heightened and multiplied individuality. When, therefore, the influence of law on the love of country, is the question, the particular laws of particular provinces and states are not to be regarded as obstacles. In this point of view, the law merits praise, in so far as it falls in, or is adapted to fall in, with the feelings and consciousness of the people.[68]

Last but not least, the fact that it is through Savigny's teaching that Marx begins to be interested in the institution of *property* should not be underestimated.[69] It is through this engagement that he comes to realise the conflict between theories of natural rights by *rationalist* thinkers and doctrines of the Historical School.[70] Savigny's fundamental proposition that *possession* does not entail rights (*property*) but is the foundation of right (*usucaption*)[71]—that is to say, possession is not a right but a 'simple

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[66] Ibid., pp. 134–6.

[67] Ibid., p. 148: 'A man must have the clear, lively conception of the whole constantly present to his mind, to enable him to take a practical lesson from the individual case.'

[68] Ibid., pp. 58–9.

[69] See Marx, 'Letter to his Father, November 10[–11, 1837]', in Marx–Engels, *Collected Works*, vol. 1, p. 15, 19.

[70] Jaeger (1967, p. 69).

[71] Savigny (1848 [1803], Book I, Section II).

fact' producing legal results only under certain historical preconditions[72]—must have tested Marx's philosophical and *practical* relationship between his intellectual *historically*-based endeavours and the *rationalist* world of the Enlightenment.

In sum, Savigny's methodology, as long as it fights against an individualistic understanding of society and an abstract conventionalism of politics, contributed to Marx's overall theoretical formation. Historicism, holism and organicism constituted important parameters that, through Savigny's doctrine, influenced Marx's philosophical distancing from the metaphysics of law, grounding *historically* Marx's theory of the state in general and his theory of democracy in particular.[73] The Marxian critique of the Historical School of Law, a critique that followed slightly later in the framework of a radical philosophy of praxis and democracy, does not fundamentally affect this conclusion.[74] After all, as has been correctly remarked, if it is true that Hegel, Gans and Marx constitute a camp that cannot be reconciled with either the rationalists of natural law or the positivists of the Historical School,[75] then this does not stop us from recognising aspects of the influence these theoretical currents exerted on Marx's theory of the state.

At any event, there is no doubt that in the war between the Historical School of Law and Hegelian philosophy, the young Marx leaned towards

[72] Ibid., Book I, Section V.

[73] See Berlin (1978, p. 51) and Hunt (1975, vol. I, p. 29), as well as O'Malley (1970, p. xxiv). Jaeger (1967, p. 63) proposes a three-part distinction of periods in the dynamics of the relationship between Savigny and Marx: this starts from the theory of law and goes up to the study of pre-capitalist social formations.

[74] Levine (1987) moves in the same direction. Moreover, according to Levine, the fact that Marx was influenced by the Historical School of Law on the issue of property should not lead to the same conclusion as regards the question of the state. Levine correctly considers that the Marxian theory of the state is exactly opposite to the romanticism of the Historical School inasmuch as Marx is clearly influenced by Hegel's philosophy of state and law, especially during the first phase of its development (1842–43). It is Marx's own emancipation from the idealism of Hegel (1843–44) that will allow him later (1845–46) to re-evaluate the positions of the Historical School about law and property. Anyway, Levine argues, Marx had been and remained in opposition to the reactionary/nationalist romanticism of the Historical School of law and the state.

[75] Klenner (1989, p. 77).

the second approach.[76] Nevertheless, the dominant view in international bibliography, according to which it was the Hegelian Gans who decisively influenced the young Marx's views on law and politics, requires evaluation.

In fact, the *positive* impact of Gans's philosophy of right upon Marx's political thought can be documented without any problem.[77] Gans's approach to issues of legal and political philosophy, which is a mixture of Hegelianism and Saint-Simonism, a current with which Gans came into contact in Paris during the July Revolution, as well as his arguments for the formation of a just society, determined Marx's choices and decisions to a significant degree.

As characteristically pointed out by a contemporary theorist of Hegelianism and its transformations during the first half of the nineteenth century:

> at the level of ethico-political theory, the reformist position was most forcefully presented by the legal philosopher Eduard Gans. For Gans the reality of the perfected ethical community, which Hegel had grasped as the embodiment of reason in ethical practice, had attained historical objectification in the principles that animated the programs, policies, and political actions of the French revolutionaries, Napoleon, and the Prussian reformers, but this 'essential' reality remained in dynamic, critical relation to the unreconstructed, irrational 'appearances' still so obviously evident in the experienced reality of contemporary politics.[78]

In this theoretical context, it is reasonable to argue that, as a student of Gans while at university, the Marx of the pre-communist period discovered the real possibility of the transformation of the world. From this perspective, and in order to understand the *political* identity and weight of Gans's thought, one need only read very carefully, for example, the prologue Gans wrote in the (re-)edition of Hegel's *Philosophy of Right* in 1833.

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[76] See, among others, Cornu (1958, vol. 1, p. 89), Mehring (1983, p. 31) and Hunt (1975, vol. I, pp. 28–9).

[77] For the life and work of Eduard Gans, with an emphasis on his position for the philosophy of law, see Hoffheimer (1995, pp. 1–47).

[78] Toews (1993, p. 388).

Among other interesting issues posed in this preface to *Philosophy of Right*, special attention should be drawn to the fact that, having praised the structure of Hegel's research design, and in particular that of the philosophy of law, Eduard Gans notes the virtues of the decisive 'cancellation of the distinction between state law and politics that was made by the abstract thought of seventeenth and eighteenth centuries'.[79] Following Gans, the understanding of public and, more pertinently, of constitutional law as the 'anatomical skeleton' or static dimension of the state and the approach to politics as 'physiology' cease to have any validity in the context of Hegelian philosophy.[80] The very institutions of the polity should no longer be dealt with as soulless forms, but rather should be perceived in their real condition as living organisms or dynamic participants in a uniform organism, the state.

Thus, we can assume with certainty that, having attended Gans's lectures, the young Marx reached a *political* understanding of the historical process of his time, while his Hegelian teacher missed no opportunity to focus on the meaning of the proposition 'What is logical is real and what is real is logical'—a proposition that marked the thinking of many young intellectuals and left-wing disciples of Hegel. Lecturing on this formulation, so often misinterpreted, Gans introduced his student audience to the Hegelian philosophy of law, commenting:

> This sentence, which can actually be plainly interpreted, never meant to say, as Hegel critics would have it, that the truly rational must, according to its nature, always be imagined as existing in the world at the present. Nor does it suggest that those things that truly exist in the world justify their own rationality. This sentence has now been taken up with great alarm and produced in order to deter readers from entering the book and reading its contents.[81]

Moving against Prussian reactionism, therefore, Gans did not hesitate in revealing the transformative political character of Hegel's philosophy of the state and the law, which formed the basis of Gans's philosophical thinking. Nevertheless, the *social depth* that Gans attributed to the study

[79] See Gans's prologue in the 1833 edition of the *Philosophy of Law* by Hegel (p. 88), which is included as an annex in Hoffheimer (1995, pp. 87–92).

[80] Hoffheimer (1995, p. 88).

[81] Ibid., p. 89.

of the state as a living organism was equally significant—if not more so—as it tended to overcome the limits of the Hegelian system.

From this perspective, and given the general influence on Marx that Gans exercised, it would not be an exaggeration to argue that Gans, at least up to a point, contributed to the *social orientation* of the young Marx's thought, which was soon to become explicit in his writings. More concretely, the social foundation of the Marxian theory of the state in general, and democracy in particular, found some of its initial points of departure in the Saint-Simonian influences of Gans.

I do not intend to dwell here on the complex and wide-ranging issue of the relationship between Marx and the utopian socialism of his time, or on the political dimensions of this relationship. At this juncture, I merely underline that the problematic that characterises the future editor-in-chief of *Rheinische Zeitung* and his texts against the Prussian state and the existing order of things, as well as his writings criticising the Hegelian philosophy of the state and law, was influenced by Saint-Simon via Eduard Gans, up to a point. It was in this context that, thanks to Gans's influence, the critical Marxian thinking on democracy assumed an elementary *material* basis right from its beginnings, a basis that carried not just an abstract philosophical and political-formal weight, but also a substantive social content. Two examples reinforce this assessment.

The first is the significance Gans attributed to the issue of *poverty*, which was a very important problem for the bourgeois society of the time. This issue was raised in Gans's lectures of 1832–33: that is, after his experience from the various trips he undertook during 1830–31 in France during the July Revolution and his short stay in England. Gans considered it necessary to distance himself from the rather restrained way in which Hegel faced the same issue.[82] From this point of view, it should be noted that poverty as a social question, as well as the reactionary legislative and political manner in which the Prussian state had dealt with it, would become one of the key subjects of Marx's critical journalism.

The second is the *cooperative principle* (*Vergesellschaftung*) that Gans, influenced by Saint-Simon, set out. He did so by raising the *social* expression of this principle (trade unions) as well as by referring to its

[82] For Hegel's position on the issue of poverty, which is approached through the 'war of all against all' that characterises civil society, see §§ 241–9 of his *Philosophy of Right*. For Gans's position on the same issue, see Breckman (2001, pp. 550ff.) and Waszek (2006).

political-constitutional dimension (representative institutions, open public sphere, opposition political parties). This marked a progressive step towards the concept of the *rational state*, a concept that the Marx of the pre-communist period would reflect upon critically either as editor of *Rheinische Zeitung* or as the writer of the 1843 manuscript *Critique of Hegel's Philosophy of Right*.[83]

In short, as a university student, Marx recognised the reformist dynamic in the sociologically charged problematic of Eduard Gans, which bordered on the Hegelian philosophical system and tended to extend its limits. Gans, who was tied to objective Hegelian dialectics, did not submit to classical individualistic liberal views about the night-watchman state or against the subjectivism and voluntarism that often characterised the designs and practices of utopian communism or socialism of his time. However, he did point to the provision of the state as an agency of reason in history. Having said this, I would conclude that Marx's attempt at a twin delimitation of democracy—addressing both individualistic and statist approaches—found in Gans's philosophy of the state and the law at least one of its theoretical departure points, inasmuch as it targeted the establishment of a *rational community* in the richest and widest possible meaning of the term.

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The *sociological* fundamentals of Gans's theory of law and the state on the one hand, and the multilevel *philosophical* structuring of the relationship between theory and practice attempted by the Hegelian Left in the 1830s on the other, raise the *political* significance of the Hegelian distinction between *existence* and *reality*. Let us recall what Engels repeated to his readers many years later: 'According to Hegel certainly not everything that exists is also real, without further qualification.'[84] Like Gans in his lectures, Engels, in his *Ludwig Feuerbach and the End of Classical German Philosophy*, also focused on the paramount importance of the Hegelian thesis to examine the Prussian state and its conditions of existence. The Faustian proposition of a permanent and radical negation—'All that exists deserves to perish'—results from this position on the rational character of reality.

[83] Breckman (2001, p. 552) and Waszek (2006, pp. 38–41).

[84] Engels, 'Ludwig Feuerbach and the End of the Classical German Philosophy' in Marx–Engels, *Collected Works*, vol. 26, p. 358.

Undoubtedly, we must connect this radical distinction between *existence* and *reality* with what we could call a 'shift of the vector of philosophy' from an understanding of the past (Hegel) to the shaping of the future (the Hegelian Left): that is, a *philosophy of praxis* which, as I have already argued, is inspired by Fichte's work and manifests itself in Marx's dissertation and its Promethean symbolism. At the same time, however, it is worth noting that the opposing poles of the Hegelian distinction between existence and reality correspond to two opposing political approaches: the *conservative* approach as a process for the reproduction of the existing order of things, and the *revolutionary/radical* approach to politics as a process of *negation* and *transformation* of the existing order of things. The latter is the approach adopted by Marx from the early stages of his militant engagement.

I am not concerned here with a historiographical presentation of the conditions under which a Hegelian Left philosophy of praxis was developed. I am interested in this aspect only to the extent that this kind of presentation contributes to the critical approach of the central questions of my investigation: is there a Marxian political theory, and, more specifically, a Marxian theory of democracy? And, if there is, how is it formed and how does it transform itself over time? Thus, I do not intend to look at works such as August von Cieszkowski's *Prolegomena zur Historiosophie* (1838), a work that, despite its significance for the Hegelian Left, did not influence the theoretical formation of the young Marx as a critic of politics and a proposer of a theory of democracy, at least not directly.

Despite the indisputable connection between Marx and Cieszkowski with regard to the concept of praxis, no direct influence by Cieszkowski on Marx's philosophy and critique of politics can be established.[85] Whatever influence Cieszkowski may have had on Marx, it came later, during Marx's Parisian years, and through Moses Hess, who developed a *philosophy of action* connected with Cieszkowski's work.[86] Even then,

[85] Kubat (1961). For a systematic review of the relationship between Marx and Cieszkowski, see Liebich (1979, pp. 156–65).

[86] The connection between the young Marx and Cieszkowski's historiosophy is 'ignored' by Georg Lukács in his philosophical essay 'Moses Hess and Problems of Idealist Dialectics' in Lukács (1967, pp. 237–89). More recently, specialists on the Young Hegelians' life and work have been quite cautious about Cieszkowski's influence on the young Marx's thinking (Liebich 1979, pp. 54–9; Stepelevich 1974).

however, Marx, who met Cieszkowski in Paris in 1844, referred to him with a certain irony.[87]

Moreover, it is worth underlining that even works such as Feuerbach's *The Essence of Christianity*, a key work for the Young Hegelians, and one that Marx read in around July 1841, did not leave any noticeable trace on the young Marx's socio-political enquiries at the time,[88] although a little later Marx's thinking would be significantly marked by Feuerbach's thematic and methodological influences, a parameter that is vital for Marxian political theory in general, and for a Marxian theory of democracy in particular.

Nevertheless, a strong connection between Marx's early political research and views and Bruno Bauer's position proves to be of paramount importance.[89] Influenced by Fichte's philosophy of action, Bruno Bauer, the Young Hegelian philosopher of self-consciousness par excellence, defined theory itself as the highest form of praxis and a critical/practical weapon per se.[90] In his correspondence with Marx, Bauer, under the impact of the French Revolution and Jacobinism, referred to the 'terrorism of the real theory that has to clear the field',[91] while at the same time he assessed that 'theory is now the strongest praxis',[92]

[87] Marx, 'Letter to Engels, 13 January 1882', in Marx–Engels, *Collected Works*, vol. 46, p. 355, 357.

[88] Megill (2002, p. 23).

[89] According to Rosen (1977, p. 131), Marx's differentiation from Bauer happened later, around the end of 1842, against the background of oppositions created between the two intellectuals from their different stances with regard to the *Freien*. However, Lapine (1980, p. 70) locates the divergence of the two thinkers about a year earlier, towards the end of 1841 and the start of 1842, when Bauer avoided connecting philosophy and politics, a connection that Marx had already begun to implement.

[90] Extracts from and formulations by Bauer that clearly refer to Fichte's philosophy of praxis can be found in the fourth chapter of *The Trumpet of the Last Judgement against Hegel, the Atheist and Anti-Christ: An Ultimatum*. The chapter has the characteristic title 'Hatred of the Established Order' (see also Stepelevich 1983, pp. 181–6). The entire text of the German original can be found at http://www.archive.org/details/dieposaunedesjn00bauegoog.

[91] Bauer, 'Letter to Marx, March 28, 1841', $MEGA_2$, III, 1, p. 353.

[92] Bauer, 'Letter to Marx, March 31, 1841', $MEGA_2$, III, 1, p. 355. It should be noted that, a few decades before Bruno Bauer's analysis of the practical role of theory, Hegel himself (1984, p. 179), in a letter to Niethammer (28 October 1808), argued: 'I am daily ever more convinced that theoretical work accomplishes more in the world than practical work. Once the realm of representation [*Vorstellung*] is revolutionized, actuality [*Wirklichkeit*] will not hold out.'.

a position that the student Marx shared without serious reservations for the time being.[93]

The close relationship between Bruno Bauer and the university student Marx as far as the state and politics are concerned was confirmed by Karl Friedrich Köppen, Marx's close friend, in a letter sent to Marx on 3 June 1841. Commenting on Bauer's forthcoming 'Der christliche Staat und unsere Zeit', Köppen notes that this work includes many of Marx's ideas: 'You see, you are a think-tank, a workshop,' Köppen writes to Marx as a producer of ideas that were reflected in Bauer's work.[94] But what are these ideas?

First, it should be noted that, during the period in which Marx was writing his dissertation, Bruno Bauer followed Marx's development closely, wanting, among other things, to secure an academic job for his friend and student, and Bauer also constructed his political thinking via a critical theory of the state.[95] Between May 1840 and October 1841, Bauer wrote *Die evangelische Landers Kirche Preußens und die Wissenschaft* (*The Evangelic Church of Prussia and Science*), among other works; this was published in an anonymous edition in 1840. This was followed by 'Der christliche Staat und unsere Zeit' ('The Christian State and Our Time'), written between December 1840 and April 1841 and published in the 7–12 June 1841 edition of *Hallische Jahrbücher*. The 'trilogy' was completed with *Die Posaune des jüngsten Gerichts über Hegel, den Atheisten und Antichristen. Ein Ultimatum* (*The Trumpet of the Last Judgement against Hegel, the Atheist and Anti-Christ: An Ultimatum*), which was published anonymously in October

[93] Marx notes in his doctoral dissertation:

> It is a psychological law that the theoretical mind, once liberated in itself, turns into practical energy, and, leaving the shadowy empire of Amenthes as *will* turns itself against the reality of the world existing without it. … But the *practice* of philosophy is itself *theoretical*. It is the *critique* that measures the individual existence by the essence, the particular reality by the Idea. (Marx, 'The Difference Between Democritean and Epicurean Philosophy of Nature', in Marx–Engels, *Collected Works*, vol. 1, p. 85)

[94] Köppen, 'Letter to Marx, June 3, 1841', $MEGA_2$, III, 1, p. 360.

[95] See, among others, Moggach (1996, 2003), Rosen (1971, 1977, pp. 109–24) and Sass (1978).

1841. In this work, Bauer raised heuristically the radical and Jacobinist aspects of Hegel's critique of the state and religion.[96]

I focus on 'The Christian State and Our Time' in order to discover the beginnings and the peculiarity of Marxian political theory, taking into account Köppen's previous assessment of Marx as an authentic producer of ideas that form the content of this text. From this perspective, it could be further argued—or even formulated as a research question for further investigation—that 'The Christian State and Our Time' introduced some crucial ideas that Marx later elaborated and developed further, having as a central point of reference the principles of a democratic polity expressed in his published articles in *Rheinische Zeitung*.

In any event, it should be mentioned that, in the pages of 'The Christian State and Our Time', and during a period that Bauer himself, as well as the student Marx, considered transitory,[97] Bauer launched a frontal attack on the philosophical and political conservatism of Friedrich Julius Stahl. Stahl was a theoretician of the state and the law who belonged to the broader, then dominant, current of the Historical School, and who succeeded Gans as Professor of Philosophy of Law at the University of Berlin in November 1841.

In this context, and in opposition to the *positive/existent* form of the state and the law, Bauer argued for the critical power of reason—reason that is realised in history as a *negation* of what exists, because, let us reiterate, what exists deserves to perish. However, the critical theory of the Hegelian Left Bruno Bauer is not only in conflict with the *absolutist state* of his age; at the same time, it also opposes *possessive individualism* and *egoism* dictated by the very forms of the construction of *liberal states* that are an echo of the French Revolution. For Bauer, the real as necessity—that is, the real as the rational that already runs through the historical process—means freedom not as a privilege or private interest but as universality, as was also expressed by Hegel.

[96] Marx's contribution to the second part of this work, which was published in 1842 and entitled *Hegels Lehre von der Religion und Kunst von dem Standpunkte des Glaubens aus beurteilt* (*Hegel's Theory of Religion and Art from the Point of View of Faith*), cannot be definitely proven (see Rosen 1977, pp. 129–31).

[97] See the letters of Bauer to Marx of 1 March 1840 and 5 April 1840 (*MEGA*$_2$, III, 1, pp. 340–1 and 345–6 respectively).

Through this perspective, one that sheds light on the concept of freedom, Bauer raised the issue of the *free or rational state* as a *concrete possibility* of his time, transcending outdated and abstract modern political systems and institutions. If the Byzantine state—the unity of the church and the state—symbolised the first historical form of the Christian state, one that collapsed during the Middle Ages only to be reborn in modern times in the form of the Protestant state, we were now at the gates of a new epoch in which the state expressed a *self-consciousness* as the agent of critical power and emancipation.

'The state, even in its most crude form, is forced to show that it is the manifestation of freedom and practice of the universal self-consciousness,' Bauer wrote. At the same time, he announced that the French Revolution, which was imposed 'as the bloody Terror of Reason and Morality' together with the Enlightenment and philosophy, transformed the state 'into a coherent manifestation of moral self-consciousness'.[98] However, we need to be careful here.

For a radical Hegelian such as Bauer—and for his comrade in the anti-theological and anti-ecclesiastical struggles of the period, Karl Marx—the state as a continuous process of self-consciousness cannot and should not be confused with the government or other specific political institutions. Quite the opposite: the state must adopt a critical attitude against such mechanisms, advancing demands for their radical transformation:

> The truth does not exist in the state or in science as a thing or ready-made being. It is here as the act of the spirit and determinateness of self-consciousness. In the dialectic process of its being, the state is not identical with a given government, as long as the self-consciousness of its infinite, as it has historically developed, has not been recognized by the government yet and has not been admitted by the mechanism in which the objectivity of its concept moves. Thus, this self-consciousness, which has not been admitted by the government and has not been imposed in legal institutions, is critical …[99]

At this point, it is worth noting that the critical power of self-consciousness seems to exhaust itself in the political-institutional field. However, special attention should be paid to the fact that, according to Bauer, the

[98] Bauer, 'Der christliche Staat und unsere Zeit', pp. 7, 26–7.

[99] Ibid., p. 34.

liberating character of the state as both an agent and an outcome of self-consciousness has clearly a *social connotation*, a connotation that constitutes a further proof of Bauer's and Marx's intellectual interaction:

> The last and definitely the most difficult remaining [action] of the state in this relation [with the church] is the liberation of the helots of civil society that should struggle with the matter on a daily basis in order to win over the Sensibility of the Universal without becoming conscious of their personality in this struggle for the Universal that they serve. The state, not the church, must be in a position to eradicate slavery, since the church cannot liberate those helots, educate the Cyclops as moral human beings, but only, from time to time, could offer them the elevation to the infinite and then, after the flight from this life just leaves them again to fall deeper in the struggle with the matter.[100]

Formulations such as this show that the critique of religion and ecclesiastical institutions within the ranks of the Hegelian Left instils, whether openly or not, elements of a discourse that point to political—even social—emancipation. The denunciation of the manipulation of the 'helots of civil society' (*die Befreiung der bürgerlichen Heloten*), manipulation that takes place due to the decisive contribution of ecclesiastical power, and the material/practical power of theory are two crucial themes that are at the centre of Bauer's analyses of 1840–41. It is precisely these themes that will be developed soon afterwards in the framework of the Marxian critique of the state and the law.

Based on the above analysis, I argue that Bauer's critical theory about the state and politics, especially during the period 1840–41, when he had a close relationship with Marx, moves within the boundaries of a *Young Hegelian Republicanism*. In this context, it is worth mentioning that Bruno Bauer's critical theory is distinguishable from both liberalism and the socialist ideas of his time.[101] Moreover, it is useful to note that republicanism was—and still is—a very important theoretical current, a current that has been the subject of extensive research, especially in the last two decades of the twentieth century by the so-called Cambridge

[100] Ibid., p. 35.

[101] See Moggach (2006a, especially pp. 117–19).

School (Pocock, Skinner, et al.).[102] Its main reference point is the recognition of the concept of *positive freedom*[103] in direct connection with that of the *republican state*, which acts not as an instrument protecting private interests but as a *moral-political community* within which the general interest is developed and protected.[104]

In particular, Bauer's republicanism is, to a great extent, the product of a radical interpretation of Hegel's philosophy of law and includes both a direct and an indirect critique of the liberal-instrumentalist understanding of the state. This critique also integrates the concept of positive freedom as a process of self-determination. In fact, positive freedom and the republican meaning of community determine the theoretical field, within which the dialectic between *the part* and *the whole* finds expression as the social dimension of a Hegelian Left philosophy about the state, radicalising even further the Hegelian doctrine of Eduard Gans. Although operating in a manner similar to that of Gans, Bruno Bauer refused to confine himself to the *Hegelian* understanding of and dealing with social problems such as poverty. Thus, Bauer's republicanism attempts a *radical* transcendence of Hegel's political theory, opening up a battlefield involving both Anglo-Saxon views of a *utilitarian type of individualism* and the *reactionary conservatism* of the Prussian state, and of its political and academic bureaucracy.

There is no doubt that we are at the beginning of a redefinition of the relationship between society and politics, one that is still philosophical. Marx, influenced by the spirit of Bauer's German republicanism, would go on to attempt to deepen and broaden the analysis of that relationship through his politically committed journalism in *Rheinische Zeitung*.

It is worth recalling that, starting from the struggle of the acting subject to gain *self-consciousness* and *autonomy* as recognised *ontologically* and expressed allegorically in the deviation of the Epicurean atom from

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[102] Classic works in this current include Pocock (1975) and Skinner (1978). Later published works on republicanism include those by Pettit (1997, especially pp. 17–50, 271–305; 1993) and Patten (1996).

[103] For the fundamental distinction between 'positive' and 'negative' freedom, see the classic essay by Isaiah Berlin 'Two Concepts of Liberty' in Berlin (1969).

[104] Skinner, however, takes a critical distance from the connection between republicanism and positive freedom. Skinner defends negative freedom as the valuable outcome of a *vita activa* in a republican polity. According to Skinner, only a republican polity can guarantee the negative freedom of its citizens (1964, especially pp. 207, 213–14, 218).

the straight line of Prometheus, Marx almost explicitly acknowledged the infinite and limitless process of self-acting and self-production of man and the democratic polity while studying and copying long extracts of Spinoza's *Theologico-Political Treatise*. Nevertheless, the social *spirit* of Gans's progressive Hegelianism and Bauer's republicanism is what provided the *material* content of Marx's philosophy of praxis, the theoretical origin of which also lies at the core of Fichte's philosophy. The understanding of the existing society, as its industrialisation and urbanisation proceed apace in terms of *heteronomy*, poses the question of the self-consciousness of individual and collective subjects of critical theory, pointing to the *negation* of the state, which is still *irrational* and does not correspond to the concept of freedom. For the young Marx, this passionate admirer of ancient Greek philosophy, both Aristotelian and post-Aristotelian, and a selective, yet systematic, reader of Spinoza's *Theological-Political Treatise* and other monumental works of European political philosophy, the *demand for autonomy* soon assumed a determinate social and political meaning, defining a forward-looking framework of a philosophy of praxis. Suffice it to say, at least for the moment, that this autonomy has not been accomplished to the present day—not as an a priori Idea but as a social process and strategic objective, a radical challenge for both individual and collective subjects who attempt not only to understand but also to change the world. From this point of view, the demand for autonomy—in other words, the demand for self-emancipation and self-determination in relation to the existing state and its mechanism—constituted the foundation and the moving principle of the Marxian theory of democracy from very early on.

I can now return to the beginning of this enquiry and argue even more assertively that Marx's theory of democracy does not propose a *technique* of political power for 'the benefit of people and the nation', as has been declared in liberal constitutions from Marx's time to the present. From the very beginning, the Marxian theory of democracy tended to cut through the narrow limits of politics as an exploitative system of power, aiming to ground a radical political theory on the social level. The Marxian theory of democracy intervenes critically at the point where inequality, as a relationship between rich and poor, reproduces itself. It is here, specifically, that the need for society to be transformed into a *community of personalities* emerged.

In other words, and on the basis of what I have argued so far, allow me to formulate convincingly the hypothesis that, for Marx—and even

for the student Marx—democracy should not be conceived through politics in the narrow, instrumental sense of the word; rather, it concerns the radical transformation of society from a fragmented totality of individuals to an *autonomous collectivity*. I will try to consolidate this hypothesis further through Marx's articles in *Rheinische Zeitung*, following his own transition from the philosophical to the republican moment of his theory of democracy.

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CHAPTER 3

The Republican 'Moment' of Marx's Theory of Democracy: From the Critique of Politics to the Theory of the Rational State

In his preface to the *Contribution to the Critique of Political Economy* of 1859, Marx underlined the significance of his engagement with the publication and editing of *Rheinische Zeitung* for the formation of his *materialist* conception of economy, society and politics:

> In the year 1842–43, as editor of the *Rheinische Zeitung*, I first found myself in the embarrassing position of having to discuss what is known as material interests. The deliberations of the Rhine Province Assembly in thefts of wood and the division of landed property; the official polemic started by Herr von Schaper, then Oberpräsident of the Rhine Province, against the *Rheinische Zeitung* about the condition of the Mosel peasantry, and finally the debates on free trade and protective tariffs caused me in the first instance to turn my attention to economic questions.[1]

It would be very risky, to say the least, to refute the truthfulness of this confession by Marx[2]—all the more so since Engels, in one of his final letters to Richard Fischer on 15 April 1895, just several months

[1] Marx, 'Preface to *A Contribution to the Critique of Political Economy*', in Marx–Engels, *Collected Works*, vol. 29, p. 262.

[2] Miguel Abensour (2011, pp. 10–11) doubts this confession, although without supplying the necessary evidence. Alan Megill (2002, pp. 82–3) argues that 'in the 1859 preface, Marx presented his work on *Rheinische Zeitung* as pointing forward to the full-fledged historical materialism that he was to adopt in 1845–46. But this statement is a retrospective smoothing out of an intellectual evolution that was far more uncertain and contingent.'

A. Chrysis, *'True Democracy' as a Prelude to Communism*, Political Philosophy and Public Purpose,
https://doi.org/10.1007/978-3-319-57541-4_3

before his death, confirmed Marx's assertion. The 'General' also makes explicit his own interest in republishing Marx's articles from *Rheinische Zeitung*, whose themes varied from the free press and censorship to the 'Law on the Thefts of Wood' and the material interests of the Mosel's vine-growers.[3]

In any case, this raises interesting questions concerning Marx's turn from an idealist to a materialist approach to society and politics as expressed and documented through his articles in *Rheinische Zeitung*. However, in the final analysis, what influence did such a turn have on the formation of what was still a pre-communist Marxian theory of democracy?

First, a careful correlation of the themes of Marx's articles with their chronology of writing leads to the conclusion that Marx's appointment as editor-in-chief in October 1842 proved crucial.[4] More concretely, it can clearly be seen that themes relating to the *public use of reason* (freedom of the press and censorship) appeared mainly, although not exclusively, during the first period of Marx's journalistic writings, as he was intensely concerned with these themes from March to October 1842.

One could argue that, at least in regard to the articles of this period, Marx underwent a 'Machiavellian moment' in the sense that he was defending the absolute autonomy of politics while rejecting its reduction to any other sphere of human activity.[5] Nevertheless, from October 1842, a serious change was taking place: Marx the journalist was also turning his attention to *economic issues*, attempting to connect material interests and the state. Undoubtedly, the critique of politics remained the focus of Marx's interest during the period from October 1842 to March 1843, but, for various reasons, this was already linked to the economy in

[3] Engels, 'Letter to Fischer, April 15, 1895', in Marx–Engels, *Collected Works*, vol. 50, pp. 498–500.

[4] On Marx's brief 'career' as editor-in-chief of *Rheinische Zeitung*, see Sanders (2009). See also, Evans (1995), who mentions, among other things, that Marx raised the paper's circulation from 900 to 3,500.

[5] On this issue, see the interesting analysis by Abensour (2011, pp. 1–13, in particular pp. 8–10). Yet, it is worth mentioning that Abensour, who distinguishes between the Marxian texts of 1842 ('the Machiavellian moment') and those of 1843 ('the crisis of 1843'), positions Marx's turning point not in October 1842, but at his *exit* from the newspaper, at the beginning of 1843.

the broadest sense of the word. In particular, Marx focuses on the theme of the *non-rational* relationship between the *state* and *property*.[6]

At any event, it should be noted that about a third of Marx's articles in the newspaper, which was funded by liberal bourgeois figures such as Oppenheim, Camphausen and Mevissen and published under the characteristic subtitle 'On Politics, Commerce and Industry', were on themes relating to the right of property and economic policy.[7] From this perspective, it is worth considering that Marx, a thinker who contributed decisively to the liberation of politics from theology, from 1843 onwards rapidly managed to argue for a *new subsumption* of the political sphere to that of economy. In this regard, a number of issues prove crucial in illustrating the way in which the pre-communist Marx, in his latest *Rheinische Zeitung* articles and in the *Critique of Hegel's Philosophy of Right*, conceived the relation between society and politics, between material or partial/private interests and general/public interest.[8]

I intend to show that Marx's pieces in the newspaper—a corpus of some thirty articles of which only some were published; others remained unpublished or in draft form[9]—offer valuable material for the defence of my central hypothesis: the pre-communist Marxian theory of democracy, and 'true democracy' in particular, is the philosophical prelude to Marx's theory of communism.

From this perspective, I aim to explore the extent to which the Young Hegelians' social republicanism, an ideological current that the young Marx both participated in and radicalised, influenced Marx as the militant intellectual leader of *Rheinische Zeitung*.[10] In this context, I should point out that Marx's *journalistic* attempts involved a critical theorisation of the state and democracy, concrete aspects of which we have already

[6] On this issue, see the perceptive analysis by Daniel Bensaïd (2007). See also Lascoumes and Zander (1984). In presenting Marx's articles on the theft of woods and the 'vine growers of Mozela', the authors provide a comprehensive introduction to Germany's intellectual life and Marx's articles in *Rheinische Zeitung*.

[7] Megill (2002, pp. 83–4, in connection to the documentation, see pp. 271–5).

[8] On this point, see the penetrating analysis by Heinz Lubasz (1976).

[9] Teeple (1984, p. 27).

[10] For a critical account of the relationship of the young Marx with republicanism and an overall review of his later relationship with the republican theorisation of the state and politics, see especially Isaac (1990). However, Isaac seems to downplay the crucial distinction between liberalism and republicanism.

seen in Bauer's work 'Der christliche Staat und unsere Zeit'. Suffice to say, for the time being, that both Ludwig Feuerbach, an eminent figure of the Young Hegelian movement, and Arnold Ruge, a Young Hegelian with whom Marx concurred until he decided to militate for the communist cause,[11] also subscribed to this line of thought.

Thus, by exploring the 'republican moment' of a *dialectically* constructed Marxian theory of democracy, I intend to prove that Marx's articles in *Rheinische Zeitung* mediate and pave the way towards 'true democracy', a concept that marked the culmination of Marx's pre-communist theory of democracy. In this sense, I argue that the *communist* Marx never *abandoned* the demand for 'true democracy' but that he would *transcend* it in the context of his subsequent theory of communism.[12] From this point of view, Marx's 'republican moment' foreshadowed the fusion of politics with society, and vice versa, and supported the overall *socialisation of politics*: that is, the 'charging' of the political process with rich social content and meaning.[13]

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It is not difficult to prove the *continuity* of the Marxian theory of the state with the philosophical identity of Marx during his student years, as it emerged in the pages of *Rheinische Zeitung*, especially if one refers to Marx's letter to his father (10–11 November 1837). As mentioned earlier, in that letter Marx explicitly distanced himself from the abstract and normative idealism of Kant and Fichte. As he himself admitted, under the influence of Hegelian philosophy, he 'discovered' the Idea within reality itself and addressed the law and the state as parts of a totality and

[11] According to Evans (1995, p. 1, 24), Marx's political thought during his time at *Rheinische Zeitung* began to deviate from Bauer's influence and converged instead with the thinking of Ruge.

[12] This interpretation also seems to be supported by the fact that Marx in 1851 (see note 39 in Marx–Engels, *Collected Works*, vol. 1, p. 738) and Engels much later, several months before he died, suggested the republication of the articles that appeared in *Rheinische Zeitung*, as we saw earlier.

[13] On Marx's republicanism, see Fischer (2015). Fischer (ibid., p. 23) distinguishes three stages of a 'republican Marxist democratic ethics': 'the first is Marx's early writings on the state and rights in 1843–1844. The second is Marx's writings on the Paris Commune. The third is the revival of republicanism based on the work of Lewis Henry Morgan.' It seems strange to me, however, that Fischer avoids taking into account Marx's articles in *Rheinische Zeitung*, where Marxian republicanism actually arises.

as concrete expressions of the 'living world of ideas', whose rational character evolves within its own contradictions and its path towards unity.

Within this philosophical framework, constantly rejecting the *formalistic* contrast between an a priori '*Sollen*' and a *historical* '*Sein*', while refuting the subjectivist/voluntaristic conception of law and politics, Marx, as an active director of *Rheinische Zeitung*, took a critical position against the Prussian law of his time as it was based on an 'intellectual abstraction' and a legal formalism:

> [Prussian law] treats the objective world not in accordance with the latter's inherent laws, but in accordance with arbitrary, subjective ideas and an intention that is extraneous to the matter itself.[14]

In other words, the quest for the rational character of the object and the identification of the idea within reality, a principle already advanced by Marx during his Berlin years, marked a *continuity* in his writings: in his *Rheinische Zeitung* articles on law and the state, Marx was still searching for Reason within reality as he had done during his student years. Lifting the veil from institutional forms of society, the Marxian critique of politics, albeit still under the obvious influence of Hegelian idealism, aimed to bridge the gap between the existence of things and the essence of the inner idea.[15] Thus, there should be no doubt that *formalistic* approaches to the state and the law, which ceased to interest Marx at a very early stage, constituted only a passing theoretical moment of his early student years, and he abandoned them soon after he decided to turn to Hegel.

Fighting against and rejecting philosophical and legal formalism, Marx did not miss the opportunity to declare that 'the form is of no value if it is not the form of the content'.[16] It is also worth noting that, pointing to the primacy of content over form within their organic unity and firmly opposing the a priori/normative version of German idealism, Marx, the analyst and editor of *Rheinische Zeitung*, urged his fellow citizens

[14] Marx, 'The Divorce Bill. Editorial', in Marx–Engels, *Collected Works*, vol. 1, p. 275.

[15] Marx, 'Debates on the Freedom of the Press', in Marx–Engels, *Collected Works*, vol. 1, p. 154: 'We must therefore take the essence of the inner idea as the measure to evaluate the existence of things.'

[16] Marx, 'Debates on the Law on the Thefts of Wood', in Marx–Engels, *Collected Works*, vol. 1, p. 261.

and the readers of the newspaper to 'take the world as it is [and] not be ideologists'.[17]

In fact, there is no doubt that Marx, right from the early stages of his pre-communist period, endorsed a *realistic-objective approach* to the political. Following the contemporary current of *scientific realism*, he drew a conclusion that deserves to be quoted at length:

> In the political sphere, philosophy has done nothing that physics, mathematics, medicine, and every science, have not done in their respective spheres. Bacon of Verulam said that theological physics was a virgin dedicated to God and barren, he emancipated physics from theology and it became fertile. Just as you do not ask the physician whether he is a believer, you have no reason to ask the politician either. Immediately before and after the time of Copernicus' great discovery of the true solar system, the law of gravitation of the state was discovered, its own gravity was found in the state itself. The various European governments tried, in the superficial way of first practical attempts, to apply this result in order to establish a system of equilibrium of states. Earlier, however, Machiavelli and Campanella, and later Hobbes, Spinoza, Hugo Grotius, right down to Rousseau, Fichte and Hegel, began to regard the state through human eyes and to deduce its natural laws from reason and experience, and not from theology.[18]

Here, therefore, is Marx's defence of a *Copernican* turn in the theory of the state. Marx focused on this turn in his writings in *Rheinische Zeitung* on his way to recognising the fundamental significance of material/private interests to the manner in which the Prussian state functioned and structured itself.

For Marx, such a theoretical upheaval in the field of politics consisted in the fact that the law of gravitation of the state was found *within* the state itself.[19] This was the precise point when the emancipation of the political sphere from the sphere of theology occurred. The state, as an

[17] Marx, 'The Ban on the *Leipziger Allgemeine Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 317.

[18] Marx, 'Leading Article in No. 179 of *Kölnische Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 201.

[19] It is worth noting that during this same period, Guilhaumou finds influences of the ideas of Sieyès on Marx's political thought and theory of the state. For the relevant documentation, see his essays 'Marx, Sieyès and the constituent moment' (Guilhaumou 1999) and 'Marx, the French Revolution and the Kreuznach Manuscript (1843)' (Guilhaumou 2001).

object of theoretical elaboration, ceased to move around the axis of theology and started moving around itself, inasmuch as its centre of gravity and cohesiveness became, *philosophically*, its *inner* point of reference.[20]

Furthermore, within a time span of just a few months, Marx's 'discovery' of 'material interests' and his newfound interest in 'economic questions' gave a new impulse to the Marxian theory of the state. I argue, in particular, that from the last two months of 1842 onwards, it becomes increasingly apparent that the Marxian critique does not confine itself to contributing to the emancipation of the state from the theological yoke. Marx's *realism* responds concretely to the demand for the state to be theorised with 'human eyes', attempting a radical approach: that is, embedding the state in the profane 'nature of things'.

Undoubtedly, the Marxian quest to classify the state on the *real* basis of the multidimensional and pluralist *nature of things* is not a surprise. It is a matter of dialectical *transcendence* and not a schematic epistemological *rupture* in the process of the making of political ideas. The European Enlightenment had paved the way almost a century before; the most characteristic example of this was Montesquieu, who was highly appreciated by Hegel, while Marx quoted verbatim 'the state cannot go against the nature of things'.[21] Thus, Marx, his thinking mediated by that of Hegel, reached the point where he argued that 'the consistent legislator must necessarily proceed … guided by the essence of things and cannot be at all satisfied with a mere abstraction of the definition of this essence'.[22]

Seeking, therefore, the reason of the state within things and not a priori or at a distance or abstracted from them, Marx's *realist* legislator coincided, in the first instance at least, with Montesquieu's legislator. Even if Marx's review of *The Spirit of Laws* is somewhat later than the *Rheinische Zeitung* period, since we find it in the 'Kreuznach Notebooks', especially in the excerpts of July–August 1843, it seems obvious that Marx was familiar, at least indirectly, with Montesquieu's philosophy of the state and the law. In this context, it is worth quoting a further passage from Marx's writings in *Rheinische Zeitung*:

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[20] Abensour (2011, p. 19) characterises the already quoted Marxian article of the *Rheinische Zeitung* period 'Leading Article in No. 179 of *Kölnische Zeitung*' as a 'Machiavellian-Spinozist manifesto'.

[21] Marx, 'Debates on the Law on the Thefts of Wood', in Marx–Engels, *Collected Works*, vol. 1, p. 257.

[22] Marx, 'The Divorce Bill. Editorial', in Marx–Engels, *Collected Works*, vol. 1, p. 274.

> The legislator, however, should regard himself as a naturalist. He does not *make* the laws, he does not invent them, he only formulates them, expressing in conscious, positive laws the inner laws of spiritual relations. Just as one would have to reproach the legislator for the most unbridled arbitrary behaviour if he replaced the essence of the matter by his own notions, so also the legislator is certainly no less entitled to regard it as the most unbridled arbitrariness if private persons seek to enforce their caprices in opposition to the essence of the matter.[23]

To sum up, faced with voluntaristic and subjectivist approaches to state theory, Marx—even the Marx of the pre-communist period—does not grant any concession. 'The standpoint of the legislator is the standpoint of necessity,' writes the editor-in-chief of *Rheinische Zeitung*,[24] thus extending the lines of thought of Montesquieu and Hegel. Marx targets *voluntarism* and *subjectivism* from a very early stage, when he was a theoretician of democracy and not yet a theoretician of communism:

> In investigating a situation *concerning the state* one is all too easily tempted to overlook the *objective nature of the circumstances* and to explain everything by the *will* of the persons concerned. However, there are *circumstances* which determine the actions of private persons and individual authorities, and which are as independent of them as the method of breathing. If from the outset we adopt this objective standpoint, we shall not assume good or evil will, exclusively on one side or on the other, but we shall see the effect of circumstances where at first glance only individuals seem to be acting. Once it is proved that a phenomenon is made *necessary* by circumstances, it will no longer be difficult to ascertain the *external* circumstances in which it must *actually* be produced and those in which it could not be produced, although the need for it already existed. This can be established with approximately the same certainty with which the chemist determines the *external* conditions under which substances having affinity are bound to form a compound.[25]

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[23] Marx, 'The Divorce Bill', in Marx–Engels, *Collected Works*, vol. 1, p. 308.

[24] Ibid., p. 310.

[25] Marx, 'Justification of the Correspondent from the Mosel', in Marx–Engels, *Collected Works*, vol. 1, p. 337. In the same article, Marx reaffirms his view about the *objective* way in which he approaches the state, saying: 'We must recognize the powerful influence of general *conditions* on the *will* of the acting persons. … Anyone who abandons this objective standpoint falls victim to one-sided, bitter feelings against individual personalities in whom he sees embodied all the harshness of the contemporary conditions confronting him' (p. 354).

The philosophical and, ultimately, the political demand for a *realist approach* to state theory, which is consubstantial with a theory of democracy grounded in objective conditions shaped by the *nature of things*, becomes increasingly clear in Marx's articles from the beginning of 1842 to the start of 1843. After all, philosophy itself 'asks what is true, not what is held to be true'.[26] In this way, and through Marx's articles in *Rheinische Zeitung*, the objective possibility of and need for transforming 'the mysterious, priestly nature of the state into a clear-cut, secular nature accessible to all and belonging to all, and of making the state part of the flesh and blood of its citizens',[27] find their expression.

While this is doubtless still within the Hegelian remit, it is essentially a radical approach to the state—and especially to the 'Christian state'—and its structures as they functioned and took shape in Prussia at the time. The basis of the Marxian critique continued to be rooted in the Hegelian concept of the state, in relation to which the Prussian state proved to be incongruous.[28] Thus, Marx developed his critique of the state through the philosophical prism of reason and in opposition to religion: in effect, Marx proposed the *autonomy of morality* against the *heteronomy of religion*.

In this context, it should be noted that, in an article written at the beginning of 1842 and published in Switzerland a year later in the volume *Anekdota*—that is, even before he started his collaboration with *Rheinische Zeitung*—Marx argued as follows:

[26] Marx, 'Leading Article in No. 179 of *Kölnische Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 191.

[27] Marx, 'The Ban on the *Leipziger Allgemeine Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 318.

[28] Such an assessment, however, should not underestimate the Marxian tendency to overcome the philosophical and political constraints of Hegel's theory of the state, something that is already clear in Marx's articles in *Rheinische Zeitung*. I view this as a mistake made by distinguished analysts of Marx's works, such as Norman Levine (2012, pp. 142ff.). Drawing on a problematic distinction between a Hegelian 'theory of the state' and Hegelian 'political philosophy', Levine argues that, as regards state theory, 'both Hegel and Marx were German Liberals and both upheld the principles of constitutional monarchy'. Levine (2009) sets out the same thesis in his article 'Hegelian Continuities in Marx'.

> Morality recognizes only its own universal and rational religion, and religion recognizes only its particular positive morality. Hence, according to this instruction, the censorship must reject the intellectual heroes of morality, such as Kant, Fichte and Spinoza, as irreligious, as violating propriety, manners, and external decorum. All these moralists start out from a contradiction in principle between morality and religion, for *morality* is based on the *autonomy* of the human mind, *religion* on its *heteronomy*.[29]

The concept of the autonomy of the human mind is still presented here in idealistic terms and on a very abstract philosophical level. It is, however, a sublime good that would soon be positioned at the centre of the Marxian theory of democracy in its specific form as *people's self-determination* ('*die Selbstbestimmung des Volks*'). From this perspective, Marx argues that the state that corresponds to its concept, or the state that consists in the realisation of 'rational freedom'—that is, the 'rational state'—'must be built on the basis of free reason and not of religion'.[30] In other words, in as far as it *actualises* 'rational freedom', the real state constitutes a state that corresponds to its concept—a 'rational state', a 'free association of moral human beings'.[31]

Based on the rationale developed earlier, I reiterate and underline the fact that Marx's approach to communism, grounded in his critique of political economy, can be understood as an advanced *moment*, a *transcendence* of the *rational state*, which the democratic Marx defends in his writings in *Rheinische Zeitung*. Focusing on the central hypothesis of my analysis—'true democracy' as a prelude to communism—I suggest that the Marxian 'rational state', or, in other words, the Marxian 'rational and moral commonwealth', as the conceptual ancestor of 'true democracy', opened the way for the philosophical announcement of the communist society, the social formation that Marx was to discover later through his analysis of the (pre)history of human societies as a history of class struggle.[32]

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[29] Marx, 'Comments on Latest Prussian Censorship Instruction', in Marx–Engels, *Collected Works*, vol. 1, p. 119.

[30] Marx, 'Leading Article in No. 179 of *Kölnische Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 200.

[31] Ibid., p. 192.

[32] In the same vein, see Kamenka (1962, pp. 34, 37–47).

Undoubtedly, the Marxian communist society was not the result of a mechanical inversion of the rational state as defined by the democrat Marx in an idealistic way. Similarly, the communist dynamics of the Paris Commune, as Marx described it in *The Civil War in France*, were not the twisted idol of his writings in *Rheinische Zeitung*. There is no such mechanical development; what connects the critical approaches of the rational state and the communist social formation in the field of Marxian theory of the state and democracy is the process of (dialectical) *transcendence*.[33] Yet, to reinforce this argument, it is worth highlighting the defining elements of the state that correspond to the definition presented by Marx on various occasions in *Rheinische Zeitung*.

The state, to the extent that it realises its conception as a union of free, autonomous, moral personalities, results in a system of laws and institutions that, as long as they manifest and actualise reason, constitute the nerves and tissue of a living, uniform organism. In the context of such an *organismic* theorisation, the state is not constructed or assembled *mechanically* by 'parts', but results *organically* as a composition of its 'members', representing 'differences of unity but not units of difference'.[34] According to the Marxian argument, which never ceases to manoeuvre in front of a censor, a '*special form* of the state' is not particularly important; more important is the *spirit* of the whole as a '*moral and rational commonwealth*'.[35] To this end, the state and its laws are required in order to realise freedom, and not to mutilate or abolish it:

[33] From his perspective, Andrew Chitty (2006, pp. 236–7) argues:

> I would like to suggest a more systematic link between Marx's 1842 and his post-1845 thought. It is that his 1842 conception of the *essence* of the state, that essence of which positive laws are the articulated expression, is the precursor of his later notion of human 'productive forces,' of which the 'social relations of production' are the expression in his theory of history. If this is correct, we can see Marx's move in late 1842 from conceiving the essence—or the basis, as we might now begin to call it—of the state in a classically Hegelian way to thinking of it in more vitalist and thus potentially 'materialist' terms, a move that he made long before he began his study of political economy, as the starting point in the development of his later theory of history.

[34] Marx, 'On the Commissions of the Estates in Prussia', in Marx–Engels, *Collected Works*, vol. 1, pp. 296–7.

[35] Marx, 'Marginal Notes on Accusation of Ministerial Rescript', in Marx–Engels, *Collected Works*, vol. 1, p. 363.

> Whereas the earlier philosophers of constitutional law proceeded in their account of the formation of the state from the instincts, either of ambition or gregariousness, or even from reason, though not social reason, but the reason of the individual, the more ideal and profound view of recent philosophy proceeds from the idea of the whole. It looks on the state as the great organism, in which legal, moral, and political freedom must be realized, and in which the individual citizen in obeying the laws of the state only obeys the natural laws of his own reason, of human reason.[36]

Rational self-institutionalisation, with indirect but clear references to *social* rationality, as opposed to instinct and the *asocial* and *ahistorical* definitions of the individual, connects the Marxian theory of the state with the philosophical arguments of such thinkers as Montesquieu, Rousseau and Hegel, especially in regard to *political* society. I therefore emphasise the *republicanism* of the young Marx, focusing on and underscoring a participatory and moral understanding of politics in contrast to that of a mechanical and utilitarian view.

The philosophical roots of republicanism certainly go back further than the European Enlightenment of Rousseau or Montesquieu. Following analysis by Pocock, one of the most important representatives of republicanism in the twentieth century, the philosophical origins of republicanism can be traced back to the theoretical tradition of Aristotle's *Politics*, which exerted a significant influence on the Marx of democracy. In fact, Aristotle's theorisation of *polis* proves to be of fundamental importance to the *vita activa*[37] of citizens, not just in ancient

[36] Marx, 'Leading Article in No. 179 of *Kölnische Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 202.

[37] In her *The Human Condition*, Hannah Arendt (1998, p. 32) defines *vita activa* as follows:

> The term *vita activa* is loaded and overloaded with tradition. It is as old as (but not older than) our tradition of political thought. And this tradition, far from comprehending and conceptualizing all the political experiences of Western mankind, grew out of a specific historical constellation: the trial of Socrates and the conflict between the philosopher and the *polis*. It eliminated many experiences of an earlier past that were irrelevant to its immediate political purposes and proceeded until its end, in the work of Karl Marx, in a highly selective manner. The term itself, in medieval philosophy the standard translation of the Aristotelian *bios politikos* already occurs in Augustine, where, as *vita negotiosa* or *actuosa*, it still reflects its original meaning: a life devoted to public-political matters.

Remarkable comments on Arendt's approach to the politics of *vita activa* and her critique of totalitarianism are made by Claude Lefort in his *Democracy and Political Theory* (1988, pp. 45–55).

times but also during the Renaissance and in the epoch of the Italian city-states. Actually, the republicanism of the era is endorsed specifically by Machiavelli in his *Discourses on Livy*.

In this historical and theoretical context, republicanism sums up a paradigm of thought and action based on the moral personality as opposed to the merchant or private person, whose economic activity contrasts sharply with that of the active citizen and the member of a polity. Hence, in a republican polity, even private property is considered not as a means of trade or profit making, but as a condition that guarantees the devoted and unimpeded engagement of the virtuous citizen with public affairs and the realisation of the public interest.

This is an appropriate point at which to set out the thesis according to which the principles of a commonwealth's structure and functioning, as defined by republicanism, are in accordance with the 'free association of moral human beings', an expression with which Marx, as we saw earlier, defined the rational polity that corresponds to its concept. Here is a short list of some of the defining elements of the Marxian republic, which draws a line against both absolutism and liberalism, in its most individualistic and utilitarian form[38]: Active participation in the life of the *polis* and the decision-making processes that concern the common present and future of its citizens; spiritual and aesthetic education so that every member of the polity learns how to love their community or country; unfettered public use of reason; and a critical attitude towards the role of commerce in social life and its influence upon the common consciousness.

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From the perspective of a future-oriented *republicanism*, the way in which Marx, as the intellectual leader of *Rheinische Zeitung*, approached questions such as those of the law and freedom, representation, public education, bureaucracy, freedom of the press and censorship was very characteristic. Specifically, as it resulted from the philosophical elaboration of the issues selectively, although not arbitrarily, listed above, Marx's *republicanism* regarding the state and democracy during his

[38] Domenico Losurdo (2011, pp. 280–1) makes clear Marx's delimitations in *Rheinische Zeitung* as regards 'vulgar liberalism'.

pre-communist period fought against not only an obscurantist or an enlightened version of despotism but also against classic liberalism à la Locke.[39]

In other words, the young Marx's *republicanism*, enriched with influences from Hegel's politology and Rousseau's concept of *communauté*, deals with the issue of the state not through *externality*—that is, as a means or instrument for achieving human happiness—but in terms of an Aristotelian *entelechy*, whose realisation of *telos*, or the 'good life',[40] consists in the inner transformation of *potentiality* to *actuality*. Contrary to the classic liberal dogma of freedom as the unfettered movement and action of the person-agency and the unimpeded disposition of their goods,[41] the Marx of democracy defines freedom as 'the natural gift of the universal sunlight of reason', or 'the essence of man'.[42]

In this *essentialist* context, the republican Marx argues as follows:

> Laws are in no way repressive measures against freedom, any more than the law of gravity is a repressive measure against motion … . Laws are rather the positive, clear, universal norms in which freedom has acquired an impersonal, theoretical existence independent of the arbitrariness of the individual. A statute-book is a people's bible of freedom.[43]

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[39] Colletti (1975, pp. 30–2) and Evans (1995, p. 6), develop a similar point of view. Fischer (2015, p. 13), however, is inclined to underestimate the distinction between liberalism and republicanism, while arguing as follows: 'Unfortunately, some who have recently espoused the public-spirited republican tradition have overemphasized its difference from liberal democracy. In contrast, Marxist republicanism as delineated here is consistent with a nonstandard form of liberal democracy.'

[40] For Aristotle's critique of the *contract theories* of the state taught by the Sophists, with a special reference to Lycofron, see *Politics* (1280b), in which the philosopher defines *polis* as a community based on friendship, while aiming at a 'good life' ('εὖ ζῆν'). For a systematic critique of Marxian approaches to the city states of antiquity as influenced by Aristotle, see the anthropological study by Patricia Springborg (1986).

[41] See the characteristic statements by Hobbes (1996, Chapter XXI) and Locke (*Second Treatise on Government*, Chapter IV in Locke 1988).

[42] Marx, 'Debates on Freedom of the Press', in Marx–Engels, *Collected Works*, vol. 1, p. 151, 155.

[43] Ibid., p. 162. At this point, it is worth comparing Marx's concept of freedom with the views of Montesquieu in his *De l'Esprit des Lois* (Book XI, Chapters I, II, III, IV; see Montesquieu 1989) and those of Rousseau in his *Du Contrat Social* (Book I, Chapter VIII; see Rousseau 1997) on the same issue.

I assert that this *positive* concept of freedom is the other aspect of the law and the realisation of the essence of a human being, because this concept of freedom constituted a fundamental principle of Marx's theory of democracy from the start: 'Where the law is real law, i.e., a form of existence of freedom, it is the real existence of freedom for man.'[44] This means that, following the Marx of democracy, an individual is free as a member of a polity not just when they move unfettered within the frame of the law that instrumentally or mechanically protects their goods and rights, but as far as the law manifests and *forms* the essence of a human being as an organic and rational member of the community.

After all, freedom, according to Marx's own Aristotelian statement, includes not only *what* my life is, but also *how* I live; not only that I do what is free, but also that I do it freely. Otherwise what difference would there be between an architect and a beaver, apart from the fact that the beaver would be an architect with fur and the architect a beaver without fur?[45]

In other words, and in the context of a republican polity like the one proposed and defended by Marx in *Rheinische Zeitung*, freedom presupposes and represents the *historical* activation and cultivation of *consciousness* as the human being's *ontological* feature of living *politically* according to reason ('*ζῆν κατά λόγον*'). This could be termed *conscientious projection*, or planning to achieve certain aims in and through coexistence with other men, in and through a political community.

In this philosophical frame of analysis, it would be a great mistake to consider the pre-communist Marxian writings in *Rheinische Zeitung* as a corpus that critically opposed *only* the authoritarianism of a Prussian polity serving private interests. I would argue that, given its sharp social references and despite some liberal nuances and formulations, this Marxian

[44] Marx, 'Debates on Freedom of the Press', in Marx–Engels, *Collected Works*, vol. 1, p. 162.

[45] Ibid., pp. 166–7. For a comparison between the Marxian analysis and Aristotle's politology, see Aristotle's *Nicomachean Ethics* (1097a13–1098a20), where Aristotle defines the specificity of man as the soul's activity and actions according to reason ('*ψυχῆς ἐνέργεια και πράξεις μετά λόγου*'). Moreover, in his *Politics*, Aristotle compares man with the bee and recognises the former as the 'political animal' par excellence due to the specific elements of the power of *speech*, which differs from *voice*, and the *perception* of good and evil, just and unjust, etc. (1253a9–1253a21).

theory of the state and democracy moves in the orbit of republicanism, and clearly differentiates itself from the classical liberalism of its era.[46]

In contrast to the way in which classical liberals studied the issue of the state, Marx's social republicanism in *Rheinische Zeitung* did not recognise the state's main aim as being that of protecting the right to private property.[47] In this same context, Marx clearly distanced himself from a liberal theory of social contract: that is, from any theorisation of the state as a product of negotiation and agreement between individuals or groups of interests. Thus, through the articles in *Rheinische Zeitung*, a Marxian republicanism arises that leads to a system of institutions and laws inspired and activated by a *community spirit* and human freedom: that is, the self-determination of every citizen as a rational and moral human being.

As Marx himself argued, albeit in idealistic philosophical terms, in a true state there is no landed property, no industry, no material things, no crude elements of this kind that could make a bargain with the state; in a true state there are only *spiritual forces*, and only in their resurrection within the state, in their political rebirth, are these natural forces entitled to a voice in that state. The state pervades the whole of nature with spiritual nerves, and at every point it ought to be apparent that what is dominant is not matter but form; not nature without the state but the nature of the state; not the *unfree object* but the *free human being*.[48]

Evidently, for the young republican Marx—as for his master, Hegel—human beings are not *born* free but *become* free. Hence the necessity of a *state-educator*, a state that, to the extent that it corresponds to its concept, 'educates its members by making them its members, by converting

[46] As correctly argued by Löwy (2003, p. 27), referring to Marx's critical approach to the relationship between the state and private interests in *Rheinische Zeitung*, 'Marx's conception is inspired by Hegel and is wholly contrary to the idea of the "policeman" state typical of classical liberalism'. Teeple (1984, p. 50) argues in a similar vein.

[47] As regards state protection of private interests, Marx, addressing their representatives, raises the role of the rational state as follows: 'Of course, the state will safeguard your private interests insofar as these can be safeguarded by rational laws and rational measures of prevention, but the state cannot concede to your private demand in respect of the criminal any other right than the right of private demands, the protection given by civil jurisdiction' (Marx, 'Debates on the Law on the Thefts of Wood', in Marx–Engels, *Collected Works*, vol. 1, p. 257).

[48] Marx, 'On the Commissions of the Estates in Prussia', in Marx–Engels, *Collected Works*, vol. 1, p. 306.

the aims of the individual into general aims, crude instinct into moral inclination, natural independence into spiritual freedom, by the individual finding his good in the life of the whole, and the whole in the frame of mind of the individual'.[49]

According to this perspective, there are two determinant characteristics that define the Marxian polity as an agent and expression of a philosophically formulated theory of democracy, pointing once again to the Aristotelian roots of Marxian republicanism[50]:

- *public education* and, especially, an advanced enlightenment that aims to reform people's thinking and, ultimately, praxis itself through the *vita activa* of virtuous citizens; and
- the *relation between the individual and society as an organic totality*, with emphasis placed on the social/collective element.

Public education turns chaotic elements into an organic unity of members; it transforms isolated parts into members of a universal entity—that is, the state, 'this natural realm of the spirit'.[51] This process reveals that the philosophical beginnings and political characteristics of the Marxian republican polity were critically opposed to the conservative Prussian regime and the social contract theories of classical liberalism. Moving on the axis between partiality and totality, the democrat Marx contrasts the republican polity as a living organism with the existing political regime that serves private interests. In sharp opposition to the spirit of a republican commonwealth, the Prussian estate system and its provincial assemblies represented the world of particular interests against the *necessity* of the rational state.[52]

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[49] Marx, 'Leading Article in No. 179 of *Kölnische Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 193.

[50] See Aristotle's *Politics* (especially 1253a), where he develops his holistic views about the *polis–individual* relationship in conjunction with an *organismic* approach. On this issue, see also Gilbert (1991, especially pp. 169–79), where the author focuses on the influence exercised by Aristotle's anthropological and political approach to *polis* in Marx's theory of democracy.

[51] Marx, 'On the Commissions of the Estates in Prussia', in Marx–Engels, *Collected Works*, vol. 1, p. 295.

[52] As Marx himself argues, 'it is not the basic rational mind of the state, but the pressing need of private interests that is the architect of the political system based on *estates*' (ibid., p. 303).

In this context, as Marx suggests, there is a real need to transform the political system according to the principle of '*Intelligenz*'; this is not the 'needy, egoistic interest, but the general interest', the 'organising soul' of the whole, which determines everything from within—'*die innere bestimmende Seele von allem*'.[53] Thus, according to Marx, the crucial issue is not the broadening of representation of particular interests in the existing political system, which is what liberalism demanded, but the total replacement of the estate political system with a rational state: that is, a state that, corresponding to its concept, realises the general interest:

> From what has been said, it is obvious that not only can we not agree with the complaints about the *restricted scope of the standing orders* of the commissions, but, on the contrary, we must seriously protest against any extension of them as being against state interests. The liberalism which wants representation of *intelligence* in the Provincial Assembly is equally wrong. Not only is intelligence not a *particular element* of representation, it is not *an element* at all; it is a *principle* which cannot take part in any *compound* of elements, but can only produce a *division into parts* based on itself. There can be no question of intelligence as an integrating part, but only as the organizing soul. We are concerned here not with a *complement* but with an *antithesis*. The question is: 'representation of intelligence' or 'representation of estates'.[54]

Consequently, even before adopting a *materialist* analysis of class societies—and especially of capitalism from the revolutionary point of view of the proletariat—Marx set out his objections to a *state tool that serves private interests*. He did so by pronouncing at length on the relationship between material interests and political power and by employing the weapon of critique:

> If the state, even in a single respect, stoops so low as to act in the manner of private property instead of in its own way, the immediate consequence

[53] Ibid., pp. 304–5. It is worth noting that Marx's definition of '*Intelligenz*' as the '*innere bestimmende Seele von allem*' proves relevant to the Hegelian 'reason' in a way, but also to Montesquieu's 'principle' as the dynamic feature that gives life and cohesion to a constitution (*De l'Esprit des Lois*, Book III). Moreover, the Marxian use of the term '*Intelligenz*' recalls the Aristotelian '*nous*'.

[54] Marx, 'On the Commissions of the Estates in Prussia', in Marx–Engels, *Collected Works*, vol. 1, p. 304.

> is that it has to adapt itself in the form of its means to the narrow limits of private property. Private interest is sufficiently crafty to intensify this consequence to the point where private interest in its most restricted and paltry form makes itself the limit and rule for the action of the state. … But if it becomes clearly evident here that private interest seeks to degrade, and is bound to degrade, the state into a means operating for the benefit of private interest, how can it fail to follow that a *body representing private interests*, the estates, will seek to degrade, and is bound to degrade, the state to the thoughts of private interest? Every modern state, however little it corresponds to its concept, will be compelled to exclaim at the first practical attempt at such legislative power: Your ways are not my ways, your thoughts are not my thoughts![55]

It is clear, therefore, that the *rational* criterion with which Marx gauges the states of his era is the concept of a state that should not be manipulated by partial private interests but should dialectically transcend those interests. It is now well documented that, for the Marx of democracy, the state's theorisation through *human* eyes not only meant breaking away from any theological context and interpretation. It also implied the radical critique of any relationship of dependency between the state and private interests, a relationship that, de facto, sabotages the establishment of a self-determined polity: that is, a community composed of autonomous ethical personalities.

Certainly, the foundation of such a *republican* polity on the basis of the philosophical realism of the young Marx cannot occur at any moment and with no regard to the objective conditions of society. It cannot simply result from the volition of contributing individuals or collective subjects. Remember: for the Marx of the pre-communist period, the legislator has to be a *naturalist*, an erudite personality who efficiently filters and expresses the *nature of things*. Yet, for Marx,

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[55] Marx, 'Debates on the Law on the Thefts of Wood', in Marx–Engels, *Collected Works*, vol. 1, p. 241. See also the following characteristic formulation in the same article (p. 245):

> This logic, which turns the servant of the forest owner into a state authority, *turns the authority of the state into a servant of the forest owner*. The state structure, the purpose of the individual administrative authorities, everything must get out of hand so that everything is degraded into an instrument of the forest owner and his interest operates as the soul governing the entire mechanism. All the organs of the state become ears, eyes, arms, legs, by means of which the interest of the forest owner hears, observes, appraises, protects, reaches out, and runs.

as a *social republican* and a radical *political* thinker, and as an active and distinguished representative of the Hegelian Left up to this point, the nature of things and reality itself are not identical with what exists. 'All that exists deserves to perish'! Reality is what is already brewing within the process of history as a necessity of the times. In this case, the reality *becomes* a state, a polity that legislates for the general interest rather than for private interest, this 'lawless natural instinct' that 'is no more made capable of legislating by being installed on the throne of the legislator than a mute is made capable of speech by being given an enormously long speaking trumpet'.[56]

According to Marx, the 'abject materialism' of private interest, 'the sin against the holy spirit of people and humanity',[57] is in irreconcilable opposition to the concept of the rational state, an institutionally organised society that actualises and manifests the general interest. However, critique and condemnation of any state that serves private interests are not sufficient to answer the crucial question of the *transition* from an exploitative regime to a *democracy* of active and self-determined citizens. At this point, it may prove helpful to recall that, as Marx suggested, 'truth includes not only the result but also the path to it'.[58] Is there, perhaps, such a path in the articles in *Rheinische Zeitung*, or even a *trace* of a *transition theory* from a society of exploitation, oppression and inequality towards an institutionally structured 'free association of moral human beings'?

No doubt the Marxian line of thought confronts this question throughout its dramatic historical adventures, while dealing with *democracy* as a *commonwealth* in which human beings acting as citizens gain self-determination and mutual recognition in their struggle for the realisation of freedom as the human essence. For the moment, however, suffice it to say that Marx's republican polity raises the significance of the lengthy and patient *education* of its members as the path to the truth of a free union of rational or self-determined human beings, and in turn as the way to reach a 'true democracy'.

[56] Ibid., p. 261.

[57] Ibid., p. 262.

[58] Marx, 'Comments on the Latest Prussian Censorship Instruction', in Marx–Engels, *Collected Works*, vol. 1, p. 113.

At the same time, even if Marx in *Rheinische Zeitung* did not, as yet, support *democracy* in the most advanced and radical sense of the term, he nevertheless traced in his articles the course of a transition from the illiberal state—that is, a state that does not correspond to its concept—to a *republican* polity that attempts to realise and guarantee political freedoms. To this end, the republican Marx endorsed the unfettered use of public reason, freedom of the press and the free expression of ideas, and he considered the prohibition of censorship as a *sine qua non* for both the transition to a rational polity and its functioning.

In terms of transcendence ('*Aufhebung*'), which constitutes the methodological point of reference for my work, Marx's philosophical and political defence of political freedoms and citizens' rights cannot and should not be deemed an idealistic and/or liberal sin of youth. Quite the opposite. From my point of view, both the Marxian polity of the pre-communist era and the proletarian democracy that would appear later in the writings of the communist Marx are inconceivable without both a formal and a substantial guarantee of political freedoms.

In this context, Marx's defence of the freedom of the press proves remarkable. 'The censorship law, therefore, is not a law, it is a police measure,' denounces the Marx of democracy. He continues:

> The free press is the ubiquitous vigilant eye of a people's soul, the embodiment of a people's faith in itself, the eloquent link that connects the individual with the state and the world, the embodied culture that transforms material struggles into intellectual struggles and idealizes their crude material form. It is a people's frank confession to itself, and the redeeming power of confession is well known. It is the spiritual mirror in which a people can see itself, and self-examination is the first condition of wisdom. It is the spirit of the state, which can be delivered into every cottage, cheaper than coal gas. It is all-sided, ubiquitous, omniscient. It is the ideal world which always wells up out of the real world and flows back into it with ever greater spiritual riches and renews its soul.[59]

In this respect, the freedom of the press—regarded as a *transitional means* to achieving democracy, i.e. a commonwealth of self-determined citizens, but also as a *functional principle* of an institutionally established

[59] Marx, 'Debates on Freedom of the Press', in Marx–Engels, *Collected Works*, vol. 1, pp. 164–5.

polity—is synonymous with a process of radical critique, a critique that aims to transform, rather than merely repair, the given order of things. Thus, in the context of this Marxian polity of the pre-communist period, the freedom of the press constitutes not just another kind of liberty but the 'embodiment of freedom', a 'positive good'[60] par excellence: 'The essence of the free press is the characterful, rational, moral essence of freedom.'[61] The freedom of the press, 'the rose of the moral spirit amid the thorns of the present',[62] as Marx called it, is the '*third* element', the element that mediates the relationship between the rulers and the ruled.[63]

In the realm of the freedom of the press, through the implementation of principles and the critical evaluation of demands, rulers and the ruled move on to the public use and exposition of their respective arguments on an equal basis. In this way, Marx concludes, the free press, as both outcome and creator of public opinion, is in the advantageous position of being able to open the way to the transmutation of the particular interest to a general one.[64] Needless to say, such a position reveals the significant influence of Enlightenment philosophy—especially as espoused by Spinoza and Kant—with regard to the need for an open-ended and permanent democratisation of public life and the polity itself.[65]

Undoubtedly, the Marx of the pre-communist period, the Marx of democracy, does not deal with the freedom of the press—that fundamental element of any democratic polity—as an *abstract* constitutive principle of the state. The freedom of the press, a freedom without which all other forms of freedom are but illusions,[66] possesses its own *institutional*

[60] Ibid., p. 154.

[61] Ibid., p. 158.

[62] Marx, 'The Ban on the *Leipziger Allgemeine Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, p. 313.

[63] Marx, 'Justification of the Correspondent of the Mosel', in Marx–Engels, *Collected Works*, vol. 1, p. 349.

[64] Ibid.

[65] In the same vein, see, among others, Hunt (1975, vol. I, p. 38) and Kamenka (1962, pp. 24–5). On the critical role of the free press in the *rational commonwealth*, as introduced by Marx as the leading columnist of *Rheinische Zeitung*, see also Teeple (1984, pp. 40–5) and Kouvélakis (2003, pp. 256–67).

[66] Marx, 'Debates on Freedom of the Press', in Marx–Engels, *Collected Works*, vol. 1, p. 180.

prerequisites. From this point of view, it is inconceivable for the free press to be substantially materialised unless it is protected from the erosive action of private interests and the threat of material or economic dependencies. That is why, argues Marx, 'to make freedom of the press a variety of freedom of trade is a defence that kills it before defending it … . Your freedom is not my freedom, says the press to a trade. … *The primary freedom of the press lies in not being a trade*.'[67]

As a supporter of a republican polity, the militant journalist Marx leaves no doubt that if the freedom of the press is not protected against strong economic and trade interests, the citizens will not be in a position to live a republican *vita activa* in terms of a self-determined demos.[68] After all, what really matters, at least in this 'republican moment' of Marx's work, is his definite acknowledgement of the fact that a republican polity and its related public spirit and the virtue of its citizens are incompatible with the liberal god of trade.

It is also worth considering that, within the frame of Marx's pre-communist articles, the freedom of the press is the 'positive good' that must be defended not only from the despotic world of the censors but from bureaucracy as a whole—that is, the administrative executor of the will of the 'Christian state'.

In the close-knit bureaucratic circle and its hierarchy, for which 'only the sphere of activity of the authorities is the state, whereas the world outside this sphere of activity is merely an object of state activity', what is completely lacking, argues Marx, 'is the state *frame of mind* and state *understanding*'.[69] What is completely absent in the vicious circle of bureaucratic clerical staff, inasmuch as the thought and the letter of the

[67] Ibid., pp. 174–5.

[68] Marx, 'The Ban on the *Leipziger Allgemeine Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, pp. 311–12.

[69] Marx, 'Justification of the Correspondent of the Mosel', in Marx–Engels, *Collected Works*, vol. 1, p. 344.

bureaucrat are the thought and the letter of the censor, Marx insists, is the universal concept of the state as a whole, the rational state.[70]

From any point of view, therefore, the critique that is represented and served by the freedom of the press, or the critique seen through the prism of a rational state as it rises against the policies and apparatus of the Prussian state, proves to be incompatible with secrecy and demands the institutional consolidation of the public use of reason. In the republican polity suggested by the young Marx, the law respects the public use of discourse and protects the freedom of the press, and thereby serves the general interest and not the particular, private interest. On the contrary, a 'law' that would endeavour to control and subsume thought, a 'law' of censorship, 'is not a law but a privilege' since it violates the very 'principle of personality'.[71]

Thus, in the context of a Marxian republican polity, and in an antagonistic relationship with the bureaucratic state, 'the real, *radical cure for the censorship* would be its *abolition*; for the institution itself is a bad one, and institutions are more powerful than people'.[72] In the 'republican moment' of Marx's theory of politics and the state, the pluralism of practices and approaches is guaranteed and takes place within the context of a different quality of life, one that applies to the members of a community of virtuous citizens.

In contrast to the uniformity of state bureaucracy, the Marx of democracy advances nuance and diversity: 'You admire the delightful variety, the inexhaustible riches of nature,' he notes, addressing the bureaucrats of his era with such penetrating analysis that it reverberates through the nineteenth and twentieth centuries and reaches out to our own time:

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[70] In a sarcastic tone, Marx writes: 'Censorship is criticism as a monopoly of the government. But does not criticism lose its rational character if it is not open but secret, if it is not theoretical but practical, if it is not above parties but itself a party, if it operates not with the sharp knife of reason but with the blunt scissors of arbitrariness …?' (Marx, 'Debates on the Freedom of the Press', in Marx–Engels, *Collected Works*, vol. 1, p. 159). In a similarly ironic manner, Marx also comments on the 'bureaucracy of intelligence' as follows: 'What secret science must be [the science of the bureaucrats] for them to be able to issue a certificate of universal scientific qualification to officials unknown in the republic of science! The higher we rise in this *bureaucracy of intelligence*, the more remarkable are the minds we encounter' (Marx, 'Comments on the Latest Prussian Censorship Instruction', in Marx–Engels, *Collected Works*, vol. 1, p. 126).

[71] Ibid., p. 120, 122.

[72] Ibid., p. 131.

> You do not demand that the rose should smell like the violet, but must the greatest riches of all, the spirit, exist in only *one* variety? I am humorous, but the law bids me write seriously. I am audacious, but the law commands that my style be modest. *Grey, all grey*, is the sole, the rightful colour of freedom. Every drop of dew on which the sun shines glistens with an inexhaustible play of colours, but the spiritual sun, however many the persons and whatever the objects in which it is refracted, must produce only the *official colour*! The most essential form of the spirit is *cheerfulness, light*, but you make *shadow* the sole manifestation of the spirit; it must be clothed only in black, yet among flowers there are no black ones.[73]

In conclusion, the Marxian republic of the pre-communist period, to the extent that it realises freedom as its concept, self-legislated through laws and self-regulated through the freedom of the press and public-spirited education, is a community of active—*virtuous*—citizens. Such a polity is composed of persons who are self-determined *moral* beings and not subjects determined by bureaucratic power.[74] This explains perhaps why, in his 'republican moment', Marx was already dealing with even the process of *representation* in a critical manner and with serious reservations, revealing, under a still idealistic surface, a crucial, eclectic affinity between Marxian and *Rousseauist republicanism*:

> In general, to be represented is something passive; only what is material, spiritless, unable to rely on itself, imperilled, requires to be represented; but no element of the state should be material, spiritless, unable to rely on itself, imperilled. Representation must not be conceived as the representation of something that is not the people itself. It must be conceived only as the people's *self-representation*, as a state action which, not being its sole, exceptional state action, is distinguished from other expressions of its state life merely by the universality of its content. Representation must not be regarded as a concession to defenceless weakness, to impotence, but rather as the self-reliant vitality of the supreme force.[75]

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[73] Ibid., p. 112.

[74] For a characteristic description of the relation between the bureaucratic state and the administered subjects, see, for example, Marx, 'Justification of the Correspondent of the Mosel', in Marx–Engels, *Collected Works*, vol. 1, p. 345.

[75] Marx, 'On the Commissions of the Estates in Prussia', in Marx–Engels, *Collected Works*, vol. 1, p. 306.

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The identity of the Marxian republican polity as it results from the articles in *Rheinische Zeitung* contrasts clearly with other philosophical approaches to the state. The critique of the journalist Marx of the views of the Historical School of Law, as well as his opposition to the *Freien*—that is, the libertarian exponents of the Hegelian Left—and his critical stance towards the utopian-socialist and communist designs of his time, make even clearer the philosophical stigma and ideological content of his conception of politics and democracy.

Despite the interest he demonstrated as a university student in the lectures of Carl von Savigny, the Marx of *Rheinische Zeitung*, following Hegel's critique of the Historical School of Law,[76] proved to be a harsh critic of that particular current and its political ramifications. This observation derives clearly from the spirit and the letter of the article 'The Philosophical Manifesto of the Historical School of Law', in which Marx places at the centre of his critique the ideas of Gustav Hugo, professor of law and founder of the school.

Hugo recalled and tried to appropriate Kant's theory of knowledge; however, this fact cannot hide the reactionary political character of the Historical School and its theoretical elaboration.[77] Even if the 'thing in itself' cannot become known, as Kant argues—a position with which Hugo agreed for his own *political* reasons—this does not mean, as the Historical School claimed, that we must idealise the past in order to succumb to the *untruthfulness of the present*:

> Hugo's reasoning, like his principle, is positive, i.e., uncritical. He knows no distinctions. Everything existing serves him as an authority, every authority serves him as an argument. …

[76] For Hegel's critique of Hugo's positions, a key representative of the Historical School, see Hegel's *Philosophy of Right* (§3).

[77] According to Marx, 'Hugo *misinterprets* his teacher *Kant* by supposing that because we cannot know what is *true,* we consequently allow the *untrue*, if it *exists* at all, to pass as *fully valid*' (Marx, 'The Philosophical Manifesto of the Historical School of Law', in Marx–Engels, *Collected Works*, vol. 1, p. 204).

> At all events, in the course of time and civilization, this crude genealogical tree of the historical school has been shrouded in mist by the *smoke-screen of mysticism*, fantastically wrought by *romanticism*, and inoculated with *speculation*; the many fruits of *erudition* have been shaken off the tree, dried and deposited with much boasting in the great storehouse of German erudition. Truly, however, little *criticism* is needed to recognize behind all these fragrant modern phrases the dirty old idea of our enlightener of the *ancien régime*, and his dissolute frivolity behind all the extravagant unctuosity.[78]

Undoubtedly, therefore, the pre-communist Marxian theory of the state is clear about the *politically* reactionary character of the Historical School. In this regard, Marx's argument cannot be misinterpreted: 'If, therefore, *Kant's philosophy* must be rightly regarded as the *German theory* of the French Revolution, *Hugo's natural law* is the *German theory* of the French *ancien régime*.'[79]

In other words, the *historical* foundation of a theory of the state is not sufficient per se to attribute political validity to its institutions and functions. The crux of the matter consists in the way in which the past is philosophically and politically interpreted and linked to the present. From this point of view, Marx's evaluation of the past in terms of dialectics makes his own theory of politics and the state incompatible with the state theory of the Historical School of Law. Since the *democrat* journalist Marx, under the influence of the Hegelian dialectics of negation, adopts the Faustian motto 'All that exists deserves to perish', the theses of the Historical School of Law become the target of his merciless critique. According to the unfolding Marxian republicanism, therefore, the doctrine of the Historical School of Law must be confronted as an expression of 'mysticism' and 'romanticism': that is, as an offshoot of the dominant *conservative* ideology of reactionary Prussian absolutism.

The republican polity, introduced by the journalist of *Rheinische Zeitung*, always starts from the present and looks towards the future, even when it draws from the brilliant theories of the classical world, such as the theory of Athenian democracy. After all, and according to the Marxian argument, the *existent* ends in one of two ways: either through

[78] Ibid., p. 204, 205, 209.

[79] Ibid., p. 206.

its own decay and decomposition, or through an emancipating transcendence and transformation.[80] The dissolution of the French *ancien régime* in terms of a decaying royal court represents the former, whereas the radical transformation of the French state through the revolutionary assembly is an example of the latter.

In a similar vein, directed against Prussian absolutism, and armoured by the 'holiness' and worship of the historical past, the *dialectical* critique of politics assumed a prominent role against the existing order of things. 'Our times are political, and our politics intend the freedom of this world,'[81] Ruge argued, and Marx saw in this argument a significant reason for the further elaboration of his own conception of the rational state: that is, a *Res Publica* that actualises the concept of freedom.

While defending the tactical primacy of the critique of politics, especially with regard to the critique of religion, Marx draws another important line of delimitation of his own theory about the state. He critically distances himself from the perceptions of the *Freien*, in a way that heralds the forthcoming debate between Marxism and anarchism in the field of the theory of the state and revolution. The intellectual background to the Marx–*Freien* debate is expressed in the correspondence between Marx and Ruge at the time when Marx was contributing to and managing *Rheinische Zeitung*. Nevertheless, we should not get caught up in historical details; I explore only those relevant passages from the primary sources that help us delve into the theory of the state in general, and of democracy more specifically.

It is obvious that Marx's shift from a critique of religion to a critique of politics is something that took place while he was editor-in-chief of, and a columnist for, *Rheinische Zeitung*. 'Religion should be criticized in the framework of criticism of political conditions rather than that political conditions should be criticized in the framework of religion,' Marx argues.[82] It is also worth noting that Marx's critique turns not only

[80] In a rather poetic manner, Marx writes: 'It is the *new life's feeling of its own power*, which *shatters* what has been *shattered* and *rejects* what has been *rejected*' (ibid.).

[81] Ruge, 'Hegel's Philosophy of Right and the Politics of our Times' in Stepelevich (1983, p. 211). Ruge's article was published in *Deutsche Jahrbücher* (August 1842, nos. 189–90).

[82] Marx, 'Letter to Ruge, November 30, 1842', in Marx–Engels, *Collected Works*, vol. 1, p. 394.

against the *Freien*, but also against Feuerbach, since, according to Marx, 'he refers too much to nature and too little to politics'.[83]

Moving in this direction, the democrat thinker produced delicate formulations pointing to the need for a re-adaptation of tactics on the part of radical philosophical forces that aimed to achieve the negation of the social and political status quo. 'The thing is to make as many breaches as possible in the Christian state and to smuggle in as much as we can of what is rational,' Marx insists.[84] In other words, we need, at least for the moment, a *war of positions*—to borrow, perhaps before its time, the Gramscian term, in order to come closer to the formation of a rational state as opposed to the so-called Christian state.

Yet, such political tactics, which served the purpose of a well-considered attack against the reactionary state of the Prussian regime, presupposed a drastic settling of accounts with the 'political romanticism' and the unbridled libertarianism of the *Freien*.[85] There is no doubt that, for Marx, the republican polity project risked missing its target because of the libertarian phraseology and practice of the *Freien*, who proved unable to understand that 'it is one thing to declare for emancipation—that is honest; it is another thing to start off by shouting it out as propaganda; that sounds like bragging and irritates the philistine'.[86]

Nevertheless, this is not a disagreement that can be confined only to the level of tactics. In the corridors of the newspaper and beyond, there was clearly a substantive rupture between Marxian thinking about politics and the state and *anarchical* theorising and practice. I consolidate this conclusion, and highlight some of the side effects and consequences of this rupture for the Marxian theory of democracy, after quoting a

[83] Marx, 'Letter to Ruge, March 13, 1843', in Marx–Engels, *Collected Works*, vol. 1, p. 400.

Marx's assessment that the Young Hegelians underestimated the critique of politics is also confirmed by Mehring in his *History of Social Democracy* (1878) by making reference to one of Engels' letters to him.

[84] Ibid.

[85] It is worth noting that, without objecting to them at all, Marx reproduces the views of Herwegh and Ruge about the *Freien* as follows: '"The Free" are compromising the cause and the party of freedom by their political romanticism, their mania for genius and boasting, and this moreover was frankly stated by them and perhaps may have given offence' (Marx, 'The Attitude of Herwegh and Ruge to "The Free"', in Marx–Engels, *Collected Works*, vol. 1, p. 287).

[86] Marx, 'Letter to Ruge, July 9, 1842', in Marx–Engels, *Collected Works*, vol. 1, p. 390.

rather long, though characteristic, extract from the correspondence between Marx and Ruge:

> I have allowed myself to throw out as many articles as the censor, for Meyen and Co. [the *Freien*] sent us heaps of scribblings, pregnant with revolutionizing the world and empty of ideas, written in a slovenly style and seasoned with a little atheism and communism (which these gentlemen have never studied). … I believed I could not any longer permit this watery torrent of words in the old manner. This loss of a few worthless creations of 'freedom', a freedom which strives primarily 'to be free from all thought,' was therefore the first reason for a darkening of the Berlin sky. …
>
> [The *Freien*'s] writings, which find freedom in a licentious, sans culotte-like, and at the same time convenient, form, rather than in a *free*, i.e., independent and profound, content. I demanded of them less vague reasoning, magniloquent phrases and self-satisfied self-adoration, and more definiteness, more attention to the actual state of affairs, more expert knowledge.[87]

Undoubtedly, in the theoretical jargon of the *Freien*, Marx diagnoses the danger of irretrievable damage to the perspective of a transition to a polity of free/moral personalities, the republican polity he aims for based on a knowledge of reality and a fierce critique of the existing order of things. The elaboration of a plan and, even more crucially, the establishment of a rational state, which is a state that corresponds to the concept of freedom, cannot be the result of an abstract discourse of an 'ought to be done' or the result of a powerful volition that is nothing more than pure illusion.

From this perspective, Marx's attack against the *Freien* proves quite instructive. In fact, taking into further account the dynamics of Marx's subsequent work and his future conflict with anarchical trends such as Stirner's individualistic anarchism and Bakunin's collectivistic one, a useful conclusion can be drawn: it is systematic research and knowledge that result from the study of the societal terrain, and not the arbitrariness of

[87] Marx, 'Letter to Ruge, November 30, 1842', in Marx–Engels, *Collected Works*, vol. 1, p. 393, 394.

volition, that constitute a *conditio sine qua non* for a theory of transition, as well as for the development of attendant practices that lead to a successful rupture with class domination and exploitation.

It is no accident, after all, that the young Marx demands such a systematic study when he refers to utopian communist designs, which are dealt with by the *Freien*[88] and by the reactionary Prussian forces in an arrogant manner.[89] Despite the fact that Marx did not adopt the views of utopian communism, he never ceased to argue that only 'in-depth criticism' and 'long and profound study' are the ways in which one can pass judgement on the writings of Leroux, Considérant or Proudhon.[90] The reason for such a stance is both obvious and remarkable: although the Marxian critique of politics and the state refutes the methodology and content of utopian communism, it nevertheless reads between the lines of its works the social weight of its designs and the raw demand for a new *tiers état*. This 'estate', writes Marx, 'today owns nothing [and] *demands* to share in the wealth of the middle classes, … a fact which … is obvious to everyone in Manchester, Paris and Lyons'[91]: that is, in the cities of the capitalist world that were increasingly populated by workers.

In fact, even for the Marx who had still not entered the constellation of the communist cause, the early appearance of an industrial proletariat in the everyday life of the developed capitalist societies of his time was a critical development that a radical theory of politics should take into consideration. In this perspective, Marx's critique of Hegel's philosophy of right, grounded on the relationship between civil society and the political state, and specifically his own approach to 'true democracy' as a prelude to communism, may prove to be a significant step. For the time being, however, it is essential to make a final evaluation of the *republican moment* of Marx's theory of the rational state having as point of reference *Rheinische Zeitung*.

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According to the evidence assembled so far, the young Marx's republicanism was not merely the product of its opposition to other

[88] Ibid., p. 395.

[89] See in particular, Marx, 'Communism and the *Augsburg Allgemeine Zeitung*', in Marx–Engels, *Collected Works*, vol. 1, pp. 214–21.

[90] Ibid., p. 220.

[91] Ibid., p. 216.

philosophical and ideological currents of thought. On various occasions, I have argued that the Marx of democracy, the republican Marx, shaped his political theory under the positive influence of ancient Greek, and especially Aristotelian, philosophy, as well as the classical political thought of the modern era. In addition, the works of distinguished Young Hegelians—Bruno Bauer, Ludwig Feuerbach and Arnold Ruge—offer further evidence for the structuring of a *political* and/or social republican current, which played a decisive role in Marx's understanding of democracy.[92]

I have already referred to Bauer and his work on 'Der christliche Staat und unsere Zeit', written under Ruge's encouragement in order to criticise Stahl's political views.[93] This text, which is a characteristic example of the republican theory of politics and the state, was, as confirmed by the aforementioned Köppen letter to Marx (3 June 1841), a meeting point and a point of congruence between the political views of Marx and Bauer. Nevertheless, it was not just Bauer producing this type of writing. During the same period, Feuerbach wrote a short article entitled 'Grundsätze der Philosophie. Notwendigkeit einer Veränderung' ('Principles of Philosophy. The Necessity of a Reform of Philosophy'), expressing in his own way the shaping and deepening of a republican current that drew its boundaries with the reactionary romanticism and conservatism of Prussia on the one hand, and the classical liberalism connected with the dynamics of Britain's political traditions on the other.[94]

According to the spirit and the letter of this particular article, which appeared for the first time after Feuerbach's death, there is a necessity

[92] In this interpretative vein, the works of Breckman (1999) and Moggach (2006b) are of paramount interest. See especially Moggach's introductory essay ('Hegelianism, Republicanism and Modernity') in the collective volume *The New Hegelians. Politics and Philosophy in the Hegelian School* (ibid.).

[93] Breckman (1999, p. 239, footnote 55, 250).

[94] McLellan's (1978, p. 97) general assessment, according to which 'the articles that Marx wrote for the *Rheinische Zeitung* in 1842 show no trace of Feuerbach's influence', is based on the assumption that 'it is only in 1843 that Marx produces something whose inspiration is plainly Feuerbachian—his unfinished commentary on Hegel's Rechtsphilosophie' (ibid.). I do not share this view. As a consequence, I believe that, even if we confine our attention to the ideological/political stigma of the *citizen* Marx in that particular period, Feuerbach's influence is clear.

to reform philosophy and politics.[95] Such a reform, Feuerbach believed, would open the way to the foundation of the rational state, a republican community, whose members would not deal with the state as the incarnation of the 'Holy Spirit' on earth, or as a means for satisfying and protecting particularistic or private interests. On the contrary, the Feuerbachian republic constituted an organism, the members of which would participate actively as citizens in the realisation of the universal interest.

To substantiate this argument, let me quote at length Feuerbach himself:

> The practical instinct of mankind is a political one; that is, it is an instinct for an active participation in the affairs of the state, an instinct demanding the abolition of political Hierarchy and the unreason of people. … What the Reformation aimed to achieve in the field of religion, one aims to achieve now in the field of politics. … Once we have abolished the Protestant dichotomy between heaven where we are masters, and earth, where we are slaves … Protestantism will soon lead us towards a republican state. If in earlier times the republican state joined hands with Protestantism, it was of course by accident—even if not without significance—because Protestantism promises only religious freedom; to be both a republican and a Protestant was, therefore, a contradiction. Only after abolishing Christianity will you acquire, so to speak, the right to constitute a republican state, for in Christian religion you have your republic in heaven and you do not need one here. On the contrary: You must be a slave here, otherwise heaven is superfluous.[96]

In this context, Feuerbach's republicanism declares, on the threshold of a new era, the necessity for a 'practical atheism', which simultaneously signifies the end of religion through politics: that is, through the formation of the 'republican state'. Once more, the creation of a *political religion*, for which the eminent republicans Machiavelli and Rousseau had already argued, inspires philosophy. 'Religious we must once again become,' Feuerbach argues, 'if politics is to be our religion. But this can

[95] Feuerbach (2012a). The significance of this article for Feuerbach's republicanism and its overall influence within the intellectual frame in which Marx's thinking was taking shape is raised by Abensour (2011, pp. 16–19).

[96] Feuerbach (2012a, pp. 151–2).

be achieved only if we possess the highest point of reference within ourselves as the condition for making politics our religion.'[97] In terms of Feuerbachian republicanism, this meant that the time had come for the replacement of the Christian state by the 'true state', in which everyone would live as 'part of a whole', in which every human being would be 'self-determining'.[98]

Feuerbach's 'practical atheism', which means the necessity to destroy God, expresses not an abstract criticism of religion, but a radical critique of the 'Christian state' in all its forms. For the *political* Feuerbach, man's self-determination is not the outcome of the transition from one theological dogma to another. Human emancipation and autonomy are not the result of the transition from Catholicism to Protestantism. What is actually at stake is the negation of religion, Christianity par excellence, and its dilution into political republicanism, a dilution that takes place only if its religious content is revealed through a merciless critique of state and religion in their reactionary relationship.

From this point of view, we must admit that Marx's previous critique, according to which Feuerbach 'refers too much to nature and too little to politics', proves to be mistaken, while the Marx of democracy, the republican Marx, turns out to be influenced to some extent by the Feuerbachian compound critique of religion and politics.

Ruge, too, contributes to the formation of the republican current of ideas, the dynamics of which significantly influence the formation of Marx's political thought during his pre-communist period. To support this view, it is sufficient to recall Ruge's article 'Hegel's Philosophy of Right and the Politics of our Times', which was published when Marx was already in action as a columnist on *Rheinische Zeitung*.

It was in this article that Ruge referred to the Hegelian concept of the state by opposing the 'actuality of the free state' to the 'needy state of bourgeois society'.[99] In this context, the 'actuality of the free state'

[97] Ibid., p. 149. It seems to me that Abensour (2011, p. 30), referring to Marx himself, makes a rather extreme statement when he argues: 'We may reveal in Marx the same paradoxical reversal found in Feuerbach: starting from a critique of political theology, the independence of the political realm is stressed to the point of making politics our new religion.'

[98] Feuerbach (2012a, p. 150).

[99] Ruge, 'Hegel's Philosophy of Right and the Politics of our Times', in Stepelevich (1983, p. 216).

marks the radical *transcendence* of Hegelian philosophy to republicanism, in accordance with the needs of his time.[100] This dialectical process leads to the construction of a political organism that consists of representative and legislative bodies, legal apparatuses, and guaranteed political rights such as the freedom of the press. It concerns institutions that, while still almost completely missing in Germany, 'raise humans in their total worth and in the full light of public consciousness to creators of their own freedom'.[101]

Nevertheless, it is not only the *institutional structuring* that characterises the *republican* state, a state suggested and defended by Ruge. By maintaining republican theoretical requirements, Ruge, in a way that converges with Bauer's and Feuerbach's politics, does not fail to raise the *spirit* of active participation in the commons, a *spirit* that expresses and, at the same time, strengthens the *vita activa*, the hallmark of the republican polity that I have already commented upon. Ruge concludes:

> [This] feeling of indignation at being a proletariat as it is exposed in our history and literature in such harsh colours is engendered by our awakened interest in the state and our sense of politics, and it everywhere produces new life; we will now be able to detect among ourselves a new form of virtue, the *public*, a new form of art, the *historical* ….[102]

At this point, it is relevant to add that, in connection with the political sources of his theory of the state—the democracy of classical Athens and Rousseau's republicanism – the role of Schiller's aesthetic political ideal also proved crucial for Ruge's republicanism. The congruence of *aesthetics* with *political freedom* inspired Ruge's doctrine of the 'free state', which creatively crossed the elaborations of other exponents of the Hegelian Left, including Marx and Feuerbach.[103]

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[100] According to Breckman (1999, p. 222), 'during the period of his intense and significant activity, the years from 1838 to 1843 when he edited the *Hallische Jahrbücher* and its successor the *Deutsche Jahrbücher*, Ruge moved toward a more thoroughgoing radicalism that mixed classical democratic republicanism with a collectivist social dimension.'

[101] Ruge, 'Hegel's Philosophy of Right and the Politics of our Times', in Stepelevich (1983, pp. 216–17).

[102] Ibid., p. 214.

[103] See the documented analysis of Breckman (1999, pp. 224–31, 241–6).

In this cultural context, as expected, Arnold Ruge attacked the state that functions as a mere night watchman of private interests, a mechanism of 'external protection' without 'political sensitivity' or 'passion'.[104] The republican Ruge denounced such a 'Protestant cultus' state as

> merely the state out of necessity; it has no relation to the citizens, except insofar as it protects them. Humans are concerned only with their private affairs, and religion cares only for the needs of private feelings, for the blessedness of individual souls, for the salvation of the private subject in that other world.[105]

Taking into consideration the approaches of the Hegelian Left, including Ruge's analysis, we are now able to reach a crucial conclusion: it is through a clear-cut opposition to the German 'Christian state' on the one hand, while negating the classic, Anglo-Saxon type of political liberalism on the other, that the specific writings of Bruno Bauer, Ludwig Feuerbach and Arnold Ruge define the theoretical milieu in which the young Marx, as the leading journalist and editor-in-chief of *Rheinische Zeitung*, formed his own republicanism.

Within this frame of reference, the young Marx's 'republican moment' stands in opposition to the interpretation of the Marxian pre-communist theory of the state as an alleged *left* or *radical liberalism*.[106] I insist, therefore, that the Marx of democracy, even during the *Rheinische Zeitung* period, was fighting an ideological battle on two fronts. Marxian republicanism fights against statism, as expressed by the Prussian bureaucratic polity, and against private-minded liberalism, which transforms humans into individuals whose sole aim is the satisfaction of their particular needs and interests. In fact, this battle of democracy against reactionary conservatism and soulless liberalism is inspired by the pattern of the *vita activa* of ancient Greece and the Renaissance city states. At the same time, the Aristotelian origins of such a republican current, even indirectly, cut across the Marxian political theory of the pre-communist

[104] See the interesting remarks on Ruge's path to republican politics in Mah (1987, pp. 126–9).

[105] Ruge, 'Hegel's Philosophy of Right and the Politics of our Times', in Stepelevich (1983, pp. 234–5).

[106] See Althusser (1976, pp. 157–8; 2006, pp. 153–5). Bensaïd (2007, pp. 12, 39, 41–2), among others, would agree with Althusser's position on a 'rational-liberal' period in the formative years of the young Marx (1842–43).

period, which was enhanced by the influence exerted on Marx's thinking by Rousseau's philosophy community and Hegel's philosophy of the state.[107]

As I shall show later, when examining the content of Marx's critique of the Hegelian philosophy of right, the distinction is not insignificant between a broad definition of the state as *Staat* and a more restricted one as '*politische Staat*' (political state), which is mainly a governmental machine or '*Regierung*'.[108] Marx's articles in *Rheinische Zeitung*, as well as the related writings of Bauer, Ruge and Feuerbach, up to a point, focus on the critique of the political state. There is a theoretical confrontation with this complex political apparatus that exercises power against the general interest of the community, serving particularistic or material interests and blocking the formation of a state in the broader sense of the term: namely, a state that corresponds to its concept, or a rational state.[109]

Essentially, as has been correctly observed, Marx proposes a process of uplifting the private to the collective via the *political*.[110] In this sense, Marx's theory of politics consists of a theory of democracy perceived not as a system of technical and institutional regulations of human relations, but as a dynamic *anthropological* process. This process leads to the renaissance and transformation of man himself, emancipated from the animalistic quest of satisfying his particularistic interests, a condition that unfolds within civil society as a war of each against all.

In my view, whether or not this uplift is posed in terms of *reform* or *revolution* is not of great importance in terms of understanding the Marxian theory of the state during this specific period. I would agree that, although it was radical as regards its republican objectives and

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[107] According to Breckman (1999, p. 276), 'Marx's idealist republicanism, like Feuerbach's and Ruge's, synthesized Rousseauian and Hegelian elements by identifying the general will with philosophical comprehension of this rational, collective spirit. Moreover, his republicanism had in common with theirs the fact that it was not exclusively or narrowly political.'.

[108] 'In this period Marx used the word "state" (*Staat*) to mean the entire body politic, the whole of society politically organized, the polity as opposed to the narrower sense of state as just the institutions of government, which Marx called "government" (*Regierung*) and regarded as merely an "organ of the state" (*Staatsorgan*)' (Hunt 1975, vol. I, pp. 37–8).

[109] Teeple (1984, pp. 30–1).

[110] Abensour (2011, pp. 24–30).

Robespierre-like in terms of its spirit, Marx's general intellectual course in *Rheinische Zeitung* is rather reformist in terms of its tactics.[111] This is because the Marx of democracy rejects a frontal attack and chooses to move step by step against the obstacles of reactionary Prussian state power.

Nevertheless, the crucial objective of the Marxian theory of democracy during this pre-communist period is located elsewhere: it is to be found in the ontological foundation of the theory, posed indirectly yet explicitly by Marx, and, according to the hypothesis I propose, that can be traced back to the Aristotelian formulation of *Politics*:

> Furthermore, the state has a natural priority over the household and over any individual among us. For the whole must be prior to the part. … It is clear then that the state is both natural and prior to the individual. For if an individual is not fully self-sufficient after separation, he will stand in the same relationship to the whole as the parts in the other case do. Whatever is incapable of participating in the association which we call the state, a dumb animal for example, and equally whatever is perfectly self-sufficient and has no need to (e.g. a god) is not a part of the state at all.[112]

Obviously, there is no relation between Marx's recognition of the Aristotelian priority of the whole over the part and the accusation of *totalitarianism* that Marx often faces from liberal and/or anarchist-liberal quarters. From this perspective, as remarked by R. N. Hunt, it is no accident that 'most writers who see in Marx a totalitarian mentality studiously avoid the period of the *Rheinische Zeitung*'.[113] The republican Marx acknowledges intensively and clearly, though still using a philosophical terminology, the great and positive political weight of freedom of speech, condemning bureaucracy and censorship and praising pluralism of opinion. Moreover, he never misses an opportunity to defend the interests of the poor and the deprived, arguing in favour of the public spirit of the rational state and the *vita activa* of its citizens.

As far as this study is concerned, this is the right point at which to shed critical light on the great work of the Marxian pre-communist period: the *Critique of Hegel's Philosophy of Right*, that 'unfinished

[111] Kouvélakis (2003, pp. 267–75).

[112] Aristotle (1992, 1253a18–a28).

[113] Hunt (1975, vol. I, p. 46).

symphony' through which the Marx of democracy, *transcending* his 'republican moment', encountered 'true democracy' as a prelude to communism, just before he decided to militate for the communist cause.

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CHAPTER 4

The Dialectical 'Moment' of Marx's Theory of Democracy: From the Theory of the Rational State to 'True Democracy'

So far, our analysis has prepared the ground, both methodologically and content-wise, for the elaboration of a Marxian theory of the state on the basis of one of Marx's key works of youth, his *Critique of Hegel's Philosophy of Right* (henceforth: *Critique*), a work that expresses the culmination of Marx's pre-communist theory of democracy. It is worth reminding readers that, from the very beginning of this study, I have distinguished between the Marx of the pre-communist period and the communist Marx, and that this distinction is not made on the grounds of an 'epistemological rupture' but in terms of dialectical transcendence ('*Aufhebung*'). In fact, this has been—and remains—the methodological perspective from which I approach the internal dynamics of Marx's pre-communist political theory.

In my view, there must be no doubt that, between the *philosophical* 'moment' of a theory of state and law, as hinted at by the student Marx, and the *republican* 'moment' that he elaborates as journalist and editor-in-chief of *Rheinische Zeitung*, there is both *continuity* and *discontinuity*, a dialectical relationship whose latest junction surpasses the previous one, while transforming it into a constituent element of a new, complex totality. In this context, Marxian *republicanism* both followed and upgraded the Young Hegelian radicalism of Bauer, Ruge and Feuerbach by capitalising on and transcending the many and contradictory influences exerted on Marx's thought by the Historical School of Law and the Hegelian reformism of Gans, which in turn was further enriched by Saint-Simonian social theory.

A. Chrysis, *'True Democracy' as a Prelude to Communism*, Political Philosophy and Public Purpose,
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It is now time to explore the hypothesis that the concept of 'true democracy', which appears in the *Critique*, manifests the theoretical *transcendence* of the republican polity, whose basic parameters were previously formulated in the articles of *Rheinische Zeitung*. In the context of this same hypothesis, 'true democracy' constitutes the prelude—as a *philosophical* announcement but obviously not as a *historical* stage—to communism as both a real movement and a social formation, which Marx would soon address and endorse on the basis of his own critique of political economy and the theory of class struggle in capitalist societies.

It is self-evident that the exploration of this hypothesis cannot, and does not, have a strictly *scholarly* character. The way in which Marx, whether in his pre-communist or communist period, transformed his political theory and incorporated elements from ancient and modern republicanism proves to be *politically* significant for a variety of reasons. In particular, it helps us read the traumatic relationship between socialism and democracy and design a possible future congruence between a Marxist theory of democracy and communism as a viable project for humanity.

Thus, my decision to deal with the pre-communist Marxian theory of politics in a manner that indicates a dialectical transition from republicanism to communism is a *political* decision. As already mentioned, I do not consider Marx's theory of democracy a 'youthful sin', as if he were an immature, albeit a very intelligent, young intellectual. To be more precise, the research background to this study is that the republican polity that appeared in *Rheinische Zeitung*, the concept of 'true democracy' as defined in the *Critique*, and the Paris Commune as conceived and analysed a few decades later by the communist-militant Marx comprise three distinctive *dialectical instances of an intellectual process* that carries weight not only in the theory of Marxism, but also in the movements that were inspired and continue to be inspired by it.

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I what follows I do not intend to engage in a historiographical and philological approach to Marx's *Critique to Hegel's Philosophy of Right*.[1] Instead, I aim to assess and utilise the *Critique* in an attempt to define

[1]The manuscript is composed of thirty-nine large pages, numbered II to XL. The first page, unfortunately, is lost; this page should correspond to the Marxian critique of §§257–260 (see also Bert 1964/1965, p. 355). These are the paragraphs with which the section of Hegel's *Philosophy of Right* with the title 'Das innere Staatsrecht' begins, and this is precisely the section that constitutes the target of Marx's critique. As Ilting (1984, p. 94) informs us, Hegel's text is 'an expanded version of the corresponding exposition in his

the dimensions and limits of Marx's pre-communist theory of democracy. Consequently, I will take into account only those philological elements that prove crucial for such an undertaking. In fact, the relationship between the Marxian theory of the state that exists in *Rheinische Zeitung* and that which results from Marx's critical engagement with Hegel's philosophy of right, just a little later, is clearly shown through the concrete historical prism I adopt here.

It is worth mentioning, therefore, that as early as the last months of 1841—that is, more than a year before writing the *1843 Manuscript*, or the *Critique* (*Zur Kritik der Hegelschen Rechtsphilosophie*)—Marx was engaged in the study and publishing of such a critique.[2] In this respect, as I intend to show, the Marxian *republicanism* that we have identified in

lecture course on *Natural Law and the Science of the State* from the winter term of 1818–1819'. On the other hand, it is worth noting that, according to the editors of *MEGA*$_2$ (I, 2 [Apparat], p. 584), the title that Marx gave to the manuscript cannot be attributed with precision. On their part, however, the editors at Progress Publishers of Marx–Engels, *Collected Works* (vol. 3, p. 588) argue that the missing title of the work can be reproduced from the subsequent introduction published in *Deutsch-Französische Jahrbücher*. The full title of this introduction is 'Zur Kritik der Hegelschen Rechtsphilosophie. Einleitung'. Nevertheless, the editors and translators of Marx–Engels, *Collected Works* preferred the following translation: 'Contribution to the Critique of Hegel's Philosophy of Law' and 'Contribution to the Critique of Hegel's Philosophy of Law. Introduction', respectively. For my part, I use the version 'Critique of Hegel's Philosophy of Right'. Details on the historical background and conditions under which the *1843 Manuscript* was found, as well as information on its editing by Riazanov and its publication in 1927, are revealed by Joseph O'Malley (1970, pp. ix–xiv, lxiv–lxv). The manuscript is exhibited today in the International Institute of Social History in Amsterdam.

[2]There are many views on the chronology of the writing of the *Critique*. According to Norman Levine (2012, pp. 34, 47), Marx had already read *Hegel's Philosophy of Right* by 1841, since the book is included in the bibliography and index of Marx's doctoral dissertation. Megill (2002, p. 18) argues that Marx 'first began to think of offering a critique of Hegel's political philosophy' in September 1841. According to the editors of *MEGA*$_2$, it is necessary to distinguish between *the time of Marx's critical engagement* with Hegel's philosophy of the state and right, on the one hand, and the *time of writing up* the *1843 Manuscript*, on the other. Following this view, Marx worked for the first time on a critical contribution to Hegel's philosophy of right from November 1841 until September 1842. There is evidence for the existence of this critical essay on Hegel's philosophy of right, but it has never been found (*MEGA*$_2$ I, 1, p. 67*, *MEGA*$_2$, I, 2, p. 13* and *MEGA*$_2$, I, 2 [Apparat] p. 574).

In a second phase, Marx dedicated himself to working on the manuscript of the *Critique*; this occurred either from spring 1843 until summer 1843 or from mid-March 1843 until the end of September 1843 (*MEGA*$_2$ I, 2, p. 14* and *MEGA*$_2$ I, 2 [Apparat], pp. 575–7).

Rheinische Zeitung from spring 1842 to the first months of 1843, given its Hegelian influence, prepared the ground for Marx's *critical* approach to Hegel's philosophy of state and foreshadowed his defence of 'true democracy' during the writing-up period of the *1843 Manuscript* (that is, from spring to autumn 1843), when Marx finally left Kreuznach in order to settle in Paris.

There is documentary evidence proving that the young Marx had decided to write on Hegel's philosophy of the state more than a year before writing the *1843 Manuscript*. It is worth mentioning, among others, characteristic passages from the two letters to Ruge dated 5 and 20 March 1842. In particular, in his letter to Ruge of 5 March 1842, Marx notes that the central point of the article he wanted to publish in *Deutsche Jahrbücher* criticising Hegel's natural law was, to the extent that it concerned the 'internal political system', the 'struggle against *constitutional monarchy* as a hybrid which, from beginning to end, contradicts and abolishes itself'. And he hastens to add: '*Res publica* is quite untranslatable into German.'[3] It is, unfortunately, an article that has never been found. Probably, despite the assertions to the contrary that Marx makes in his letter to Ruge of 20 March 1842, the piece was never written, at least not in its final form.[4]

In any event, crucial turning points are Marx's departure from the editorship of *Rheinische Zeitung* in March 1843 and leaving Kreuznach to settle in Paris in October 1843. In an informative passage (vol. 3, p. 587), the editors of the *Collected Works* argue—following Riazanov—that the work was carried out during the time when Marx was settled in Kreuznach, i.e. between March/May and October 1843. Distinguished students, such as O'Malley (1970, p. ix), Rubel (1971, pp. 50–1) and Lapine (1980, pp. 183–4), also deem that the period between spring and autumn 1843 is the most likely period in which Marx wrote the work. Oizerman (1981, pp. 166–7), however, argues that the text was written in part in 1842 but mainly in 1843, when Marx not only added new pages, but also carried out a few corrections in the first part.

Finally, it is worth mentioning the view expressed by Landshut and Mayer, who argue that that particular manuscript was written between April 1841 and April 1842 (see references in Rubel 1971, p. 51, footnote 6; O'Malley 1970, p. ix). This view finds no support in the relevant bibliography.

[3] Marx, 'Letter to Ruge, March 5, 1842', in Marx–Engels, *Collected Works*, vol. 1, pp. 382–3.

[4] Marx, 'Letter to Ruge, March 20, 1842', in Marx–Engels, *Collected Works*, vol. 1, p. 385.

In any event, the theme of the critique of Hegel's philosophy of the state and right attracted Marx's interest, up to a point, during his engagement with *Rheinische Zeitung*. Moreover, in his so-called *Bonn Notebooks* (April–May 1842), one can pinpoint a short written document on Hegel's *Philosophy of Right* that shows, on the one hand, Marx's critical connection with Hegel's work and, on the other, aspects of the general argument that he will advance a year later in the manuscript of the *Critique*.[5] Finally, it is also worth recalling Marx's letter to Oppenheim, one of the paper's co-owners, in August 1842. In this letter, Marx returns to his article 'against Hegel's theory of constitutional monarchy'.[6]

The evidence submitted so far is adequate to corroborate the argument that Marx's critical analysis of Hegel's philosophy of the state neither starts from nor is confined to the pages of the *1843 Manuscript*. To the extent that the beginnings of this critique can be pinned down in the Marxian republican polity, and considering that the writing-up of the *Critique* took place between spring and autumn 1843, the text should be dealt with as an elaborated and developed version and supersession of Marx's previous studies and writings.

Obviously, there is a certain significance in defining the 'moment' of the overall critique of Hegel's philosophy of the state as expressed by the young Marx. In particular, it should be noted that Marx's own journey from republicanism to communism began from the time when he decided to radically transform the idealist relation between economy and politics. In other words, the critical turn attempted by Marxian thought vis-à-vis Hegel's philosophy of right and state denotes the start of Marx's own theoretical and practical *transition* from his pre-communist period to the period of his communist intellectual and political militancy.

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[5] This written material, without a precise date ($MEGA_2$, IV, 1, p. 368) is a kind of brief page index referring to Hegel's *Philosophy of Right*, including short titles as mentioned by Marx:

'The Duplication of Systematic Development' ('Die Verdopplung der systematischen Entwicklung'); 'Logical Mysticism' ('Logischer Mysticismus'); 'Mystical Mode of Expression' ('Die mystische Sprachweise'); 'The Idea as Subject' ('Die Idee als Subjekt');

'The Real Subjects Are Transformed into Mere Names' ('Die wirklichen Subjekte warden zu blosen Namen').

[6] Marx, 'Letter to Oppenheim (approximately August 25, 1842)', in Marx–Engels, *Collected Works*, vol. 1, p. 393.

According to the Marx of democracy, the philosophy of his time, especially philosophy as the *science* of the state, was in a real deadlock, in aporia. What was required was a real change of direction, and one that was dictated not just by the interaction between material interests, legal relations and political institutions. What was needed was a dramatic change of practical and theoretical orientation, which, as Marx himself admitted, would stem from—and require further study of—the 'material conditions of life, the totality of which Hegel, following the example of English and French thinkers of the eighteenth century, embraces within the term "civil society"; the anatomy of this civil society, however, has to be sought in political economy'.[7]

Thus, while attempting to define Marx's theory of democracy, as developed before the democrat Marx *decided* on his transition to communism, let me recall once more this nodal point at which the critique of politics, raising the *demand* for a 'true democracy', met the critique of political economy: that is, the *scientific* anatomy of civil society. Engels described Marx's crucial reorientation as follows:

> His criticism of the deliberations of the Rhine Province Assembly compelled Marx to study questions of material interest. In pursuing that he found himself confronted with points of view which neither jurisprudence nor philosophy had taken account of. Proceeding from the Hegelian philosophy of law, Marx came to the conclusion that it was not the state, which Hegel had described as the 'top of the edifice,' but 'civil society,' which Hegel had regarded with disdain, that was the sphere in which a key to the understanding of the process of the historical development of mankind should be looked for. However, the science of civil society is political economy … .[8]

Given this frame of reference, I intend to confront the *Critique* as Marx's further elaboration of and response to issues he had already dealt with during the period of his militant journalism in *Rheinische Zeitung*. To this end, I evaluate the *1843 Manuscript* as a work in which the earlier Marxian theorisation of politics and the state finds its culmination

[7] Marx, 'Preface to *A Contribution to the Critique of Political Economy*', in Marx–Engels, *Collected Works*, vol. 29, p. 262.

[8] Engels, *Karl Marx*, in Marx–Engels, *Collected Works*, vol. 21, pp. 60–1.

and transcendence.[9] As will become clear, for the author of the *Critique*, 'true democracy', to the extent that it is true and in order to be true, must be solidly grounded in the real world and must not serve the partial interest of the owners of wealth at the expense of the poor.

Finally, special attention must be paid to the fact that, even from the point of view of a pre-communist theory of the state—that is, before conceiving history and society through the prism of class struggles—Marx would raise the question of democracy as people's self-determination, while arguing for the absorption of the political state within society itself. 'True democracy' announces the abolition of bureaucracy as a specialised body of political domination and advances citizens' *vita activa* through the diffusion of politics throughout the entire social body. In this sense, even if the terms of Marxian communism are not evident as long as a critique of political economy and theory of class struggle are not yet present, there are clear indications that the 'old mole' had already begun its work at the level of theory. Arguing in favour of 'true democracy', the Marx of democracy foreshadowed the rising of the Marx of communism.

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It has already been proved that critical encounters with the works of eminent representatives of the European Enlightenment and German idealism first shaped Marx's *republican* profile, just before his definite turn towards militant materialism and communism. In this regard, as I show in the following analysis, the *Critique of Hegel's Philosophy of Right*, while suggesting 'true democracy' as the climax of the Marxian pre-communist theory of democracy, advanced Marx's own confrontation with the Hegelian philosophy of state and opened the way for his *life decision* to become an *engaged* intellectual and *political* defender of the communist cause.

In a similar context, we assess Marx's relationship with the main exponents of the Hegelian Left. This is a theme I dealt with in the previous chapter, where I approached critically the influence of the Young Hegelians on Marxian republicanism. From this perspective, the encounter between Marx and Bauer proved very interesting, and its inglorious end should not lead to the hasty conclusion that Bauer's republican

[9] See, among others, the classical, though debatable, analysis of Avineri (1966).

critique of the reactionary 'Christian state' and Hegel's philosophy had no influence on the young Marx.[10]

However, the impact of Feuerbachian philosophy on the pre-communist young Marx's theory of the state should be taken into serious account as well. In addition to the historical and theoretical data that I have touched on earlier with reference to Feuerbach's article 'The Necessity of a Reform of Philosophy', it is now worth mentioning the significant influence exerted on Marx's pre-communist critique of the state and his theory of democracy by Feuerbach's 'Preliminary Theses on the Reform of Philosophy' ('Vorlaüfigen Thesen zur Reformation der Philosophie').[11] This work appeared in February 1843 and Marx read it during the period of his resignation from the editorship of *Rheinische Zeitung*, when he turned to writing the *Critique*.[12]

Despite Marx's already mentioned allegation that Feuerbach 'refers too much to nature and too little to politics', both 'The Necessity of a Reform of Philosophy' and the 'Preliminary Theses on the Reform of Philosophy', together with the subsequent Feuerbachian text 'Principles of the Philosophy of the Future' ('Grundsätze der Philosophie der Zukunft'),[13] leave no doubt that Feuerbach, in his own way, was becoming a *political* thinker, especially since his critique of religion went against the existing *political* order of things.[14]

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[10] Here, I allude to and recall the Marx–Bauer collaboration, which aimed at designing and writing *The Trumpet of the Last Judgement against Hegel, the Atheist and Anti-Christ: An Ultimatum*. Marx was supposed to write the second part of the work, including elements of his critique of Hegel's philosophy of right ($MEGA_2$, I, 2 [Apparat], p. 572). However, despite the fact that he worked on this project during the last few months of 1841, in the end Marx did not contribute. As already pointed out (see Chap. 2, note 96), the remaining section was written by Bauer himself and published as a monograph in Leipzig in 1842 as *Hegels Lehre von der Religion und Kunst von dem Standpunkte des Glaubens abs beurteilt* (*Hegel's Theory of Religion and Art from the Point of View of Faith*) (see, $MEGA_2$, I, 2 [Apparat], p. 572; Rosen 1977, pp. 129–32).

[11] This work is included in Feuerbach (2012).

[12] See $MEGA_2$, I, 2, p. 15* and $MEGA_2$, I, 2 [Apparat], pp. 576–8.

[13] Feuerbach's two works—'Preliminary Theses on the Reform of Philosophy' and 'Principles of the Philosophy of the Future'—are organically linked. The 'Principles' were published in July 1843, during a period in which Marx, living in Kreuznach, was mainly reviewing works of political philosophy and history. Cornu's view (1954, p. 72) seems reasonable, according to which the 'Principles' influenced Marx a bit later, in his articles published in *Deutsch-Französische Jahrbücher* (see also McLellan 1978, pp. 101–13).

[14] In the same vein, see Leopold (2007, pp. 203–18).

From this perspective, the relationship between the Marxian critique of politics and Feuerbach's anthropology should be considered. This is because that relationship determined—up to a point and through the confrontation of both thinkers with Hegel's philosophy—the ontological/anthropological core of the Marxian theory of democracy.

Dealing with Hegel's Logic as 'theology turned into *logic*',[15] Feuerbach prescribed to a great degree the stigma of the Marxian critique of Hegel's philosophy of right when he reversed the relationship between God and Man, thus substantiating the philosophical negation of religion by a *materialist* anthropology:

> We need only turn the *predicate* into the *subject* and thus as *subject* into *object* and *principle* – that is only *reverse* speculative philosophy. In this way, we have the unconcealed, pure, and untarnished truth. … The direct, crystal-clear, and undeceptive identification of the essence of man – which has been taken away from him through abstraction-*with* man, cannot be effected through a positive approach; it can only be derived from the Hegelian philosophy as its *negation*; it can only be *apprehended* at all as if it is apprehended as *the total negation* of speculative philosophy, although it is the *truth* of this philosophy. It is true that everything is contained in Hegel's philosophy, but always together with its *negation*, its *opposite*. … The beginning of philosophy is neither God nor the Absolute, nor is it as being the *predicate* of the Absolute or of the Idea; rather the beginning of philosophy is the finite, the determinate and the *real*.[16]

This does not detract from my aim, which is to define the philosophical ideas that influenced Marx's theory of democracy during his pre-communist period. The atheistic philosophical critique of religion through the prism of Feuerbach's anthropology does not have a speculative or self-referential character. In fact, it makes it philosophy's mission to know things as they really are, 'for *only the perception of things and beings in their objective reality can make men free and devoid of all prejudices*'.[17] In this sense, the anthropological critique of religion, this radical atheistic Enlightenment of Feuerbach, takes on a *revolutionary* character, especially if it is placed in the historical context of nineteenth-century Prussia.

[15] Feuerbach (2012, p. 155).

[16] Ibid., pp. 154, 157, 160.

[17] Ibid., p. 161.

Philosophy, as the knowledge of being, makes inroads into the formation of consciousness—or, better, self-consciousness. Such a process relates to individual and collective subjects who are not trapped in a passive way of life, who are not lost in abstract and timeless reveries, but, according to Feuerbach, act within social space and time, constructing their individual and collective personality in terms of historicity:

> Space and time are the primary criteria of praxis. A people that banishes time from its metaphysics and deifies the eternal – i.e., *abstract* and time-detached existence – excludes in consequence time from its politics, and worships the anti-historical principle of stability which is against right and reason.[18]

Undoubtedly, in Feuerbach's critique of religion and anthropology, which refuses to place matters outside time and space, which means it negates God, the young Marx found an energy field of critique against the Hegelian Absolute and its political consequences. As he moved towards *transcending* republicanism, Marx faced the author of the 'Preliminary Theses' as a teacher, or at least as an ally in his fight for self-consciousness and self-determination. A few years later, Marx wrote that 'as far as Feuerbach is a materialist he does not deal with history, and as far as he considers history he is not a materialist'.[19] However, this claim finds no support in Feuerbach's works, at least not in the one Marx himself read, while he was preparing the *Critique*.

After all, in the text of the 'Preliminary Theses', Feuerbach had already designed, even if only in terms of philosophical abstraction, the anthropological persona of the proletarian in the broad sense of the word as the human being who suffers, a persona that Marx would make clearer in the context of his own critique of Hegel's concepts of state and civil society:

> Where there is no limit, no time, and no need, there is also no quality, no energy, no spirit, no fire, and no love. Only that being which suffers from need (notleidend) is the necessary (notwendig) being. Existence without need is superfluous existence. Whatever is absolutely free from needs has no need of existence. Whether it is or is not is indifferent – indifferent

[18] Ibid., p. 162.

[19] Marx–Engels, 'The German Ideology', in Marx–Engels, *Collected Works*, vol. 5, p. 41.

> to itself and indifferent to others. A being without need is a being without ground. Only that which can suffer deserves to exist. Only that being which abounds in pain is the divine being. A being without suffering is a being without being. A being without suffering is nothing but a being without sensuousness, without matter.[20]

Suggesting, therefore, a militant philosophy that is clearly distinguished from and opposed to theoretical speculation, Feuerbach takes the side of man as a suffering being and places at the centre of his investigation 'that which in Hegel has been reduced to a mere *footnote*'.[21] This involves a philosophy which has as 'the essential tools and organs', as Feuerbach argues characteristically, 'the *head*, which is the source of activity, freedom, metaphysical infinity, and idealism, and the *heart*, which is the source of suffering, finiteness, needs and sensualism'.[22]

No specific comments are needed in order to point out the fact that Marx himself used similar language in his article *Critique of Hegel's Philosophy of Right: Introduction*. In this transitional text published at the beginning of 1844 in *Deutsch-Französische Jahrbücher*, the author endorsed the head/heart metaphor in order to denote the philosophy/proletariat relation in the context of a forthcoming total revolution. Nevertheless, it is still necessary to insist on the importance of Feuerbach's 'Preliminary Theses on the Reform of Philosophy' as a work that attracted Marx's intellectual interest while he was getting ready to write his own *Critique of Hegel's Philosophy of Right*.

It is, in fact, in the 'Preliminary Theses' that Marx recognised the 'new philosophy', the 'only positive philosophy' that, according to Feuerbach, *negates* the Hegelian—and, in fact, the theological—inversion of the real relationship between subject and predicate. '*He who clings to Hegelian philosophy also clings to theology. … The Hegelian philosophy is the last refuge and the last rational mainstay of theology*,' argues Feuerbach.[23]

Consequently, there is no doubt that the liberation of human beings from whatever holds them in bondage—theology, and its philosophical versions par excellence—is the main target of Feuerbach's anthropology,

[20] Feuerbach (2012, p. 163).

[21] Ibid., p. 164.

[22] Ibid., p. 164.

[23] Ibid., p. 168.

which Marx came to know at a crucial period in his own intellectual and political evolution. Following this perspective, it is worth taking into account the fact that this radical *anthropology*, as conceived by Feuerbach and received by Marx, addressed its atheistic theses and its political demands to 'the thinking man himself, [to the] man who is and knows himself as the self-conscious essence of nature, history, states and religion; it is man who is and knows himself to be the real (not imaginary), absolute identity of all oppositions and contradictions, of all active and passive, mental and sensuous, political and social, qualities … .'[24]

At this point, we can draw an interesting conclusion. In meeting the Feuerbachian man, a man who is simultaneously 'the existence of freedom, the existence of personality and the existence of right',[25] Marx gets further inspiration for his own theory of democracy and, in particular, for his forthcoming critique against Hegel's philosophy of right.

In the human praxis as defined by Feuerbach—that is, in the form and content of a '*new truth*—a *new autonomous deed of mankind*'[26]—Marx, following Feuerbach's argument to its conclusion, recognises man as 'the fundamental being of the state': not of *any* state, of course, but of the state that is 'the realized, developed, and explicit totality of the human being'.[27]

In this way, Marxian republicanism, under the impact of Feuerbachian *political* anthropology, came even closer to its limits; several months later, in the lines of the *Critique*, Marx's 'true democracy' would signal the final *transcendence* of his republicanism in a communist direction.

The political-republican thinking of Arnold Ruge, who influenced Marx during the preparatory period of the writing of the *Critique*, also pushed Marx in a similar direction. At the beginning of 1843, Ruge published in his *Deutsche Jahrbücher* an article under the title 'A Self-critique of Liberalism) ' ['Eine Selbstkritik des Liberalismus'].[28] In this article,

[24] Ibid., p. 169.

[25] Ibid., p. 172.

[26] Ibid., p. 173.

[27] Ibid., p. 172.

[28] See Stepelevich (1983, pp. 237–59). This article is in strict continuity with Ruge's previous text, 'Hegel's Philosophy of Right and the Politics of our Times', a text that I have commented on earlier in relation to Marx's republicanism. Ruge's 'A Self-critique of Liberalism' was published in the first 1843 issue of *Deutsche Jahrbücher*. On Ruge's critique of liberalism, see, in particular, Brazill (1970, pp. 227–60).

Ruge turned democracy against liberalism, arguing that the latter takes a 'purely theoretical and passive attitude in politics'.[29] Ruge's republicanism, which converged with and influenced the republicanism of Marx that was taking shape in his articles in *Rheinische Zeitung*, was a republicanism that raised the issue of the necessity of a *new state*.

As I have already shown, Ruge demanded a state founded and operating on the basis of citizens' *vita activa*: that is, through the active participation of citizens in the political life of their state. In this sense, Ruge's defence of republicanism opposed German political liberalism, which 'has as its presupposition the old petty burgher consciousness'.[30] This liberalism, argues Ruge, is 'the freedom of a people who remain stuck in theory', a liberalism 'which is no freedom, but only sympathy for a foreign freedom'.[31] In other words, according to the republican Ruge, a people such as the Germans, who 'have forgotten politics for the sake of thinking, praxis for theory, the external world for the inner world', a people 'whose politicizing is not their most essential business', a people 'who refer to politics, but only in the way that they refer to the weather, which they also do not produce',[32] cannot become a collective, autonomous agent in the framework of a democratic polity.

What is needed, according to Ruge, is a shift in the centre of gravity, from mere contemplation to the real political life, from theory to practice, inasmuch as 'the test of theory is praxis'.[33] Yet, it is worth underlining that praxis, in terms of Ruge's republicanism, means that citizens' hearts and minds are engaged in the common cause of the republican polity, since 'a cause still has life in it and a future as long as it stirs men's hearts, so long as they struggle about it and attach themselves to it with a partisanship resounding hatred and love'.[34]

In addition to citizens' militancy, however, Ruge's republican critique of the German liberalism of the time points to the need for a 'new science' that draws its inspiration from republican thinkers, such

[29] Ruge, 'A Self-critique of Liberalism', in Stepelevich (1983, p. 244).

[30] Ibid., pp. 245–6.

[31] Ibid., p. 243.

[32] Ibid., p. 246.

[33] Ibid., p. 252.

[34] Ibid., p. 252.

as Rousseau, and finds its implementation in the critique of religion by radical intellectuals, such as Feuerbach, Strauss and Bruno Bauer.[35] This new science, according to the Left Hegelian Ruge, is a manifestation of free spirit as it is incarnated in a state that 'is not the iron uncouth knight who protects the spiritual, conscience-free men who research the Scriptures; rather the state is freedom itself, and the Spirit of freedom constantly has to engender the state out of itself; the state is the product of Spirit, not its lord'.[36]

In contrast to the individualist orientation of the theoreticians of political liberalism, Ruge's republican critique raises the issue of the state as a political community and not as an instrument that merely protects human rights—property rights above all. To this end, a deeper reformation of the consciousness is needed. Rejecting the fears of the 'wise men' of his time about communism, as if it were a current that could lead the masses to surrender to the poison of philosophy, Ruge suggests converting churches into schools and organising the schools in such a way as to provide civic education that would be useful to the active citizens of a republican polity.[37]

Underscoring the need for a new consciousness—that is, demanding democracy—Arnold Ruge writes:

> There is no more real question of freedom than of raising all humans to the dignity of humanity, and the world must concern itself with this problem until it is solved. …
>
> The German world, in order to tear its present from death and to secure its future, needs nothing but the new consciousness that raises free humanity in all spheres to its principle and the people to its goal; in a word, the Germans need *the dissolution of liberalism into democratism*.[38]

Having said this, we can reasonably assume that Ruge's criticism of liberalism, and especially his thesis on the dissolution of liberalism into democratism, did not leave Marx untouched. While not yet a communist, Marx recognised in Ruge's democratic thought elements of a radical theory of the state. After all, his own articles in *Rheinische Zeitung*

[35] Ibid., p. 256.

[36] Ibid., pp. 246–7.

[37] Ibid., p. 258.

[38] Ibid., p. 259.

present a dynamics congruent with Ruge's republicanism. The demand for the politicisation of the (German) people to which Ruge refers, as well as the dimensions of the republican polity that he sets out and defends, offer Marx steady and fruitful starting points from which he could elaborate his own pre-communist theory of democracy. Moreover, Ruge's republican critique of liberalism, while supporting democratism as the way to the realisation of freedom, is, in the final analysis, a *negation* of an instrumentalist theory of the state as an institutional compound mechanism protecting private owners and their rights.

As a result, we can now elaborate even more precisely the hypothesis according to which the Marxian 'true democracy', which would appear just a little later in the *Critique*, is to some degree the *dialectical* outcome of the Feuerbachian *materialist anthropology* on the one hand, and Ruge's *democratism* on the other.

No doubt Feuerbach's materialism and Ruge's idea of democracy are not the only sources of inspiration for Marx as a critic of Hegel's *science* of the state. The *Kreuznach Notebooks* include many sources for Marx's readings, thus offering significant evidence about the texts that influenced him during his pre-communist period of life and work. The *Kreuznach Notebooks*—five notebooks of 250 pages in total—show clearly his interest in studying modern European political philosophy and history.[39] Although Marx's comments on the works he reads are rare, his choice of these particular texts alone is enough to provide significant evidence as regards the general direction of his philosophical and political way of thinking during this specific period. Moreover, the fact that Marx wrote down the Kreuznach excerpts in summer 1843 constitutes enough documentary material to prove the inner connection between the content of these notebooks and the *Critique*, which is written during the same period of time.[40]

[39]The material can be found in *MEGA*$_2$, IV, 2, pp. 9–278. The editors' Introduction consists of a short presentation of the material and useful comments on the historical parameters that influenced it. See also Rubel (1989, pp. 17–22).

[40]The editors of *MEGA*$_2$ agree that the *Notebooks* were written in July–August 1843, when Marx was continuing to write the *Critique* (*MEGA*$_2$, IV, 2, p. 12*). The same position is taken by Lapine (1980, p. 210), Rubel (1971, p. 68, note 55) and O'Malley (1970, pp. lxiv–lxv). O'Malley supports his thesis by comparing Marx's writing style in the *Notebooks* and the *Critique*. Contrary to this mainstream view, Screpanti (2011, p. 73) argues that the *Critique* was not influenced by the *Notebooks* because it was completed before them, i.e. in July–August 1843.

Marx reviewed a number of works, such as Montesquieu's *The Spirit of Laws*, Rousseau's *The Social Contract*, and Machiavelli's analyses of the state in *Discourses on Livy*. He also read Hamilton on American society in the nineteenth century and passionately reviewed historical works on the history of the Democracy of Venice, and on English and French history, especially the revolutions of 1789 and 1830. Effectively, Marx aimed at connecting the theory of the state with historical experience; he tried especially, as O'Malley correctly put it, 'to introduce more and more historical elements to his comments on Hegel'.[41]

Indeed, as will become clear later, the embedding of political theory in the *material* grounds of historical practice, which is recognised in the lines of the *Critique*, is largely due to Marx's studies of political philosophy and history in Kreuznach in summer 1843. In my view, even the themes that he tackles in the *Notebooks* are enough to show the impact of the study of important philosophical works and historical events such as the French Enlightenment and French Revolutions on Marx's pre-communist theory of democracy.

At this point, I must mention that a central theme of the *Kreuznach Notebooks* is the relationship between civil society and the (political) state, as it develops in the history of bourgeois society; this theme also dominates the pages of the *Critique*.[42] More specifically, the content and role of private property, and, in particular, its influence on political institutions, are what operate as the centre of gravity for Marx's critique of Hegel's doctrine of the state. In this context, the material in the *Notebooks* also reveals the lively interest of the young Marx in the formation and rights—or rather the *privileges*—of social subjects as they are transformed from *Stände* into *Klasse* during the transition period from a static-feudal to a dynamic-bourgeois society.

At the same time, Marx deals critically with the architectonic structure of the polity as a totality, and this provides him with further incentives for researching and reviewing a number of works as he prepares to write the *Critique*. In this frame of analysis, issues relevant to the system of

[41] O'Malley (1970, p. xii).

[42] As Lapine notes (1980, p. 211), 'although the themes tackled by Marx in the *Notebooks* are many, they are not a hotchpotch of data. On the contrary, it is a list of a multicolor variety of works that Marx recalls in order to accomplish the theoretical aim as it appears in the *1843 Manuscript,* which is to show the relationship between the state and civil society and demarcate the history of the separation between state and civil society.'

political powers (legislative and executive) and bureaucracy, the mechanisms of representation, the functioning and organisation of constitutions, and democracy in particular are all raised as questions of decisive importance. What becomes the heart of the matter, however, is the issue of *people's sovereignty*—in other words, democracy—and, ultimately, 'true democracy' as the constitution and praxis of the *self-legislated demos*.

In short, the comments and reviews in the *Notebooks* are many and they crystallise the way in which Marx drew inspiration in forming his critique of politics and the state. Critical distinctions—for example, the distinction between 'general will' and 'the will of all' made and analysed by Rousseau[43]—are either at the centre of Marx's readings and research or in the background, and, given his knowledge of historical experience, their further elaboration takes on a *radical* character. In this sense, the argument that the *Kreuznach Notebooks* shed light on the philosophical horizon of the *Critique* and the emergence of 'true democracy' as the Marxian prelude to communism should be considered as a matter of course.

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The *Critique*, which, as noted earlier, includes at its core the pre-communist Marxian theory of democracy, is thematically connected to two significant letters that Marx wrote to Ruge in May and September 1843 respectively.[44]

The letter of May 1843, written in Cologne two months after the inglorious end of *Rheinische Zeitung*, when Marx was preparing his *Critique to Hegel's Philosophy of Right*, reveals the way in which Marx was planning to reschedule his approach to politics in general and more specifically to democracy.[45] Now strongly sensing a transition to a *new life*,

[43] See *MEGA*$_2$, IV, 2, pp. 23*–25*. Oizerman (1981, p. 183) comments on the importance of Rousseau's distinction between 'general will' and 'will of all' in the shaping of Marx's arguments as follows: 'Special interest, as I see it, attaches to Marx's extract from Rousseau's *Contrat Social*, where Marx emphasizes the ideas about the inalienability of the people's sovereignty and the distinction between the general will, by which the state must be guided, and the will of all. Marx also quotes Rousseau as saying that the distinction between the two types of will are relative.'

[44] On this point, it is worth noting Abensour's critical reference to Marx's letters to Ruge in May and, particularly, in September 1843, when Marx wrote the letter that Abensour himself characterises and analyses as a 'letter-program' (Abensour 2011, pp. 33–7).

[45] It is worth mentioning that in the letter to Ruge, written in March 1843, Marx already refers to the 'impending revolution' (in Marx–Engels, *Collected Works*, vol. 3, p. 134).

and thinking that the time had come to 'let the dead bury their dead and mourn them',[46] Marx addressed Ruge, still his friend and comrade, who was disappointed by the political apathy and servitude of the German people. Responding to a 'funeral song', as he characterises a letter that Ruge sent to him from Berlin in March 1843,[47] Marx asks his colleague to work with him in order to fight against the old world, the world that 'belongs to the philistine', and to contribute with their own struggle to the making of a new world, that of a *democratic state*.

But what could that philistine world be? It is a '*political world of animals*',[48] since all those who are part of that world are only interested in living and reproducing themselves, just like animals. The opposite of that philistine world is the world of human beings: that is, 'of thinking beings, free men, republicans'.[49] In fact, this emerging world promotes freedom and human self-confidence, a feeling that 'vanished from the world with the Greeks, and under Christianity disappeared into the blue mist of the heavens'.[50] Only such a feeling that draws its dynamics from the ancient Greek world, insists Marx, 'can again transform society into a community of human beings, united for the highest aims, into a democratic state'.[51]

The citizens of this democratic polity distinguish themselves radically from those who, having lost any sense of self-esteem, 'become the property of their masters like a breed of slaves or horses'.[52] The *republican*

[46] Marx, 'Letter to Ruge, May 1843', in Marx–Engels *Collected Works*, vol. 3, p. 134.

[47] Ruge, 'Letter to Marx, March 1843', *MEGA*$_2$, I, 2, pp. 472–5.

[48] Marx, 'Letter to Ruge, May 1843', in Marx–Engels, *Collected Works*, vol. 3, p. 137.

[49] Ibid., p. 134.

[50] Ibid., p. 137.

[51] Ibid., p. 137. At this point, we should recall that Lucio Colletti (1973, p. 257) stresses the fact that both the Hegelian and the Marxian analysis of the ancient Greek *polis* are foreshadowed by Rousseau's confrontation with this issue:

> This analysis by Hegel and Marx, whose positions thus far largely coincide, naturally had a prehistory of its own in the eighteenth century, particularly in Rousseau. The organicism of the ancient city, the integration which it achieves between individual and community, the coincidence of public life and private life – not to mention the corrosive effect of exchange, commerce, and the circulation of money on the solidarity and cohesiveness of the ancient 'republics' – these are all themes which can be found already developed in the work of the great Genevan.

See also Levine (2012, p. 198), who follows a similar line.

[52] Marx, 'Letter to Ruge, May 1843', in Marx–Engels, *Collected Works*, vol. 3, p. 137.

Marx contrasts the despotic, bureaucratic state of the German philistines with that polity that recognises in its values and principles the democratic ideals of the ancient Greek city state. In this sense, the Marx of democracy compares and contrasts the German Aristotle who would recognise the man as 'a social animal that is however completely unpolitical' with the Greek Aristotle, 'who in his *Politics* called man a political animal'.[53]

Montesquieu was wrong, Marx argues, when, in his *De l'Esprit des Lois*, he proposed *honour* as the principle of monarchy; the monarchical principle is nothing but the 'despised, the despicable, *the dehumanised man*'.[54] Monarchy, despotism and tyranny, Marx argues clearly, are but names for '*one and the same* concept'. More to the point, 'where the monarchical principle has a majority behind it, human beings constitute the minority; where the monarchical principle arouses no doubts, there human beings do not exist at all'.[55]

I do not think that we can have more colourful writing than that used by Marx to show the vertical opposition between the despotic, inhuman, constitutive principle of the monarchical polity, on the one hand, and the *principle of human personality* as the fundamental principle for the functioning of the new democratic polity, on the other. The philistine petit-bourgeois and his servile, anti-spiritual and impersonal lifestyle represent the essence, the 'material', of the monarchy, in total contrast to the 'human world of democracy', a transition presented by Marx as a *rational* and *historical necessity*. Unsuccessful efforts to topple the philistine state cannot cancel forever but only postpone provisionally the realisation of that necessity through the break with the old political world of animals and the passage to the new world of free human beings: 'Once one has arrived at the political world of animals, reaction can go no farther, and there can be no other advance than the abandonment of the basis of this world and the transition to the human world of democracy.'[56]

We find traces of a *dialectics of hope* leading to the Marxian demand for the overthrow of the philistine world and its state. 'I do not despair [of the present time], because it is precisely the desperate situation which

[53] Ibid., p. 137.

[54] Marx, 'Letter to Ruge, May 1843', in Marx–Engels, *Collected Works*, vol. 3, p. 138.

[55] Ibid., p. 138.

[56] Ibid., p. 139.

fills me with hope,' Marx confessed to his disappointed friend.[57] The very system of industry and commerce itself creates the conditions for a *rupture* with the old world. The new world, the world of democracy, will not come about in a *linear* manner as a continuation of the old world; rather, it will be the result of a *break* with it, inasmuch as 'the existence of suffering human beings, who think, and thinking human beings, who are oppressed, must inevitably become unpalatable and indigestible to the animal world of philistinism which passively and thoughtlessly consumes'.[58]

It is in light of this war of democracy against monarchy, of the democratic against the philistine state, that there arises the need for and the particularity of the Marxian theory of the state as opposed to the Hegelian theory, and more specifically Hegel's constitutional monarchy. Joining forces in order to achieve a common cause, 'thinking humanity' and 'suffering mankind' fight for 'a republic and an organization of free human beings instead of the system of dead objects', insists Marx, pointing towards a radical critique of Hegel's politology.[59] It is worth noting, however, that Marx's critique of the Hegelian philosophy of the state would soon reach not only the theoretical deconstruction of the Hegelian *science* of the state, but also the transcendence of Marx's own concept of a rational or republican state, showing that freedom in terms of the autonomy or self-determination of the people will remain an unfulfilled goal until the political state, even in its republican form, is *dissolved* in the context of 'true democracy'.

Having said this, it must be clear to the reader that, in my approach to the 1843 *Manuscript*, I do not aim to provide an analytical presentation of the *Critique* as such, but rather an assessment of those aspects and themes that are decisive for understanding Marx as a theoretician of democracy. The success of such a critical attempt would contribute to a modern redefinition of the dialectical relation between the Marx of democracy and the Marx of communism, between democracy and communism *tout court*.

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[57] Ibid., p. 141.

[58] Ibid., p. 141.

[59] Marx, 'Letter to Ruge, May 1843', in Marx–Engels, *Collected Works*, vol. 3, p. 140.

From a methodological standpoint, the influence of Feuerbach's confrontation with Hegelian philosophy on Marx's critique of Hegel's theory of the state constitutes a departure point for the understanding of Marx's pre-communist theory of democracy.[60] More specifically, the reversal of the Hegelian reading of the subject–predicate relationship—a reversal that, as noted earlier, was introduced by Feuerbach in his effort to reveal the *theological* character of Hegel's philosophy—finds its political application and transcendence in Marx's *Critique*.

Let me start, therefore, by quoting the relevant Marxian position as it appears in the pages of the 1843 *Manuscript*:

> [Hegel] has turned the subject of the idea into a product, a predicate, of the idea. He does not develop his thinking from the object, but expounds the object in accordance with a thinking that is cut and dried – already formed and fixed in the abstract sphere of logic. It is not a question of evolving the specific idea of the political constitution, but of establishing a relationship of the political constitution to the abstract idea, of placing it as a phase in the life-history of the idea, a manifest piece of mystification. … Rather, the fate [of the various authorities] is predetermined by the 'nature of the concept', sealed in 'the sacred registers of the Santa Casa', of logic. The soul of objects, in this case of the state, is cut and dried, predestined, prior to its body, which is really mere appearance. The 'concept' is the Son in the 'idea', in God the Father, the *agens*, the determining, differentiating principle. 'Idea' and 'concept' are here hypostatized abstractions.[61]

In other words, according to Marx, Hegel had transformed the whole philosophy of law into a 'parenthesis of Logic',[62] thus failing to deal with political entities as such. Instead, he saw them as abstract 'logical-metaphysical definitions'.[63] 'Not the philosophy of law but logic is the real center of interest,' Marx argues, referring to Hegel's philosophy. He

[60] As Berki notes characteristically (1971, p. 202), 'Marx's critique of the Hegelian philosophy of the state appears, incidentally, to be his first work where these characteristically Feuerbachian tools of analysis are employed in a systematic manner'. From a different point of view, MacGregor (1984, p. 236), while recognising Feuerbach's influence on Marx, considers its role to be negative and a source of Marx's misinterpretation of Hegel's own work.

[61] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, pp. 14–15.

[62] Ibid., p. 18.

[63] Ibid., p. 17.

clarifies his critique of the Hegelian philosophical way of conceiving the logic–state relation as follows:

> [Hegel's] philosophical work does not consist in embodying thinking in political definitions, but in evaporating the existing political definitions into abstract thoughts. Not the logic of the matter, but the matter of logic is the philosophical element. The logic does not serve to prove the state, but the state to prove the logic.[64]

Thus, in terms of Marx's analysis, it is precisely through this inversion that the mystification of the theory of the state is realised. Hegel's starting point is the Idea, and not social reality as determined by its contradictions, which make it change. As he transforms the subject into the predicate of the Idea, Hegel cannot create a *science* of the state; he constructs instead a model of a state that is compatible with his preconceived dialectics of the Idea.

This relates to a 'logical, pantheistic mysticism', concludes Marx, given the fact that:

> the idea is made the subject and the *actual* relation of family and civil society to the state is conceived as its *internal imaginary* activity. Family and civil society are the premises of the state; they are the genuinely active elements, but in speculative philosophy things are inverted. When the idea is made the subject, however, the real subjects, namely, civil society, family, 'circumstances, caprice, etc.', become *unreal* objective elements of the idea with a changed significance.[65]

I locate the methodological beginnings of the Marxian critique of Hegel's dialectics between Idea ['*Idee*'] and Actuality ['*Wirklichkeit*']. If Hegel's philosophy of the state had become a consequence or a subproduct of Logic, then what was required was change and, more precisely, the *inversion* of the Idea–Actuality (or logic–state) relation. In socio-political terms, this means that we refuse to consider the state—the Hegelian 'constitutional monarchy'— as the institutionalisation of the Idea from which family and civil society are determined. In fact, we

[64] Ibid., pp. 17–18. At this point, Mercier-Josa (1980, p. 42) is right when she argues that 'in a way, Marx accuses Hegel for subscribing to an aspect of Kantianism, in the sense that Hegel thinks of the state as a universal interest *a priori*'.

[65] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 8.

follow the reverse line of reasoning: we start from the family and civil society, conceiving them in a *dialectic* way—that is, as *moving* and *active* elements ('*das Treibende*'), as *transformative* powers that tend to turn themselves into the state ('*machen sich selbst zum Staat*').

As Marx himself explains, while focusing on §262 of Hegel's *Philosophy of Right*:

> there can be no political state without the natural basis of the family and the artificial basis of civil society; they are for it a *conditio sine qua non*. But [for Hegel] the condition is postulated as the conditioned, the determinant as the determined, the producing factor as the product of its product. … The fact is that the state issues from the multitude in their existence as members of families and as members of civil society. Speculative society expresses this fact as the idea's deed, not as the idea of the multitude, but as the deed of a subjective idea different from the fact itself … . The fact that is taken as a point of departure is not conceived as such, but as a mystical result. The actual becomes a phenomenon, but the idea has no other content than this phenomenon. Nor has the idea any other purpose than the logical one of being 'explicitly infinite actual mind.' The entire mystery of the philosophy of law and of Hegel's philosophy as a whole is set out in this paragraph.[66]

The consequences of Marx's critique of the Hegelian reading of the 'Idea–Actuality' ('*Idee–Wirklichkeit*') relation and its concrete content as the relationship between the political state and civil society are now clear. In fact, the broader aspects of the Marxian subject–predicate dialectics turn out to be very significant in regard to the study of the civil society–state relationship. The *transition* ('*Übergang*') from the family and civil society to the *political state* ('*politische Staat*')—that is, the state in the strictly institutional sense of the term—is obvious from the very first pages of the *Critique* and proves to be of crucial importance in relation to both the methodology and the contents of the *1843 Manuscript*, including its social and political dimensions.

Within this frame, the dialectics of transition from the family and civil society to the state—that is, the *concrete* analysis of the *concrete* dynamics that define society—constitute the only research angle that can provide, according to the Marx of democracy, the solution to the enigma

[66] Ibid., p. 9.

of the (civil) society–(political) state relation. In other words, such a transition cannot be understood in terms of an *abstract* relation between freedom and necessity, a relation that the Hegelian dialectic of the Idea *institutionalises* at the socio-political level. In contrast to Hegel, Marx confronts family and, especially, civil society as the presupposition of the state, while refusing to address them as if they were the outcome of a mystified, preconceived development of the Idea.[67]

Yet Marx insists that Hegel 'everywhere makes the idea the subject and turns the proper, the actual subject, such as "political conviction", into a predicate. It is always on the side of the predicate, however, that development takes place.'[68] According to Marx, this idealistic inversion of the idea–reality relation is what makes Hegel unable to explain 'how family sentiment, civic sentiment, the institution of the family and social institutions as such are related to political conviction and to the political constitution, and how they are connected'.[69]

There is no doubt that, from Marx's point of view, the fact that Hegel deals with the political state as an organism is something positive. However, by considering the state as the result or the predicate of the Idea, the German idealist is *obliged* to deal with the constitution, which is the imprint of the structure and functions of the polity, as if this 'organism of the state' were the actual outcome of the dialectics of the Idea and not the result of social reality per se:

> The *idea* is spoken of as a subject, which develops itself into its distinct aspects. Besides this inversion of subject and predicate, the impression is given that some other idea than organism is meant here. The point of departure is the abstract idea, whose development in the state is the *political constitution*. What is therefore being treated here is not the political idea, but the abstract idea in the political element. … The sole interest is in rediscovering 'the idea' pure and simple, the 'logical idea,' in every element, whether of the state or of nature, and the actual subjects, in this case the 'political constitution,' come to be nothing but their mere *names*, so that all that we have is the appearance of real understanding. They are and remain uncomprehended, because they are not grasped in their specific character.[70]

[67] Ibid., p. 10.

[68] Ibid., p. 11.

[69] Ibid., pp. 10–11.

[70] Ibid., p. 12.

For Marx, therefore, it is clear that the starting point for understanding reality is reality itself. In particular, as Marx showed later, the understanding of reality can be better grasped via the *anatomy* of civil society. The study of civil society, and especially the critique of political economy, as an interdisciplinary project will open the way to the founding of a *materialist* theory of the state and democracy. In contrast, the simultaneous approach to the state as the inner scope and external necessity superimposed on civil society itself, as Hegel's philosophy of right demands, constitutes an 'unresolved *antinomy*' ('*ungelöste Antinomie*'), according to Marx.[71]

Therefore, although Marx had not as yet broadened his interests to extend to the field of political economy, it should be stressed that he had already realised that the radical critique of Hegel's philosophy of the state required the methodological and practical upgrading of social and political analysis vis-à-vis Logic. As noted above, if, for Hegel, the philosophy of the state was a loyal follower of his Logic, for Marx, the Logic of the existing order of things does not pre-exist but results from the things themselves in their dynamic development and historical unfolding.

As a consequence, and through such a *methodological* reversal, the trajectory of Marx's pre-communist theory of democracy becomes evident: given that civil society, as well as the family, constitutes the *sine qua non* for the existence of the political state—that is, it constitutes the moving force that defines the 'moment' of its own relationship with the state—there is no doubt that the Marxian theory of democracy, even during its pre-communist period, raises the question of *conceiving* the dynamics of civil society and sets out the demand for its *scientific* understanding.

In his attempt to establish a 'bridge', marking a transitional 'road' connecting civil society and the state, as opposed to Hegel's choice of the Idea, the young critic proposed 'reality'—i.e. 'the object'—as the departure point for a radical theory of politics. Essentially, Marx, through his critique of the way in which Hegel perceived the modern state, shaped the preconditions for the structuring of a *post-bourgeois* theory of democracy. Nevertheless, as he himself argued, 'Hegel is not to be blamed for depicting the nature of the modern state as it is, but for presenting that which is as the *nature of the state*. That the rational is actual is proved precisely in the *contradiction* of *irrational actuality*,

[71] Ibid., p. 6.

which everywhere is the contrary of what it asserts, and asserts the contrary of what it is.'[72]

But what is the real *nature of the state* in terms of the pre-communist Marxian theory of democracy? The answer to this question stems from the critique of contemporary reality and, more specifically, from the recognition of the *contradiction* per se as the nodal point of *irrational* reality.

At this point, I would like to make a small, but necessary, leap in time and recall Marx's letter to Ruge of September 1843. Following a strictly chronological order, it might seem premature to refer to this letter, which seems to *complete* Marx's critique of Hegel's philosophy *]* of right. However, what actually matters for my study is that in this revealing piece of writing Marx himself seems to set out conclusively, directly and clearly the spirit of his overall critique of the social and political order of his time.[73] He defines the goals of his own approach in relation to any form of dogmatism and considers the main advantage of this 'new trend' to be the fact that it does not confront reality based on a set of *a priori* principles,[74] but aims at finding the new world through a critique of the old:

> Reason has always existed, but not always in a reasonable form. … It is precisely the *political state* – in all its *modern* forms – which, even where it is not yet consciously imbued with socialist demands, contains the demands of reason. And the political state does not stop there. Everywhere it assumes that reason has been realized. But precisely because of that it everywhere becomes involved in the contradiction between its ideal function and its real prerequisites. From this conflict of the political state with

[72] Ibid., p. 63.

[73] Marx, 'Letter to Ruge, September 1843', in Marx–Engels, *Collected Works*, vol. 3, p. 142:

> But, if constructing the future and settling everything for all times are not our affair, it is all the more clear what we have to accomplish at present: I am referring to *ruthless criticism of all that exists,* ruthless both in the sense of not being afraid of the results it arrives at and in the sense of being just as little afraid of conflict with the powers that be.

[74] Marx, 'Letter to Ruge, September 1843', in Marx–Engels, *Collected Works*, vol. 3, p. 142:

> On the other hand, it is precisely the advantage of the new trend that we do not dogmatically anticipate the world, but only want to find the new world through criticism of the old one.

> itself, therefore, it is possible everywhere to develop the social truth. Just as *religion* is a register of the theoretical struggles of mankind, so the *political state* is a register of the practical struggles of mankind. Thus, the political state expresses, within the limits of its form *sub specie rei publicae*, all social struggles, needs and truths.[75]

Let me remind the reader that the concept of the *political state* was exposed by Hegel in §§267–71 of his *Philosophy of Right*. In my view, these paragraphs are of major significance for the purposes of this work. This is because this was the point where Hegel distinguished between the state's 'subjective substantiality', which means the state in terms of the 'political *disposition*' ('*politische Gesinnung*'), and the '*political* state proper' ('*eigentlich politische Staat*'), which refers to the state as '*objective* substantiality', or the '*organism* of the state'.[76] On the basis of this distinction, the political *disposition* that takes the concrete form of *patriotism* ('*Patriotismus*'), as Hegel puts it, marks a 'willingness to perform *extraordinary* sacrifices and actions' and, in general, the recognition of community ('*Gemeinwesen*') as the 'substantial basis and end' of life, whereas the organism, the political constitution, manifests the development of the Idea in its 'objective reality'.[77]

It is worth noting, however, that Marx does not really focus on the content of this Hegelian distinction between 'political disposition' and 'political constitution', as he chooses repeatedly to concentrate on the reversal of the real relationship between subject–predicate and state–civil

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[75] Marx, 'Letter to Ruge, September 1843', in Marx–Engels, *Collected Works*, vol. 3, p. 143.

[76] Hegel (1991, §267).

[77] Ibid., §268. See also Hegel (ibid., §269):

> The [*political*] disposition takes its particularly determined *content* from the various aspects of the organism of the state. This *organism* is the development of the Idea in its differences and their objective actuality. These different aspects are accordingly the *various powers* [within the state] with their corresponding tasks and functions, through which the universal continually *produces* itself. It does so in a *necessary* way, because these various powers are determined by the *nature of the concept*; and it *preserves* itself in so doing, because it is itself the presupposition of its own production. This organism is the *political constitution*.

society.[78] In a sense, the essential content of the Hegelian theorisation of the state as a unity of disposition and organism (constitution), patriotism and political state *stricto* sensu, is not at the centre of the Marxian critique. Even Hegel's critical thesis, according to which '*the state is not a mechanism* but the rational life of the self-conscious freedom and the system of the ethical world',[79] does not incite Marx to make any comment. Despite expressing the intention of offering a wide-ranging comment on this crucial Hegelian position as written in §270 of his *Philosophy of Right*, Marx never did comment on it.

In fact, Marx is primarily interested in revealing the Hegelian *mystification* of the state and aims at a re-foundation of the theory of politics based on civil society as a terrain of conflict between particularistic interests. In other words, while dealing with the content of the constitution of the Hegelian polity, Marx directs his attention to the refutation of the *idealist logic* of this polity: 'The rationale of the constitution is thus abstract logic and not the concept of the state. In place of the concept of the constitution we get the constitution of the concept. Thought does not conform to the nature of the state; but the state to a ready-made system of thought.'[80]

From this point of view, and in terms of a pre-communist Marxian critique of the state, Hegel develops an a priori approach and a *crude* materialism. This involves a systematic, though *metaphysical*, philosophy of the state that addresses political institutions as the realisation of the Idea of the rational state as Hegel himself conceives it.[81]

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[78] Ilting (1984, pp. 96ff.) pinpoints a *methodological* entrapping of the Marxian critique under the influence of Feuerbach's inversion of the Hegelian 'subject–predicate' idealist relation. According to Ilting, due to his attraction to the Feuerbachian reversal of the 'subject–predicate' pair, Marx fails to understand Hegel's *ideological* identity. In fact, the Hegelian text of 1820, which Marx criticises in his 1843 *Manuscript*, constitutes, following Ilting, a political *drawback* compared with Hegel's own university lectures of 1818–19, which are imbued with *republicanism* (see especially Ilting 1984, pp. 98–104). Ilting's analysis is taken up by David MacGregor (1999) in order to argue for a *social democrat* Hegel.

[79] Hegel (1991, §270, emphasis added). It is interesting to realise that, despite expressing the intention to return later to this issue (*Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 15), Marx never undertook a reconsideration of Hegel's §270 remark.

[80] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 19.

[81] Galvano della Volpe (1978, pp. 165–6) raises the significance of this issue in Marx's pre-communist critique, especially against the 'vulgar empiricism' of Hegel's philosophy of right, even suggesting a kind of agreement between Marx's critical analysis and Galileo's 'dialectical-experimental' method.

In this context, it is important to note the exemplary way in which Marx deconstructs Hegel's *perception* of the relationship between the personality of the monarch and the state itself, since 'in the monarch', as Marx comments on Hegel's thesis, 'the *state* is contained *within the person*':

> The correct method is stood on its head. The simplest thing becomes the most complicated, and the most complicated the simplest. What ought to be the starting point becomes a mystical outcome, and what ought to be the rational outcome becomes a mystical starting point. However, if the monarch is the abstract *person* who contains the *state within his own person*, this only means that the essence of the state is the abstract *private person*. Only in its flower does the state reveal its secret. The monarch is the one private person in whom the relation of private persons generally to the state is actualized.[82]

According to the Marxian critique, the reversal of the true course—the conversion of reality from a point of departure to a termination—hints at the core of Hegel's metaphysical theorisation of the state. Having said that, a contemporary radical critique of the state cannot help but show the *false* and *mystifying* character of Hegel's analysis. The irrational element of Hegel's approach is concentrated in a conception of the state and the so-called state interest as *universal*.

Revealing the twisted conception of the partial interest as the interest of the people in terms of it being a universal agent becomes central, therefore, to the pre-communist Marxian theory of democracy. In fact, the political state has no alternative but to represent particularistic interests. It is only in its form—that is, falsely—that the state appears to represent the universal interest. Thus, the aim of the Marxian critique is twofold: on the one hand, it analyses and deconstructs Hegel's mechanism of projecting the partial to the general; on the other, it formulates the real terms of the foundation of a modern democratic polity as a *process* of self-determination of the people and as an *organism* of institutional integration and materialisation of the interests of the people as the universal subject.

Let us see how Marx himself describes the issue:

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[82] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, pp. 38–40.

> Here the state interest has again acquired actuality *formally* as the interest of the nation, but it is only this *formal actuality* which it is to have. It has become a *formality*, the *haut goût* of national life, a *ceremonial*. The *estates* element is the *sanctioned, legal lie* of constitutional states, the lie that the *state* is the *nation's interest*, or that the *nation* is the *interest of the state*. This lie reveals itself in its *content*. It has established itself as the *legislative* power, precisely because the legislative power has the general for its content, and, being an affair of knowledge rather than of will, is the *metaphysical* state *power*, whereas in the form of the executive power, etc., this same lie would inevitably have to dissolve at once, or be transformed into a truth.[83]

No doubt remains: as a critic of the Hegelian philosophy of the state, Marx centres his theory of democracy on the key role of the legislative power, considering the *Stände* as the sensitive and disguised agent—'the legal lie'—of the constitutional process. In this context, the estates that constitute the institutional core of the legislative power contribute decisively, albeit in a mystified way, to the formation and operation of the 'metaphysical state power': that is, the power of the state as the supposed representative of the universal interest.

Thus, as Marx turns his critique against the political nucleus of Hegel's philosophy of right, we must follow the traces of his path all the way through the fundamental issue of sovereignty.

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[83] Ibid., p. 65.

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CHAPTER 5

The Sovereignty of the Demos as 'True Democracy'

The fact that the constitution, which means the organism of a state, functions to some extent as the product of old conditions and ideas that fetter social development needs no further elaboration. What is in fact necessary, however, is a readjustment of—or, even better, a drastic change in—the constitution so as to correspond to the dynamics of the emerging social reality.

From Marx's point of view, as a critic of Hegel's legal *sophistry*,[1] a constitution that expresses social progress, and therefore attributes its rational form to reason, must be the outcome of *self-conscious* human beings acting and living as members of a *self-legislated* polity. As I shall show in terms of a pre-communist theorisation of politics, this polity can be nothing other than a 'true democracy'. For the time being, it is sufficient to recall Marx's own words:

> If the constitution is not merely to suffer change; if, therefore, this illusory appearance is not finally to be violently shattered; if man is to do consciously what otherwise he is forced to do without consciousness by the nature of the thing, it becomes necessary that the movement of the constitution, that *advance*, be made the *principle of the constitution* and that therefore the real bearer of the constitution, the people, be made the principle of the constitution. Advance itself is then the constitution.[2]

[1] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 19.

[2] Ibid., p. 57.

A. Chrysis, *'True Democracy' as a Prelude to Communism*, Political Philosophy and Public Purpose,
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In this institutional context, the key and, at the same time, implacable *political* issue posed by Marx through the prism of his critique of the Hegelian polity is the question of sovereignty and its agency. If, as Hegel himself recognised, legislative power is the power that defines and *constitutes* the universal, then the fact that this power is also *constituted* on the basis of the principles of the constitution must not be underestimated or ignored. Thus, the critical question arises: *Who* legislates *constitutionally*? That is, who legislates and with what procedures, or who *legally* constitutes the constitution?

The Marx of democracy pinpoints the contradiction of a legislative power that is part of the constitution at a time when the constitution itself is placed out of reach and pre-exists the legislative power per se:

> The collision is simple. The *legislative power* is the power to organize the general. It is the power of the constitution. It reaches beyond the constitution. But, on the other hand, the legislative power is a constitutional power. It is therefore subsumed under the constitution. The constitution is *law* for the legislative authority. It *gave* and continues to give laws to the legislature. The legislative authority is only the legislative authority within the constitution, and the constitution would stand *hors de loi*, were it to stand outside the legislative authority. *Voilà la collision!* In recent French history this proved to be a hard nut to crack.[3]

In trying to break the vicious cycle of *legal positivism*, a mode of understanding the state and the law as a closed and isolated network of legal norms and regulations, Marx does not follow the Hegelian logic of the 'reconciliation of opposites'. Following Marxian analysis, Hegel is trapped in an antinomy: 'directly, the constitution lies beyond the reach of the legislature; but indirectly, the legislature changes the constitution. The legislature does in a roundabout way what it cannot and must not do straightforwardly.'[4]

In this way, however, Marx argues, Hegel avoids the real possibility of a revolution that would lead to the establishment of a new constitution, and endorses through his sophistry the perspective of a peaceful and gradual readjustment of the existing constitution through a legislative body that, without making any break, follows changing circumstances

[3] Ibid., p. 55.

[4] Ibid., p. 55.

and carries out the reforms that are necessary for the life of the polity. 'Certainly,' Marx admits, 'entire state constitutions have changed in such a way that gradually new needs arose, the old broke down, etc.; but for a *new* constitution a real revolution has always been required.'[5]

In fact, the conclusion Marx draws is crystal clear: 'The category of gradual transition is, in the first place, historically false; and, in the second place, it explains nothing.'[6] Hegel does not solve the contradiction between the real need for a new *constituent* assembly ('*assemblée constituante*') and the already *constituted* and existing assembly ('*assemblée constituée*'), which insists on legislating within the framework of a dead constitution. Hegel proves reluctant to confront the issue radically and, therefore, in a revolutionary manner. On the contrary, he attempts to resolve in a compromising and painless way the conflict between the necessity for a constituent assembly, which is the institutional cell of a new polity, and the already constituted assembly, which is the legislative instrument of the established political order.

Marx does not miss the opportunity to show that Hegel evades the solution to the antinomy that he himself exposes between what already exists and what is about to be born, between the law that acknowledges the constitution as its own unchanging framework and historical reality, which pushes for a new, developing constitution.[7] In other words, Marx criticises Hegel for avoiding a direct and radical answer to the critical question, which has been raised a little earlier: Who can act as the constitutional legislator—i.e. as the lawmaker of the *new* constitution—at the 'moment' of transition, when the existing constitution has ceased to be *real*, and using what procedures?

As regards my analysis, this is the point at which to prove that Hegel's *reconciliatory* approach as imprinted in his 'hybrid of constitutional monarchy'—to recall Marx's expression in his letter to Ruge (of 5 March 1842)—constitutes an irresistible challenge for Marx to extend his critique to the Hegelian theory of the state and defend his own thesis on democracy and, in particular, 'true democracy'.

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[5] Ibid., p. 56.

[6] Ibid., p. 57.

[7] 'According to the law (illusion) the constitution *is*, but according to reality (the truth) it *develops*. According to its definition the constitution is unalterable, but actually it is altered; only, this alteration is unconscious, it does not have the form of alteration. The *appearance* contradicts the *essence*' (ibid., p. 56).

From the Marxian point of view, the key issue is formulated and answered as follows:

> Posed correctly, the question is simply this: Has the people the right to give itself a new constitution? The answer must be an unqualified 'Yes,' because once it has ceased to be an actual expression of the will of the people the constitution has become a practical illusion.[8]

It becomes, therefore, more and more evident that, under the historical impact of the French Revolution and the influence exerted on his thinking by the *democratic* literature of the modern era, and especially of the Enlightenment, the critic of Hegel's philosophy of right recognises the truly *revolutionary* role of legislative power, while conceiving the people as the collective legislator and the real sovereign agent of the new society:

> The legislature made the French Revolution; in general, wherever it has emerged in its particularity as the dominant element, it has made the great, organic, general revolutions. It has not fought the constitution, but a particular, antiquated constitution, precisely because the legislature was the representative of the people, of the will of the species. The executive, on the other hand, has produced the small revolutions, the retrograde revolutions, the reactions. It has made revolutions not for a new constitution against an old one, but against the constitution, precisely because the executive was the representative of the particular will, of subjective arbitrariness, of the magical part of the will.[9]

Undoubtedly, the pre-communist Marxian approach to democracy as the polity that realises people's self-determination and sovereignty presupposes a revolutionary constituent or legislative power. Influenced by the theory of Sieyès on the *tiers état*, but also by that of Robespierre on popular sovereignty and equality, the pre-communist Marxian theory of democracy presupposes a collective sovereign agent that, as I show later, is constituted and legislates as the demos, while breaking away from the existing social and political order to create a new constitution.

[8] Ibid., p. 57.

[9] Ibid., p. 57.

In this way, a new collective political subject and a relevant collective political will are formed institutionally.[10] Essentially, the new constitution, condensing the volition of the people, releases those trends that have already developed in broader society and that are squeezed out by an outdated political framework. It is in this sense that Marx refers to the French Revolution as a 'great, organic, general revolution', which aimed at legislating a *new* polity and not just a set of partial reforms within the *existing* one.[11]

At this point, crucial dimensions of Marx's pre-communist theory of democracy appear and demand our attention: the *organic* connection between revolution and a new constitution; the *political* refutation of partial reforms and thus of a linear evolutionary transition to a new polity; and, last but not least, the *constitutional* recognition of the demos as the conscious agent of sovereignty and as a self-legislated political subject.

Certainly, the approach that follows takes into account these dimensions—especially since the issues raised within this analytical frame are connected not only to the pre-communist Marxian theory of democracy in general, but also to 'true democracy' as a prelude to Marx's theory of communism. For the time being, however, I unfold my argument by starting with the Hegelian hard-line institution of the *Stände* and the way in which Marx dealt with it as a theoretician of democracy.

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It is through the legal entity of the *Stände* that Hegel attempts to mediate the relationship between the *political state* and *civil society*. The institution of the *Stände* is the means through which Hegel turns his constitutional monarchy against both Plato's republic and the Anglo-Saxon liberal state. Contrary to Plato's political theory, in which subjective liberty has no place, and also in opposition to classical liberalism, in which the private interest of the individual citizen uses the state as

[10] Balibar, in his postface to Balibar and Raulet (2001, p. 126, note 10), also agrees on Sieyès influence on the young Marx's political ideas. Readers interested in the constitutional theory of Sieyès and, therefore, in its influence on Marx's pre-communist theory of the state should read especially the Chaps. 5 and 6 of Sieyès' *Qu'est-ce que le Tiers-État* (1988, pp. 121–88).

[11] For the impact of the history of the French Revolution on Marx's theory of democracy as the outcome of his readings during his stay in Kreuznach, it is worth recalling Rubel's analysis (1989, p. 13).

an instrument and reduces the political to an affair of the people as an undifferentiated mass of voters, Hegel proposes the dialectical *transcendence* of *despotism* and *liberalism* via the institution of the *Stände*. As he characteristically notes, 'the proper significance of the Estates is that it is through them that the state enters into the subjective consciousness of the people, and that the people begins to participate in the state'.[12]

Thus, by focusing on the mediating role of the *Stände* as the *organising* political-institutional principle and as a transformer of civil society in the sphere of legislative power, Hegel regards this particular element as an *organic* moment of the totality, which is the state. In this respect, he argues:

> Viewed as a *mediating* organ, the Estates stand between the government at large on the one hand and the people in their division into particular spheres and individuals [*Individuen*] on the other. … At the same time, this position means that [the Estates] share the mediating function of the organized power of the executive, ensuring on the one hand that the power of the sovereign does not appear as an isolated *extreme* – and hence simply as an arbitrary power of domination – and on the other, that the particular interests of communities, corporations, and individuals [*Individuen*] do not become isolated either. Or more important still, they ensure that individuals do not present themselves as a *crowd* or *aggregate*, unorganized in their opinions and volition, and do not become a massive power in opposition to the organic state.[13]

For the moment, I will brush aside the role of *bureaucracy* as examined by Hegel, which is a subject that I will deal with later, following Marx's penetrating analysis. However, let me focus for a moment on the crucial Hegelian approach to the private estate ('*Privatstand*') as projected dialectically onto the legislative power:

> In the Estates, as an element of the legislative power the private estate attains a political significance and function. In this capacity, the private estate cannot appear either as a simple undifferentiated mass or as a crowd split up into atomic units. It appears rather as what it already is, namely as an estate consisting of two distinct parts, the one based on the substantial relation, and the other on particular needs and the work through which

[12] Hegel (1991, §301, Addition).

[13] Ibid., §302.

> these are mediated (see §§201ff.). Only in this respect is there a genuine link between the particular which has actuality in the state and the universal.[14]

It is therefore clear that, in terms of a philosophy of the state, Hegel invokes the institution of the *Stände* in order to differentiate his own *constitutionalism* from *despotism* on the one hand, and the classical type of the British parliamentarian *liberalism* on the other. From Hegel's point of view, both despotism and liberalism, despite their critical differences, are nevertheless characterised by a plethora of egotistic and particularistic interests, an element that, in the last instance, explains the failure of the state to constitute itself as an organic whole—that is, as the synthesis of its objective and its subjective moment—realising in this way the concept of freedom.

At all events, it is important to point out Hegel's attempt at *duplicating* and *superseding politically* civil society's *Privatstand* in terms of a legally constituted *stand* that mediates the relationship between civil society and political state. In the final analysis, such an attempt reconfirms the incompatibility of Hegel's theory of the state with the individualised or atomocentric parliamentarian system and foreshadows the impact of this Hegelian anti-parliamentarianism on Marx's theory of democracy.

Thus, juxtaposing the state as an organic totality with 'the people' as a formless multitude, Hegel argues as follows:

> The state is essentially an organization whose members constitute *circles in their own right* [*für sich*], and no moment within it should appear as an unorganized crowd. The *many* as single individuals – and this is a favourite interpretation of [the term] 'the people' – do indeed live *together*, but only as a *crowd*, i.e. a formless mass whose movement and activity can consequently only be elemental, irrational, barbarous, and terrifying. If we hear any further talk of 'the people' as an unorganized whole, we know in advance that we can expect only generalities and one-sided declamations. The idea [*Vorstellung*] that those communities which are already present in the circles referred to above can be split up again into a collection of individuals as soon as they enter the sphere of politics – i.e. the sphere of the

[14] Ibid., §303.

> *highest concrete universality* – involves separating civil and political life from each other and leaves political life hanging, so to speak, in the air … .[15]

I do not focus on this extensive passage by accident. 'Here we have the solution to the enigma,' Marx points out, commenting on §303 of Hegel's *Philosophy of Right*, and he goes on to write down Hegel's formulation: 'In the *Estates*, as an element of the legislative power, the *private estate* attains a *political significance* and function.'[16]

However, according to the Marxian critique, this is a false solution to the enigma. Essentially, *Stände* are proposed by Hegel as *synthesis*. But such a synthesis, Marx argues, is a failure:

> How the estates are to set about uniting in themselves two contradictory ways of thinking is not indicated. The *estates* are the *posited contradiction* of the state and civil society within the state. At the same time, they are the *demand* for the *resolution* of this contradiction.[17]

According to Marx's own critique, therefore, *Stände* prove to be the nodal point of the Hegelian state system. If 'the estates element is *the political significance of the civil estate*', argues Marx, this is therefore a 'contradiction in terms'.[18] The Hegelian *Stände* condense all the contradictions of the organisation of the modern state and, in this sense, constitute the 'mediators' that 'mediate in every direction' since they are 'hybrids'.[19]

In short, the response to despotism and individualistic parliamentarian liberalism cannot be given using Hegel's concept of *Stände*. As a hybrid institutional form that aims to transcend the antinomy between civil society (partial) and the state (universal), the Hegelian *Stände* constitute an expression and confirmation, but not a solution, of the antinomy between the partial and the universal. The Hegelian philosophical

[15] Ibid., §303 (Remark).

[16] Ibid., §303.

[17] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 67.

[18] Ibid., p. 70. Elsewhere, Marx comments that 'Hegel solves the enigma by recognizing the "distinctive feature of the estates" in the fact that in them "the specific insight and the specific will characteristic [of] civil society comes *into existence relative to the state*". It is the *reflection of civil society on to the state*. As the bureaucrats are *representatives of the state* to civil society, so the estates are *representatives of civil society* to the state' (ibid., p. 66).

[19] Ibid., p. 69.

attempt to transcend the opposition between despotism and liberalism, absolutism and parliamentarianism, proves to be false as long as it is attempted with 'material' drawn from the medieval past in order to avoid the passage to democracy. For Marx, as a critic of Hegel's philosophy of right and state, democracy is the only constitution that guarantees the self-determination of the people as a sovereign demos.

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Without downgrading the qualitative difference between the medieval past and the liberal-bourgeois present, both Hegel and Marx attribute importance to the Middle Ages as the era and realm of *identity between the social and the political*. As Marx himself argues: 'One can express the spirit of the Middle Ages in this way: The estates of civil society and the estates in the political sense were identical, because civil society was political society—because the organic principle of civil society was the principle of the state.'[20]

In this frame, there is no doubt that the medieval identity between the social and the political, as it was institutionally guaranteed, was in accordance with reality:

> The estates of civil society were as estates of *civil society* at the same time legislative estates, because they were *not* civil estates, or because the *civil estates* were political estates. The medieval estates did not acquire a new character as a political-estates element. They did not become *political* estates because they participated in legislation; on the contrary, they participated in legislation because they were *political* estates.[21]

Yet, in the context of modern societies, which are the result of long transformative processes and constitute themselves politically after such revolutions as the Glorious Revolution in England and the French Revolution of 1789, the element that dominates the relationship between *civil* society and *political* state is not identity but *separation* ('*die Trennung*'). As Marx notes, the identity of civil and political estates as the identity of civil and political society has disappeared. In this sense, 'only the *separation* of the civil and political estates expresses the *true* relationship of modern civil and political society'.[22] How, then, could it

[20] Ibid., p. 72.

[21] Ibid., p. 73.

[22] Ibid., p. 72.

become possible, at the political level, to transcend that separation, a separation that, at its core, defines civil society itself and its relation to the state?

Certainly, Hegel, as Marx himself admits, does not reproduce the medieval archetype in its exact form. The German idealist acknowledges the historical fact that the identity of the civil-political estates has disappeared, since he starts his analysis from the separation of civil society and political state. Nevertheless, Hegel, Marx insists, views the two poles of the relation as 'two fixed opposites'.[23] Moreover, his choice to recognise a hybrid character and the twin role of *Stände*—as an element of both civil and political society at the same time—proves ineffective to resolve the issue of separation between civil society and the state. In an epoch characterised by the separation of public and private spheres—as, indeed, the epoch of modern bourgeois societies—how is it possible for the *classes* of civil society to assume and play the political role assigned to them by Hegel in the philosophical context of his own dialectic of the Idea?

In deconstructing the Hegelian model of polity, Marx recalls the medieval estates and wonders: 'What have they in common, then, with Hegel's *civil estate*, which as a *legislative* element attains a political aria di bravura, an ecstatic condition, an outstanding, striking, exceptional political significance and effectiveness? All the *contradictions* characteristic of Hegel's presentation,' concludes Marx, 'are to be found together in the [Hegelian] exposition of this question.'[24]

Obviously, it was not accidental that Marx's critique of Hegel's philosophy of the state returned again and again to the Hegelian analysis of *Stände*. It was through the antinomic character of the Hegelian *Stände* that Marx raised the issue of the separation of civil society and political state as the point of departure for his own theory of democracy and his approach to 'true democracy' as a conceptual prelude to communism. This is why I reproduce the extract below in which Marx recapitulates his basic argument:

> 1) Hegel does not want to allow civil society to appear in its self-constitution as a legislative element either as a mere, undifferentiated mass or as a

[23] Ibid., p. 72.

[24] Ibid., p. 73.

> multitude dissolved into its atoms. He wants *no* separation of *civil and political life*.
>
> 2) He forgets that what is in question is a relationship of reflection, and makes the civil estates as such political estates, but again only in terms of legislative power, so that their activity is itself proof of the separation. He makes the *estates element* the expression of the *separation*; but at the same time it is supposed to be the representative of an identity which is not there. Hegel is aware of the separation of civil society and the political state, but he wants the unity of the state to be expressed within the state, and this to be accomplished, in fact, by the estates of civil society, in their character as such estates, also forming the *estates* element of legislative society.[25]

However, what does such a summary mean for the development of the pre-communist Marxian theory of democracy for the young Marx himself? In this first critical appraisal of Hegel's *science of the state*, it is important to underline that Marx considers as positive the fact that Hegel distinguishes between civil society and the state, which is a feature of modern societies as opposed to those of the Middle Ages. Although—in the framework of Hegel's philosophy of right—this separation is subdued by the Logic of the Idea, the fact that civil society is recognised as a terrain of particularistic/private interests in permanent tension with the state as the agent of universal interest affirms the dialectics of social reality itself, albeit in a *reverse* form.

In fact, Marx's concise assessment corroborates his previous analysis: the way in which Hegel conceives the civil society–state separation as a founding condition of modern times and societies proves fatal for his own attempt to counterpose his constitutional monarchy to both despotism and classical liberalism. Undoubtedly, the form through which the merger of the private with the political was secured in the Middle Ages via the system of *Stände* cannot be reproduced in terms of modernity. Modern civil society itself is a practical and cultural trademark of *bourgeois society* and contrasts sharply with the practices and culture of medieval communities. In this sense, the private *Stände*, which are the expression of the war of all against all and cut through and define civil society, are totally unsuitable for advancing their transcendence in the political sphere and for carrying out the institutional role Hegel reserved

[25] Ibid., p. 74.

for them. At the same time, the transformation of the state in such a way that it supersedes the particularistic interests at the universal level cannot take place with the obsolete institutional material of the medieval past.

To sum up: for Marx, the *duplication* of *Stände* in order to function at both levels—that of civil society and that of the state, as bearers of legislative power—is a *sophistry* that Hegel adopted in his effort to *reconcile* the opposing poles of the medieval and the modern world. That is why Marx insists on the fact that, even if Hegel acknowledges the separation between the state and civil society in modern conditions when describing the conflict between them, he is unable to *understand* their dialectics. In fact, using the outdated medieval form of the *Stände*, Hegel attempts to restrain the subversive content of modern civil society and control the dynamics of the ascending social forces and the 'great, organic, universal revolutions' of the seventeenth and eighteenth centuries.

For his part, and in opposition to Hegel, Marx attempts an understanding of social reality not in terms of *conciliation* but in terms of the *struggle of opposites*. This is the reason why Marx's thinking about the state became solidly grounded on and permanently articulated with the study of civil society as the terrain in which social antitheses are primarily concentrated.

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At this point, I ask the reader to take note of an interesting *historical detail*: having analysed and critically appraised §303 of Hegel's *Philosophy of Right*, Marx moves on to copy §§304–7 with the apparent intention of approaching them critically. However, after copying them, instead of starting to criticise them, Marx returns to comment further on §303. How can Marx's insistence be explained and what does it mean for his pre-communist theory of democracy? In other words, why does Marx comment again and again on this particular paragraph?

It was Nikolaï Lapine who raised this apparently secondary, but actually significant, issue in a direct and penetrating manner; this is vividly expressed in the following passage of his *Le Jeune Marx*:

> Summer of 1843 was a happy period for the young Marx. He has learned to reconcile his sentiments with intense theoretical work. It is precisely at this moment that Marx becomes conscious of his lack of concrete historical knowledge in order to find the answer to the problems he was confronting. That is why, after his return from his honeymoon trip, he interrupts for a while his work on the critique of Hegel's philosophy of right in order

> to plunge into the reading of the history of various countries. … The concrete material that Marx draws from his studies on questions of history enriches the *Manuscript of 1843* with new empirical argumentation and deepens his own conception of the very nature of the problems studied.[26]

Although Lapine seems to go too far in his assessment that Marx revised his research subject,[27] his overall argument seems convincing and lays the groundwork for a milder explanation to which I personally subscribe: in the summer of 1843, Marx renewed and reinforced his arguments as he drew especially from the rich material offered by his study of British and French political history. Taking into consideration the bourgeois transformations of his times, Marx capitalised on these readings and studies and, without wasting time on his literature review in the *Kreuznach Notebooks*, he returns to §303 of Hegel's *Philosophy of Right*. This seems a crucial turning point as regards his own theory of the state. Let us follow him!

***

The Marxian critique of the Hegelian theory of the state clearly raises those fundamental questions that Hegel himself, while considering philosophically, dealt with by *suffocating* their *political* contradictions and consequences.

The critical question, Marx will tell us, can be formulated as follows: *representative constitution* or a *constitution of Stände*? While the representative constitution as documented through Marx's study of British and French political history reveals and condenses at the institutional level the contradictory reality of modern society, the Hegelian constitution of *Stände* is a retreat, a distortion of the understanding of society itself vis-à-vis the conclusions of this understanding. In fact, while Marx hastened to evaluate the representative system as a system that *uncovers* the foundations of the modern state, Hegel chose to *cover up* the contradiction itself: that is, the real separation between civil society and the state. As Marx writes:

> It shows Hegel's profundity that he feels the separation of civil from political society as a *contradiction*. He is wrong, however, to be content with the

[26] Lapine (1980, p. 210, 216).

[27] 'Without doubt, Marx was unsatisfied from his previous analysis and deems necessary a revision of the object of his study' (ibid., p. 208).

> appearance of this resolution and to pretend it is the substance … . Hegel does not call the matter here in question by its well-known name. It is the disputed question of a *representative* versus *estates* constitution. The representative constitution is a great advance, since it is the *frank, undistorted, consistent* expression of the *modern condition of the state*. It is an *unconcealed contradiction*.[28]

In the last instance, if the theory of the state and the action of the people are to confront the issue of the separation of the state from civil society, such a confrontation, according to Marx, is meaningful only in terms of modern actuality. The fact that modern revolutions, especially the French one, unreservedly posited the separation between civil society and the state, combined with the distinction between individual and citizen, as the basic issue defining the dynamics of modern bourgeois societies constitutes real progress. From this perspective, the representative constitution is the political *truth* because it expresses reality by affirming the separation between civil society and the state. In contrast, Hegel's version of the constitution of *Stände*, which turns towards the medieval tradition to some extent, conceals such a separation and produces a political mystification.[29]

Nevertheless, if Hegel, as his radical critic characteristically pointed out, avoided calling things by their proper name, Marx himself, loaded down with the historical baggage of his time, refused to reconcile the irreconcilable and instead aimed to confront the social process as moving from the Middle Ages to the modern era. Under the influence of his readings on French history and Enlightenment philosophy, as mentioned above, Marx set out the following exposition of the estates' transformation from their medieval to their modern content and form:

> Only the French Revolution completed the transformation of the *political* into *social* estates, or changed the *differences of estate* of civil society into mere *social* differences, into differences of civil life which are without significance in political life. With that the separation of political life from civil society was completed. The estates of civil society likewise were transformed in the process: civil society was changed by its separation from political society. … Within society itself, however, the difference was

[28] Marx, *Critique* in Marx–Engels, *Collected Works*, vol. 3, pp. 75.

[29] In a similar vein, see the analyses by Desbrousses (2007, pp. 71–84) and Kouvélakis (2001, pp. 11–22).

> developed in mobile and not fixed circles, of which *free choice* is the principle. *Money* and *education* are the main criteria.[30]

Here, it is worth trying to approach the Marxian thesis from the point of view of both state theory and the philosophy of history. Marx, within the framework of his critique of Hegel's philosophy of state, is conscious of and inspired by the historical transitional course: that is, the transition from the old guild-type societies to modern *bourgeois* societies.[31] With regard to the way in which medieval life was organised, both Marx and Hegel locate the identity between the private and the political in the same institutional form: the (medieval) *Stände*. However, whereas Hegel tries to *preserve* this identity of private–political in the constitution of his polity on the basis of the hybrid element of *Stände*, Marx recognises that the dynamics of modern bourgeois societies lead to the failure of all attempts to reconcile the traditional with the modern.

In other words, based on the historical process of the civil society–state separation, Marx draws the conclusion that the dissolution of the medieval private–political identity cannot be constitutionally replaced and overcome through the *determinant* role of the *political* state and the mediating function of the *political* estates, as Hegel suggests with his illusory implementation of civil society–state dialectics:

> The dualism of civil society and the political state, which the *estates* constitution seeks to resolve by a *harking-back*, appears in that [Hegelian] constitution itself in such a way that the *difference of estate* (the differentiation within civil society) acquires a different significance in the political and the civil sphere. Here we are seemingly confronted by something identical, *the same subject*, but with *essentially different* attributes; hence it is a *twofold* subject and this *illusory identity* is artificially preserved by that reflection which at one time ascribes a character to the civil estate distinctions as such which is yet to accrue to them from the political sphere, and conversely, at another time ascribes to the distinctions of estate in the political sphere a character which does not arise from the political sphere but from the subject of the civil sphere.[32]

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[30] Marx, *Critique* in Marx–Engels, *Collected Works*, vol. 3, p. 80.

[31] On this issue, see the penetrating analysis by Leopold (2007, pp. 62–7).

[32] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 82.

In conclusion, the manner in which modern polities become organised, as opposed to medieval ones, constitutes a *concrete* form of institutionalisation that corresponds to the system of material needs of modern times. Modern civil societies are radically transformed compared with medieval communities, which had the *Stände* as both their social and political component. The static character of the medieval social structure surrenders its position to the fluidity and mobility of modern civil society. The closed and hierarchical character of medieval societies is overthrown by the dynamics developed in civil society, where the struggle for the satisfaction of material needs unfolds and where the war of all against all takes place. Thus, the representative constitutions of the bourgeois revolutions that organise the state as an expressive terrain of *political/formal* equality are merely the culmination of processes that take place in civil society and are defined by the *materiality* of inequality. This *material* inequality in the earthly hell of civil society is distinguished from, and coexists with, the *legal* equality that individuals enjoy as citizens in the celestial paradise of the state.

***

It is precisely this separation of civil society from the state and the relevant schism of the individual between a private person and a citizen that Marx seeks to theoretically capitalise upon in order to demonstrate the false character of the Hegelian solution of the opposition between society and the state and to open the way towards his own conception of democracy. Pointing to the *self-determination of the people*—or, in other words, to the *sovereignty of the demos* in the context of a 'true democracy'—however, Marx does not make the mistake of underestimating the fundamental importance of the distinction between civil society and the political state. Taking as the starting point of his critique the fact that, in modern societies, the individual is called upon to act as much as a citizen of the state as a member of civil society, the Marx of democracy aims at the *dissolution* of this division.

From the Marxian point of view, the representative liberal constitutions approve of the distinction between *private individual* and *citizen* without any reservations, whereas the Hegelian constitution seeks to transcend it, albeit through the erroneous reconciliation of the two poles through the institution of the *Stände*. As a result, Hegel's theory of the state, argues Marx, fails to give the right answer to the question of the human being as an integral self-determined and, in this sense, free personality.

Given the civil society–state separation, every member of society suffers a personal division as a citizen of the state ('*Staatsbürger*') and a member of civil society ('*Privatmann*'):

> As an *actual citizen* he finds himself in a twofold organization: the *bureaucratic* organization, which is an external, formal feature of the distant state, the executive, which does not touch him or his independent reality, and the *social* organization, the organization of civil society. But in the latter he stands as a private person outside the state; this social organization does not touch the political state as such. … Hence, in order to behave as an *actual citizen of the state*, and to attain political significance and effectiveness, he must step out of his civil reality, disregard it, and withdraw from this whole organization into his individuality; for the sole existence which he finds for his citizenship of the state is his sheer, blank *individuality* … .[33]

No doubt, the Marxian critique castigates both the Hegelian constitutional version of the transcendence of the private individual into citizen *and* the liberal constitutional representation of the members of a modern civil society at the state level as guaranteeing legal equality for all citizens. Let us confine ourselves, however, to Marx's critique of the Hegelian version.

The separation of the state from civil society raises the issue of further relations between them—or, in other words, the issue of institutional *recognition* of this separation at the political level. Quite reasonably, Marx's critique targets the transformation of the private individual into citizen, trying to demonstrate its fictitious character. Focusing on the pivotal questions 'What is *Privatstand*?' and 'What is civil estate?', Marx draws the conclusion that, in terms of Hegel's theory of the state:

> to acquire 'political significance and effectiveness' [the civil estate] must rather abandon itself as that which it already is, as *civil estate*. Only thus does it acquire its '*political* significance and effectiveness'. This political act is a complete transubstantiation. In it, civil society must completely give itself up as civil society, as civil estate, and assert an aspect of its essence which not only has nothing in common with the real civil existence ['*bürgerliche Existenz*'] of its essence but stands in opposition to it.[34]

[33] Ibid., p. 77.

[34] Ibid., p. 77.

It is, in fact, a process of 'de-materialisation' of the *Bürger*, of the *private man*: that is, the transformation of the active materiality of the individual into an abstract and, in this sense, 'empty individuality' as a citizen of the state:

> The separation of civil society and political state necessarily appears as a separation of the *political* citizen, the citizen of the state, from civil society, from his own, actual, empirical reality, for as an idealist of the state he is *quite another being*, a *different*, distinct, opposed being. Civil society here effects within itself the relationship of state and civil society which already exists on the other side as *bureaucracy*. In the estates element the general really becomes *for itself* what it is *in itself,* namely, the *opposite* of the *particular*. The citizen must discard his estate, civil society, the *civil estate*, so as to acquire political significance and effectiveness, for it is this *estate* which stands between the *individual* and the *political state*.[35]

Within this frame of analysis, it is worth noting that Marx's reference to the schism of the person between the 'actual, empirical reality'—essentially his *entrepreneurial activity* as *Bürger*—and his distinctive 'idealist' political functionality as citizen of the state proves to be not just a fundamental theme of the Marxian pre-communist theory of democracy. It already raises the need for a *materialist* theory of democracy, according to which the resolution of the opposition between society and the state, and thus the implementation of the *sovereignty of the demos*, is dealt with primarily not as a question of *political reforms* in the strict sense of the term, but as a radical transformation of civil society itself.[36]

It is therefore wrong to assume that Marx criticises Hegel's theory of the state and, especially, the Hegelian conception of the civil society–political state separation as if he were a liberal defender of parliamentary democracy. Quite the opposite proved to be the case. Marx, I argue, began to create his own pre-communist theory of democracy under the influence of republicanism, while sharing to a certain extent not only Rousseau's but also the Young Hegelians' republican positions and elements of the Hegelian critical stance towards liberalism)

[35] Ibid., pp. 77–8.

[36] See also Lapine (1960). Lapine, among others, argues that 'in opposition to the articles in the *Rheinische Zeitung,* in which elements of materialism appear only in isolation from each other and rather in a piecemeal way, the manuscript of 1843 witnesses Marx's conscientious passage to materialism' (ibid., p. 58).

and parliamentarianism.[37] Yet, at the same time, it is worth taking into account Marx's attempt to define and demonstrate the limits of the Hegelian critique of the liberal theory of the state and parliamentarianism as the modern constitutional expression of legislative power.

From Marx's point of view, Hegel's recognition of *Stände* and, by extension, of *associations* ('*Genossenschaften*'), communities ('*Gemeinden*') and corporations ('*Korporationen*') as the mediating institutions through which the legislative power of the *rational* state obtains its structure and function does not constitute a convincing response to the individualism of the *liberal* state and its representative constitution as the predicate of a modern civil society. The 'reminiscence' of the medieval institutional establishment that reverberates throughout the Hegelian polity in the *Philosophy of Right* cannot resolve the real contradiction between civil society and the state as exhibited in modern bourgeois civilisation. In the last instance, the appointment of the members of the legislative power, mediated through various associations, not only proves unsuitable to serve the actuality of the universal at the level of the state, but also extends the consequences of particularism from civil society towards the state itself.

Essentially, following the Marxian approach, Hegel's constitution, which is structured upon the *duplication* of the estates, expresses the '*uncritical*, *mystical* way of *interpreting* an *old-world view* in terms of a new one'.[38] Marx argues that the Hegelian estates, both as components of civil society and as elements of the political sphere, are 'an unfortunate hybrid, where form belies significance and significance belies the form'.[39] In fact, *Stände*, 'the *civil society of the political state*',[40] while attributing *political* form to the real antagonisms of society, fail to play a mediating role. After all, and contrary to Hegel's attempt to reconcile the opposites, 'real extremes cannot be mediated precisely because they are real extremes'.[41]

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[37] Baraquin (1974, p. 8) develops a different argument. He argues that 'Marx's approach to Hegel brings him closer to a liberal critique of the state or a defence of society against the state, which lives through their opposition and contradictions, [it brings him closer] than an attempt at restoring a Rousseau-type of citizen.'

[38] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 83.

[39] Ibid., p. 83.

[40] Ibid., p. 90.

[41] Ibid., p. 88.

At this point the fatal *philosophical* and, ultimately, the crucial *political* flaw of the Hegelian proposal becomes obvious, at least in the frame of its Marxian critique. To the extent that Hegel, as Marx believes, 'wants the "intrinsically and explicitly general", the political state, not to be determined by civil society, but, on the contrary, to determine the latter',[42] it is impossible to find correct solutions to the question of the polity. Contrary to Hegel's arguments, and on the basis of the relevant Marxian analysis, the legislative power, which inculcates *in se* the real antagonisms of civil society, proves to be structurally and functionally ineffective in regulating and overcoming those antagonisms through *Stände*.[43]

For the democrat Marx, deeply influenced by the words and deeds of the French Revolution, the legislature 'is the totality of the political state, and for this very reason its *contradiction forced to the surface*. It is therefore also its *posited* resolution. … The legislature is the *posited* revolt.'[44] In other words, according to Marx's *democratic* critique, Hegel's constitutional monarchy fails to provide an organic synthesis of both form and essence, a synthesis acknowledging people as a self-legislated collectivity, which means establishing *democracy* as a demystified constitution that resolves the riddle of all constitutions via the sovereignty of the demos.

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As noted earlier, I do not intend to present and analyse in detail the Marxian *Critique of Hegel's Philosophy of Right*. Moreover, I do not intend to give a detailed description of Hegel's theory of the state and its instances (family, civil society and political state). The main intention of my approach is to raise the issue of Marx's pre-communist theory of the state, and especially his theory of democracy, as the theoretical outcome of his own critical confrontation with Hegel's *Grundlinien der Philosophie des Rechts*. Following this perspective, I choose to concentrate on the relationship between civil society and the political state, dealing at greater length with the estates as the institutional expression and underpinning of this relation. It is now time, therefore, to focus on and

[42] Ibid., p. 90.

[43] 'What Hegel wants, the "actuality of harmony", and the "impossibility of hostile confrontation", has indeed not been achieved thereby; we are rather left with the "possibility of harmony". But that is the *postulated illusion* of the *unity of the political state with itself* …' (ibid., p. 93).

[44] Ibid., p. 91.

deepen my analysis of the legislative role of the estates, an area in which Marx sets out his own defence of democracy and true democracy par excellence.

First, it is necessary to take into account the fact that, according to the Hegelian constitutional architecture, the legislature requires two legislative bodies: the House of Peers (Upper House) and the House of Representatives, corresponding to the estate of the nobles—that is, the estate of landed property and the business estate, respectively.

On the basis of this institutional division, it is plausible to suggest that the binary structure of the Hegelian legislative power confirms Marx's overall assessment about the *hybrid character of the Hegelian polity*. As an expression of many mediations, Hegel's polity cannot but include in its context legal entities that recall, on the one hand, the tradition of the medieval *Stände* and, on the other, the dynamics of modern civil society and its *classes*. Besides, it is worth noting that, following the argument with which Marx deconstructs the Hegelian political scheme, a careful reader would be in a position to decipher, by reading between the Marxian lines, a *materialist* theory of the state and democracy:

> House of Peers and House of Representatives confront one another here as the *estate* and as the *political* representation of civil society. The one is the *existing* estate principle of civil society, the other is the realization of its *abstract political* being. … Thus it is self-evident that in the Upper House only the *estate* part of civil society has seats, only 'sovereign landed property', the hereditary landed aristocracy … . Civil society thus has the representative of its medieval aspect in the *estate* House, that of its *political* (modern) aspect in the House of Representatives.[45]

Obviously, Marx took the opportunity to point out and comment on the social and, broadly speaking, the *class* identity of the two legislative bodies of the Hegelian constitution. This fact itself marks out the trajectory of Marx's critique: an understanding of the structure and functions of the (political) state, in this sense the *science* of the state, will be possible only to the extent that the structure and functions of civil society—that is, the *materiality* of society—receive the analytical priority and attention they deserve in their relation to the political state. The institutions of the state are not, as Hegel argues, an expression of the dialectics of the Idea

[45] Ibid., pp. 112–13.

in its concrete phase of development, but a projection of particular social interests onto the *political* level.

In these terms, the House of Peers and the House of Representatives are, for Marx, 'not different manifestations of the same principle but belong to *two* essentially *different principles* and social conditions. The House of Representatives is here the *political constitution* of civil society in the modern sense, the House of Peers in the estates sense.'[46] In other words, the House of Representatives constitutes the modern legislative institution that corresponds to the vitality and mobility of civil society, while the Upper House is a medieval remnant, representing the static character, the immobility, of the *ständische* element of the Middle Ages.

In the same frame of analysis, it is worth recalling that Marx as a critic of the Hegelian constitutional monarchy had already raised the issue of the *political* role of land estate, a *Stand* that, according to Hegel, represents the family as a way of life. Family reproduces itself socially and politically on the basis of land ownership and the institutional right of *primogeniture*. Not without reason, Marx focuses his interest on the fact that the land aristocracy estate is dealt with by Hegel as a class guarantor of private property and, at the same time, as a solid parameter for the legislative framework of his polity. The *Stand* of landowners, which is not subject to the precariousness of the electoral process since it is reproduced through the institutional right of primogeniture, is represented in the House of Peers and maintains its position in the organisation and functioning of legislative power without any serious opposition.[47]

Consequently, while recognising the *natural* feature of primogeniture, Hegel attributes to the estate of 'landed property' the privilege of

[46] Ibid., p. 112.

[47] At this point, it is worth quoting §306 of Hegel's *Philosophy of Right* in order to illustrate the *ideological* way in which Hegel supports and defends the *political status* of the landowning estate on the grounds of the institution of *primogeniture*:

> This estate is better equipped for its political role and significance inasmuch as its resources are equally independent of the resources of the state and of the uncertainty of trade, the quest for profit, and all variations in property. It is likewise independent of the favour of the executive power and of the masses, and is even protected *against its own arbitrariness* by the fact that those members of this estate who are called to this vocation [*Bestimmung*] do not have the same right as other citizens either to dispose freely of their entire property or to know that it will pass on to their children in proportion to the equal degree of love that they feel for them. Thus, their resources become *inalienable inherited property*, burdened with primogeniture.
>
> See also the Addition to the same paragraph.

participating and controlling one of the two legislative bodies, and thus of becoming a decisive agent in the political process within the life of the state. Marx tells us that, through the rights of the eldest—the institutional right of primogeniture—the Hegelian 'political spiritualism' transforms itself into the 'crassest materialism', since the eldest sons of the landowning class are nominated as legislators, as if they were a 'particular race of men'.[48]

Certainly, the Marxian critique cannot leave without comment this Hegelian constitutional rule—not least because, once again, it reveals in Hegel's *Philosophy of Right* the dependence of the political state on civil society:

> What an anomaly altogether, that the highest *synthesis* of the political state should be nothing but the synthesis of landed property and family life! …
>
> This is here therefore an inconsistency of Hegel *within his own* way of looking at things, and such an inconsistency is *accommodation*. In the modern sense, in the sense expounded by Hegel, the political-estates element is the *separation of civil society from its civil estate and its distinctions, assumed as accomplished*. How can Hegel turn the civil estate into a *solution* of the antinomies of the *legislature* within itself? Hegel wants the medieval-estates system, but in the modern sense of the legislature, and he wants the modern legislature, but in the body of the medieval-estates system! This is the worst kind of syncretism.[49]

It is, of course, worth emphasising the biting critique reserved by the young Marx for Hegel's support of the estate of landed property. In these historical and social conditions, the right and might of primogeniture as the guarantee of landed property, this '*private property κατ' ἐξοχήν*, private property *proper*',[50] prove that private property is the

[48] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 105:

> Here therefore *participation in the legislature* is an *innate* human right. Here we have *born legislators,* the *born mediation of the political state with itself*. There has been much sneering at *innate human rights*, especially by the owners of entailed estates. Is it not even stranger that the right to the supreme dignity of the legislative authority is entrusted to a particular race of men? Nothing is more ridiculous than the fact that the appointment by 'birth' of legislators, representatives of the citizens, should be opposed by Hegel to their appointment by 'the fortuitousness of elections'.

[49] Ibid., p. 95.

[50] Ibid., p. 98.

cause, not the effect – it is the determining, not the determined, element in its relation to the state.

Thus, drawing his crucial conclusion, Marx argues as follows:

> What then is the power of the political state over private property? The *power of private property itself*, its essence brought into existence. What remains for the political state in contrast with this essence? The *illusion* that the state determines, when it is being determined. It does, indeed, break the *will of the family and society*, but only so as to give existence to the *will of private property without family and society* and to acknowledge this existence as the supreme existence of the political state, as the supreme existence of *ethical* life.[51]

It is on this legal and, in the final analysis, *material* basis that Marx unfolds his evaluation of the Hegelian philosophy of right and the state and proceeds to the elaboration of his own theoretical conception of democracy. Marx's bitter opposition to Hegel's support for primogeniture, often expressed with a passion and terminology that recall the texts of his student years, makes evident and indisputable his general attitude towards private property, at least as regards the wealth of the rich. Evidently, Marx does not refer to the private property of the means of production. We are not, as yet, in the terrain of the critique of political economy. For the time being, at the epicentre of Marx's critique is, broadly speaking, the private property of the wealthy, the private property of the ruling *classes* of his time; in this sense, the rights of primogeniture constitute a nodal point in the process of proving his hypothesis: *namely, that it is private property that defines the state, and not the other way round*.[52] Whether it is a matter of primogeniture or profit and the accumulation of wealth on the part of the entrepreneurial class, Marx tells us that what we hear through the institution of property 'is the beat

[51] Ibid., p. 100.

[52] Ibid., p. 99:

> In truth, primogeniture is a consequence of *perfect* landed property, it is fossilized private property, private property (*quand même*) at the peak of its independence and intensity of its development, and that which Hegel represents as the purpose, the determining factor and prime cause of primogeniture, is rather its effect, its consequence, the power of *abstract private property* over the *political state*; whereas Hegel represents primogeniture as the *power of the political state over private property*. He makes the cause the effect and the effect the cause, the determining the determined and the determined the determining.

of the *human heart*, that is, the dependence of man on man'.[53] It is precisely this dependency of man on another man that is institutionalised by Hegel through the constitutional monarchy as expressed in his *Philosophy of Right*, whereas the Marxian *response* in the form and content of 'true democracy' should be considered as a theoretical project that steps outside the remit of dependency.

In short, the way in which Hegel conceives and supports the legislative power of his polity leads, at least according to the democrat Marx, to a realm of unfreedom fortified by the theoretical and practical *rationalisation* and *legitimisation* of the state's dependency on private property and its agents.[54]

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The Marxian critique of Hegel's theory of the state and, more specifically, of the way in which Hegel conceives of the structuring and role of legislative power in his *Philosophy of Right*, culminates in the example of the business estate and the representative assembly (House of Representatives), which is the institutional expression of the spirit of the modern world at state level par excellence. As with the case of the landowning estate, Marx structures his critique of the business estate by showing that Hegel's reading of the relationship between civil society and the state is false—or, more precisely, *inverted*.

On this basis, as we have already noted, Marx has the opportunity to stress his position against both the *hybrid* legislative logic of Hegel and the *individualistic* logic of liberalism, continuing and simultaneously transcending the Hegelian critique of classic *parliamentarianism*.[55] In order to analyse Marx's theorisation of the issue even more comprehensively, it therefore proves necessary to focus first on Hegel's critique of the liberal parliamentary system in some detail.

In paragraphs 308–11 of his *Philosophy of Right*, Hegel conceives of the business estate as the variable parameter or the 'moving side' ('*bewegliche Seite*') in civil society, structured as *Stände* at the level of legislative power. Let us follow the *logic* of the Hegelian constitution blow by blow:

> The second section of the Estates encompasses the *changing* element in *civil* society, which can play its part only by means of *deputies*; the external

[53] Ibid., p. 102.

[54] See also the conclusions drawn by Teeple (1984, pp. 209–15).

[55] In this context, see the penetrating analysis set out by Garo (2001, pp. 89–104).

> reason for this is the sheer number of its members, but the essential reason lies in the nature of its determination and activity. In so far as these deputies are elected by civil society, it is immediately evident that, in electing them, society acts *as what it is*. That is, it is not split up into individual atomic units which are merely assembled for a moment to perform a single temporary act and have no further cohesion; on the contrary, it is articulated into its associations, communities, and corporations which, although they are already in being, acquire in this way a political connotation.[56]

Thus, for Hegel, the rational way of composing the House of Deputies and its functioning is not direct election based on the subjective will of the voters participating in the political process as 'individual atomic units', but election mediated by organised collective bodies: that is, institutional representatives of professional interests who contribute decisively to the *transcendence* of particular interests at the level of the universal. In this sense, collective entities, such as associations, communities and corporations, operate from the start as *political* educators of their members, so that the structure and activity of the legislative power itself, especially the House of Representatives, can take on a *rational* character, in sharp contrast to the *atomocentric* formation and function of a liberal parliament.

Indeed, it is worth emphasising the contrast between the Hegelian legislature, on the one hand, and the British-type parliamentarianism, on the other, given the fact that this opposition will attract Marx's attention and influence his thinking as a theorist of democracy. According to Hegel, therefore:

> the idea [*Vorstellung*] that *all* individuals ought to participate in deliberations and decisions on the universal concerns of the state – on the grounds that they are all members of the state and that the concerns of the state are the concerns of everyone, so that *everyone* has a *right* to share in them with his own knowledge and volition – seeks to implant in the organism of the state a *democratic* element *devoid of rational form*, although it is only by virtue of its rational form that the state is an organism. This idea [*Vorstellung*] appears plausible precisely because it stops short at the *abstract* determination of membership of the state and because superficial thinking sticks to abstractions.[57]

[56] Hegel (1991, §308).

[57] Ibid., §308 (Remark).

In other words, following Hegel, it is necessary to distinguish between the rational state and a state with a constitution that presupposes and demands the participation of *all* individuals in political life. Adopting a 'democratic element devoid of rational form' denotes the *irrationality* of the *abstract* approach to the constitutional question, an approach that characterises the Anglo-Saxon concept of the people and the liberal state. In contrast, *rationality*, in the context of Hegel's philosophy of right, means *concrete* determination and, ultimately, the ranking of participation according to every estate's capacity to participate in the concrete state's activity.

However, what is the *concrete state* and who are the *members* of such a state according to Hegel?

> The concrete state is *the whole, articulated into its particular circles.* Each member of the state is a *member* of an *estate* of this kind, and only in this objective determination can he be considered in relation to the state. His universal determination in general includes two moments, for he is a *private person* and at the same time a *thinking* being with consciousness and volition of the *universal.* But this consciousness and volition remain empty and lack *fulfilment* and actual *life* until they are filled with particularity, and this is [to be found in] a particular estate and determination. … The idea [*Vorstellung*] that *everyone* should participate in the concerns of the state entails the further assumption that *everyone is an expert on such matters*; this is also absurd, notwithstanding the frequency with which we hear it asserted. In public opinion, however, the way is open for everyone to express and give effect to his subjective opinions on the universal.[58]

Thus, no doubt remains with regard to Hegel's opposition to the liberal parliamentary version of democracy. Nevertheless, this is just one side of the Hegelian approach to the fundamental issue of legislative power and the role of individuals in the life of the state. The other side of Hegel's direct or indirect critique concerns his own opposition to the Rousseauist type of democracy, which adds *accountability* and *revocability* to the cluster of processes required for a democratic fortification and functioning of the relationship between the sovereign and its agents, the people and their mandatories.

[58] Ibid., §308.

Needless to say, the Hegelian delimitation of Rousseau's democratic ideas assumes great significance in relation to a Marxian theory of democracy. In this context, we should recall that Marx, many decades after writing *Critique of Hegel's Philosophy of Right*, and especially when attacking the parliamentarianism of his era and defending the Paris Commune in his *The Civil War in France*, will support accountability and revocability as a means for securing the sovereignty of the demos.[59] It is not without reason, therefore, that I consider it worth insisting on how Hegel himself considers and criticises the Rousseauist *democratism*.

It is in paragraph 309 of his *Grundlinien der Philosophie des Rechts* that the German philosopher raises the issue of the crucial relationship between electors and deputies. He argues against the commitment of deputies to become proxies, which means to be *imperatively* bound by the will or mandate of their electors. In the context of the Hegelian critique, a mandatory type of democracy as defined by Rousseau suffers from two flaws. On the one hand, it neglects or underestimates the fact that the deputies are elected as *specialists* in public affairs, and, on the other, it ignores the fact that the convening body develops its own unpredictable dynamics, which cannot be dictated by its electors.

In Hegel's own words:

> Since deputies are elected to deliberate and decide on matters of *universal* concern, the aim of such elections is to appoint individuals who are credited by those who elect them with a better understanding of such matters than they themselves possess. It is also the intention that these individuals will not subordinate the universal interest to the particular interest of a community or corporation, but will give it their essential support. Their position is accordingly not that of commissioned or mandated agents, especially since the purpose [*Bestimmung*] of their assembly is to provide a

[59] At this point, it is worth mentioning and commenting on Fischer's following argument: 'Far from ending the Western state, the blending of executive and legislative in Marx's "Civil War" simply represents specifically Rousseauian republican aspiration, and stands at the antipodes of Montesquieu's republicanism' (Fischer 2015, p. 71). No doubt the author of the 'Civil War' stands at the antipodes of Montesquieu's republicanism. No doubt the author of the 'Civil War' is still influenced by Rousseauian republicanism. But who is this author? It is not just the Marx of democracy; it is now the *communist* Marx, who points to a classless and stateless society as the *communist* reformulation of his 'true democracy' as mediated by the proletarian democracy. Thus, it is in this *communist* theoretical context that Marx's republican influence must be reconsidered.

> forum for live exchanges and collective deliberations in which the participants instruct and convince one another.[60]

Given the clarity of Hegel's argument, I am now in a position to recapitulate and draw just a few, albeit crucial, preliminary conclusions:

- Hegel rejects the *atomocentric principle* of the legislative body (parliament) of the liberal commonwealth as an *irrational* way of introducing a *democratic* element into the organism of the state.
- In the constitutional context of the Hegelian state, *representation* as connected to the election of deputies (House of Representatives) is not a one-off act but a mediated process that unfolds through the *filter* of associative and other corporate institutions.
- While supporting the *independence* of representatives from their electors, Hegel attributes special importance to the deputies' knowledge and *political* expertise and rejects categorically Rousseau's philosophical foundation of '*mandat impératif*" in its connection to the procedures of accountability and revocability.

At this point, however, if one takes into account that Hegel considers every individual member of the state both a *private person* and a *citizen*, a reasonable question arises: what is the origin of the *relationship of trust* between individuals as members of the state and their indirectly elected body of representatives and how could it be guaranteed in Hegelian terms? This question of *trust* becomes even more critical, since, if the relationship between electors and representatives is mediated by associations or corporations, then, according to Hegel's theory of the state, it assumes the form of '*mandat représentatif*": in other words, it deprives the citizen of the safety valves of accountability and revocability.

Let us follow the Hegelian argument:

> The trust is vested in a cause, in the principles of a human being and his conduct, actions, and concrete sense in general. It is therefore desirable that anyone who becomes a member of the Estates should possess a character, insight, and will consistent with his task of participating in universal concerns. For it is not essential that the individual [*Individuum*] should have a say as an abstract individual entity; on the contrary, all that matters

[60] Hegel (1991, §309).

> is that his interests should be upheld in an assembly which deals with universal issues. The electors require a guarantee that the elected deputy will promote and accomplish this end.[61]

Apparently, Hegel is trapped in an *idealist* vicious circle, its centre being the *relationship of trust*, which can be guaranteed neither solidly nor permanently. No doubt, Hegel is trying to satisfy the need for the electors' security, although he moves unsteadily by recalling the representatives' *disposition* ('*Gesinnung*'), *skill* ('*Geschicklichkeit*') and *knowledge* ('*Kenntnis*') as long as they deal with the interests of both the state and civil society.[62]

Nevertheless, it is worth emphasising that, beyond the self-referential character of his argument—which the Marx of democracy never fails to point out, as we shall see later—Hegel elevates the seriousness of the issue, noting that the state must be very careful as regards its staffing with persons from the business estate. 'This section,' writes Hegel, referring to the business estate, 'is rooted in interests and activities which are directed towards the particular, and in which contingency, mutability, and arbitrary will have the right to express themselves.'[63]

In fact, the dynamics of this *modern* estate is one of the main causes—if not *the* main cause—behind Hegel's rejection of universal suffrage in the form of the abstract individual and unmediated vote. Furthermore, conscious of its variable and mobile character, Hegel tried, albeit unsuccessfully, to keep a tight rein on the particularism and arbitrary volition of the business estate. In any case, the unsuccessful outcome of this stimulating attempt should not prevent us from admitting that Hegel's analysis proved, to a significant extent, to be penetrating and farsighted:

> If the deputies are regarded as *representatives*, this term cannot be applied to them in an organic and rational sense unless they are *representatives* not of *individuals* as a crowd, but of one of the essential *spheres* of society, i.e. of its major interests. … As for mass elections, it may also be noted that, in large states in particular, the electorate inevitably becomes *indifferent* in view of the fact that a single vote has little effect when numbers are so large; and however highly they are urged to value the right to vote,

[61] Ibid., §309 (Addition).

[62] Ibid., §310.

[63] Ibid., §310 (Remark).

> those who enjoy this right will simply fail to make use of it. As a result, an institution of this kind achieves the opposite of its intended purpose [*Bestimmung*], and the election comes under the control of a few people, of a faction, and hence of that particular and contingent interest which it was specifically designed to neutralize.[64]

To sum up, Hegel's negation of the liberal parliamentary system, though inspired and influential, missed the target, since it was bound, to a certain degree, by the fading world of the past. At the same time, this philosophical analysis of parliamentarianism opened the way to a radical critique of the state, one that would go in a direction that Hegel neither desired nor predicted: that is, in the direction of democracy, and, as I show a little later, especially 'true democracy' as proposed by Marx.

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From Marx's point of view, the essential element is not the number of those participating in the exercise of legislative power, but whether or not those who participate consider, assess and decide on public issues according to the general and not their private interest. The point in question is not *quantitative* but *qualitative*.[65] In this sense, the crucial dilemma is not so much the form of representation as such, but the evaluation process and decision making on the basis of the general interest: that is, in terms of 'general will', as Rousseau posed the problem.[66]

Let me therefore quote at length Marx's rationale in relation to the participation *of all* in the exercise of legislative power:

> In a really rational state one might reply: '*All should* not *individually* participate in deliberating and deciding on the general affairs of the state', for the 'individuals' participate in deliberating and deciding on the *general*

[64] Ibid., §311 (Remark).

[65] For interesting critical approaches to this issue, see, among others, Berki (1971, pp. 212–15) and Thomas (1994, pp. 36–7).

[66] Leopold (2007, p. 74) follows a similar direction: 'The echo of Rousseau here is a striking one. It might be said that, according to the young Marx citizens of both the Hegelian and the modern state participate in political life as members of a "multitude" (and not as part of "the people").' In a different vein, having taken into consideration Marx's 1843 excerpts from Machiavelli's, Montesquieu's and Rousseau's republicanism, Fischer (2015, p. 46) draws the following conclusion: 'In 1843, Marx seems to hover between both positions, one leading to representative republican democracy, the other to a deep Feuerbachian cultural or anarchist communitarian democracy.'

> *affairs* as 'all', i.e., within the society and as members of society. Not all individually, but the individuals as all. Hegel poses this dilemma for himself: Either civil society (the many, the crowd) participates in deliberating and deciding on the general affairs of the state through delegates, or *all* do this [as] *individuals*. This is no contrast of *essence*, as Hegel later seeks to represent it, but of *existence*, and indeed of existence at the most superficial level, of *numbers* … .

In its essential form the contrast is as follows: the *individuals all do it*, or the *individuals* do it as *a few*, as *not-all*. In both cases, universality remains only as an *external* multiplicity or totality of the individuals.[67]

In other words, Marx argues that posing the dilemma as Hegel does reveals a false way of dealing with the political participation question. For Marx, the true dilemma is defined by the actual opposition between two diametrically contrasted attitudes in relation to citizens taking part in the life of the state. Individuals either participate in political life as private persons using the state machine to serve their particular interests, or they deliberate and legislate on the fundamental issues of their polity as conscious agents seeking the realisation of the 'general interest'.

Thus, from the Marxian point of view, the question of numbers is not the crucial one; whether *all* legislate or *some* individuals become members of the House of Representatives and legislate on behalf of the electoral body is not the crux of the matter. As long as we deal with the problem in terms of quantity, concludes Marx, universality—that is, the Universal as the truth of the state—remains out of reach.

Referring to the Hegelian defective context, Marx notes:

> The universality is no essential, spiritual, actual quality of the individual. It is not something through which he would lose the attribute of abstract individuality; rather the universality is only the full *count* of *individuality*. *One* individuality, *many* individualities, *all* individualities. One, many or all—none of these descriptions alters the *essence* of the subject, individuality. 'All' are to participate 'individually' in 'deliberating and deciding on the general affairs of the state'; that means then: *All* shall not thus participate as all but as 'individuals'.[68]

[67] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, pp. 116–17.

[68] Ibid., p. 117.

Clearly, the young Marx attempts to shed light on Hegel's problematic in order to establish his own critique of Hegel's theory of the state and legislative power. To the extent that the distinction between civil society and the (political) state is valid and continues to operate, representation can only serve particularistic interest. Since the state is not the foundation of power but the '*supported* impotence', it is not what essentially determines civil society. In effect, the state is an institutional complex that *depends* on civil society, hence it cannot represent the universal interest.[69] In fact, as long as the real distinction between civil society and the state exists, it is impossible for the isolated individual, the *Privatmann*, to be transformed into a member of an organic whole, of the state as a concrete universality.

There is no doubt that, through the election of representatives, civil society itself demands a presence within the political state and the imposition of its might on that state. In this sense, 'it is precisely the participation of civil society in the political state through *delegates* that is the *expression* of their separation and of their merely dualistic unity'.[70] In contrast, it is self-evident that if *all* could participate in the convention and joint decision making *as all*, then civil society itself would cease to exist. And in that case, 'the significance of the *legislative* power as a *representative* power completely disappears'.[71]

In fact, Marx suggests that the separation of the political state from civil society gives birth, through representation, to the '*abstract-political* function' of the legislative power,[72] while, in contrast, the transcendence of this separation establishes the legislature in the *concrete* form of people's activity as demos: that is, as a self-determined collective subject.

Ultimately, neither the size of the legislature nor its representative or direct character constitutes the crucial question that concerns the young

[69] Ibid., p. 114.

[70] Ibid., p. 119.

[71] Ibid., p. 119. As Marx mentions characteristically, when civil society is transformed into a *real* political society, 'the legislative power is representation here in the sense in which *every* function is representative—in the sense in which, e.g., the shoemaker, insofar as he satisfies a social need, is my representative, in which every particular social activity as a species-activity merely represents the species, i.e., an attribute of my own nature, and in which every person is the representative of every other. He is here representative not because of something else which he represents but because of what he is and *does*' (ibid., p. 119).

[72] Ibid., pp. 119–20.

Marx as a critic of the Hegelian philosophy of state. The Marx of democracy is primarily concerned with and aims to achieve the *real dissolution* of the nexus between civil society and the state, inasmuch as it is the separation of the two spheres that makes the realisation of the Universal a soulless and, effectively, impossible goal.[73]

It is in this precise direction, and without liberal delusions, that the Marxian critique of the Hegelian polity turns in order to point out the *political* significance of *electoral reform* having as its central point of reference the *demand for universal suffrage*:

> The question here is not whether civil society shall exercise the legislative power through representatives or by all individually; the question is rather one of the *extension* and greatest possible *generalization* of *election*, both of the right to *vote* and the right to *be elected*. … Civil society has *really* raised itself to abstraction from itself, to *political* being as its true, general, essential mode of being only in *elections unlimited* both in respect of the franchise and the right to be elected. But the completion of this abstraction is at the same time the transcendence of the abstraction. In actually positing its *political existence* as its *true* existence, civil society has simultaneously posited its civil existence, in distinction from its political existence, as *inessential*; and the fall of one side of the division carries with it the fall of the other side, its opposite. *Electoral reform* within the *abstract political state* is therefore the demand for its *dissolution*, but also for the *dissolution* of civil society.[74]

Thus, there is no question that Marx's critical reference to electoral reform takes its real meaning from the already discussed civil society–state separation. It is also worth bearing in mind that Hegel's response to this fundamental issue through the dialectics of *mediation* and the politics of *constitutional monarchy* left the *democratic* Marx completely unconvinced.[75] Even before his *militant* turn to communism, Marx attempted his own transcendence of the civil society–state schism towards *true democracy*, but in a way that was radically different not just from the Hegelian political version of *Stände* but also from that of parliamentary liberalism.

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[73] Springborg (1984) takes a similar line.

[74] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, pp. 120–1.

[75] In regard to the failure of Hegel's mediation as a way to 'heal the split' between civil society and political state, see Leopold (2007, pp. 74–82).

In particular, Marx's turn to the study of modern civil society, although still not in terms of a critique of political economy but through the rich bibliography on the history and civilisation of European societies, proved to be of fundamental importance for his pre-communist theory of democracy. From this perspective, it is now worth analysing Marx's approach to the issue of the transition from medieval communities to bourgeois societies, a historical process that terminated its first cycle with the completion of the French Revolution of 1789.

Essentially, the Marxian analysis of the transition from medieval to modern/bourgeois society as set out in the pages of the *1843 Manuscript* assumes a *dialectical* character and opens up new roads towards a theorisation of democracy. Here, I suggest that, for the Marx of the pre-communist period, the antithesis between medieval communities and modern (bourgeois) societies – an antithesis of pre-bourgeois communitarianism and bourgeois individualism—historically and socially marks the point of departure for a long-term trajectory towards 'true democracy' as a commonwealth of self-determined—or self-legislated—personalities.

Obviously, it was not by chance that Marx viewed modern civil society in its opposition to the medieval community. Such a community, even if in a closed and strictly hierarchical way, shaped individuals as members of an *organic totality*. Modern civil society, however, as the realm of individualism and private interests par excellence, demands and leads to the formation of the state as an *illusionary*, though *effective*, *political community*. Diametrically opposed to the arguments of both Hegel and liberalism, Marx confronts the political state, whose citizen-members are only *formally* equal through their legal detachment or abstraction from civil society, as a delusionary or *quasi*-celestial community supported by and serving civil society: that is, the sphere of private interests.

As Marx concludes, 'present-day civil society is the realized principle of *individualism*; the individual existence is the final goal; activity, work, content, etc., are *mere* means'.[76] This means that the individualistic dynamics of civil society prevail over the political state, given the fact that individuals are raised to the *instance* of citizens as equal members of state only *formally*. In other words, the very existence and functioning of modern civil society demands that the state is an illusory

[76] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 81.

political community and at the same time undermines the realisation of an authentic community. The mobility of civil society, triggered by the war of all against all and backed by the 'direct labour' of those who lack property—that is, the social *class* that, slightly later, Marx would recognise as the *proletariat*—does not allow the formation of a *real* community.

At this point, it is necessary to cite at length the following theoretical intervention by Marx in the dialectics of civil society, an intervention that proves to be critical for his defence of democracy and, especially, of 'true democracy' as a prelude to communism:

> The estate of civil society has for its principle neither need, that is, a natural element, nor politics. It consists of separate masses which form fleetingly and whose very formation is fortuitous and does *not* amount to an organization. Only one thing is characteristic, namely, that *lack of property* and the *estate of direct* labour, of concrete labour, form not so much an estate of civil society as the ground upon which its circles rest and move. … The present-day estate of society already shows its difference from the earlier estate of civil society in that it does not hold the individual as it formerly did as something communal [*Gemeinschaftliches*], as a community [*Gemeinwesen*], but that it is partly accident, partly the work and so on of the individual which does, or does not, keep him in his estate, an *estate* which is itself only an *external* quality of the individual, being neither inherent in his labour nor standing to him in fixed relationships as an objective community organized according to rigid laws.[77]

Marx's use of the terms '*Gemeinschaft*' and '*Gemeinwesen*' in this concrete context should not be considered a secondary or irrelevant issue. Even if he is trapped in the hierarchical structures of power, the medieval person is not only an autocratically ruled individual but also a *communal* being, a fact that leads Marx to characterise the Middle Ages as '*democracy of unfreedom*'.[78]

Yet, in modern civil society, in which things change in the anarchical and fluid world of conflicting particularistic interests, it is also untrue that democracy is the constitution of self-determined people. In every possible sense, either in the individualistic version of classical liberalism

[77] Ibid., p. 80.

[78] Ibid., p. 32.

or in the Hegelian constitutionalism of *Stände*, human beings are separated from their *communistische Wesen* as a result of the separation between civil society and political state. 'The atomism in which civil society plunges in its *political act*,' writes Marx, 'follows necessarily from the fact that the community, the communal being [*communistische Wesen*] in which the individual exists, is civil society separated from the state, or that the *political state* is an abstraction of it.'[79]

At the same time, however, Marx has no romantic illusions regarding medieval communes. Given that the identity of a being with its function is what characterises the animal kingdom, it is self-evident that, in terms of the history of societies, the Middle Ages constituted 'the *animal history* of human society, its zoology'.[80] In other words, the medieval classification of men in terms of their *profession* and *social* position, and the merging of the private with the corresponding political estates as closed *professional* communities, reduced human beings to the position of an animal.

For its part, modern society, '*civilization*', as Marx calls it with underlying irony, commits the opposite mistake. If the Middle Ages supported a formalistic blend of human beings and their functions, modern society as civil society cuts man off from his communal *truth*. It detaches man from himself and 'separates the objective essence of the human being from him as merely something external, material. It does not accept the content of the human being as his true reality.'[81]

There is no doubt that thinking and writing under the influence of Rousseau's philosophy, and taking into account the consequences of the French Revolution, Marx announced a forthcoming *socially* founded theory of alienation based on the *modern* type of split that human beings of the time were subjected to through the separation of the state from civil society. Nevertheless, as Marx notes, *bourgeois* civilisation, although it refutes the *communal being* of a person as a creative human and transforms this creativity into a simple means of servicing the individualised existence, obviously offers man as a *potential* communal being an incomplete, but functional, substitute: his participation in *political* life through representation.

[79] Ibid., p. 79.

[80] Ibid., p. 81.

[81] Ibid., p. 81.

In this context, it is worth recalling once again the influence of Feuerbach's anthropology on the Marxian theory of the state. Evidently, Marx's man is not the same as Feuerbach's. Without endorsing the Marxian aphorism I have already mentioned, according to which Feuerbach deals too much with nature instead of politics, it is necessary to keep in mind the fact that Marx treats man as the *social* human being par excellence, whereas Feuerbach grounds his own approach to society and politics in the *natural* attributes of human beings.[82]

Moreover, it is worth considering that, in the Marxian context, the alienated man, the man who is subject to the alienation of modern civil society and manipulated by religion, is the same man who, enlightened by the critique of the existing state of things, will *negate* political theology and legislate democracy—and 'true democracy' in particular—as the transcendence of the society–state schism and the achievement of a collective life compatible with his communal being.

In this sense, Marx's pre-communist theory of democracy turns against and moves beyond the dilemma of the parliamentary or Hegelian constitution to the extent that, for different reasons, both sides of this dilemma express the failure to confront the separation between civil society and the political state, and thus the failure to answer the fundamental anthropological question of the elevation of man as an organic member of a self-determined and, in this sense, democratic community. Indeed, there is a reason why Marx defines and defends democracy in terms of community and communal being, focusing on the interconnection of the anthropological with the institutional aspects of the people's self-determination. In this precise way, as I will now show, Marx supports the *demos' sovereignty* in opposition to the Hegelian *monarchy* and its specific constitutional components, introducing, at last, 'true democracy' as the prelude to communism.

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According to §279 of Hegel's *Philosophy of Right*, 'in a constitution which has progressed to real rationality, each of the three moments of the concept has its distinctive [*ausgesonderte*] shape which is *actual for itself*. This absolutely decisive moment of the whole, therefore, is not individuality in general, but *one* individual, the *monarch*.'[83] In the long

[82] For a similar view, see Lapine (1980, p. 195).

[83] Hegel (1991, §279).

remark that follows, Hegel describes the monarch as the person who incarnates the state par excellence and confronts the issue of *popular sovereignty*. As expected, Marx takes the opportunity to unfold and develop his critique of Hegel on the basis of his own concept of democracy. Let us start, however, from the Hegelian approach.

While adopting the relationship between idealistically conceived subject and predicate as the standard way of advancing his analysis—an issue on which Marx focuses his critique under the influence of Feuerbach's anthropology, as we saw earlier – Hegel puts forward the following thesis: 'The personality of the state has actuality only as a *person*, as the *monarch*.—Personality expresses the concept as such, whereas the person also embodies the actuality of the concept, and only when it is determined in this way [i.e. as a person] is the concept *Idea* or truth.'[84] Thus, having conceived and defined the monarch as *the* personality of state sovereignty per se, Hegel is driven to place at the centre of his philosophical critique modern theories of popular sovereignty that draw from the bourgeois revolutions of his era.

On the one hand, Hegel acknowledges that 'the term *popular sovereignty* may be used to indicate that a people is self-sufficient for all *external* purposes and constitutes a state of its own'. On the other, he admits that 'we may also say that *internal sovereignty* lies with the *people*, but only if we are speaking of the *whole* [state] in general'. Ultimately, however, Hegel refuses to accept popular sovereignty, as perceived in modern times and in the wake of the French Revolution.[85]

At this point, therefore, we should pay attention to Hegel's critical formulation on 'popular sovereignty':

> The usual sense in which the term 'popular sovereignty' has begun to be used in recent times is to denote *the opposite of that sovereignty which exists in the monarch*. In this oppositional sense, popular sovereignty is one of those confused thoughts which are based on a *garbled* notion [*Vorstellung*] of the *people*. *Without* its monarch and that *articulation* of the whole which is necessarily and immediately associated with monarchy, *the* people is a formless mass. The latter is no longer a state, and *none* of those determinations which are encountered only in an *internally organized*

[84] Ibid., §279 (Remark).

[85] Ibid., §279 (Remark).

> whole (such as sovereignty, government, courts of law, public authorities [*Obrigkeit*], estates, etc.) is applicable to it.[86]

No doubt, the way in which a philosopher deals with and responds to the sovereignty issue constitutes the 'foundation stone' of their theory of the state. Given this undeniable truth, after carefully reading Hegel's assessment of popular sovereignty in opposition to state sovereignty as embodied and expressed by the monarch, we should not be surprised by Marx's sharp criticism on the basis of his radical theory of democracy.

In fact, commenting on the Hegelian version of constitutional monarchy, Marx writes characteristically: 'As if the actual state were not the people. The state is an abstraction. The people alone is what is concrete. And it is remarkable that Hegel, who without hesitation attributes a living quality such as sovereignty to the abstraction, attributes it only with hesitation and reservations to something concrete.'[87]

In fact, this is a quite offensive, albeit crystal-clear, comment against the Hegelian refutation of people as the agent of sovereignty. In Marx's pre-communist *materialist* theorisation of the state, under the influence of both Spinoza's *democratism* and Rousseau's *communitarianism*,[88] democracy proves to be the polity of the people not as an amorphous mass and fragmented crowd but as a self-constituting collective political subject or demos. It is in this strict sense that Marx recognises the people as *the* sovereign *in action*:

> The 'confused notions' and the '*wild* idea' are here exclusively Hegel's. To be sure, if sovereignty *exists* in the monarch, then it is foolish to speak of an antithetical sovereignty in the people; for it is implied in the concept of sovereignty that sovereignty cannot have a double existence, still less one which is contradictory. However:
>
> 1) This is just the question: Is not that sovereignty which is claimed by the monarch an illusion? Sovereignty of the monarch or sovereignty of the people – that is the question.
>
> 2) One can also speak of a sovereignty of the people *in opposition to the sovereignty existing in the monarch*. But then it is not a question of *one and the*

[86] Ibid., §279 (Remark).

[87] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 28.

[88] On this point, see the penetrating analysis by Abensour (2011, pp. 48–52).

> *same sovereignty* which has arisen on two sides, but two *entirely contradictory concepts of sovereignty*, the one a sovereignty such as can come to exist in a *monarch*, the other such as can come to exist only in a *people*. It is the same with the question: 'Is God sovereign, or is man?' One of the two is an untruth, even if an existing untruth.[89]

Sovereignty of the monarch or sovereignty of the people? Monarchy or democracy? Marx raises this question in this contrasting manner, adopting the perspective of democracy as the *universal* perspective. As opposed to monarchy, in which 'one part determines the character of the whole', democracy is the 'genus constitution', in which each element 'is in actual fact only an element of the whole *demos* [people]'.[90] In that sense, all other constitutions, compared with democracy, are but '*particular forms of state*', particularistic regimes that 'have democracy *for* their truth and … they are therefore untrue insofar as they are not democracy'.[91] In its distinction from democracy as the 'genus constitution', monarchy proves to be just 'one species' and a 'poor one' indeed.[92] While monarchy 'is *supposed* to be only a form, but it falsifies the content', as Marx argues, 'democracy is content and form'.[93] Hence, in the Marxian frame of reference, democracy arises as the 'true unity of the general and the particular', since in democracy 'the *formal* principle is at the same time the *material* principle'.[94]

In this context, democracy proves to be the realm of the people's self-constitution. In democracy, there is no place for or role assigned to the *charismatic* legislator of Rousseau, this demigod who is summoned to found the new polity.[95] Citizens are not determined from above or *externally* by law, as is the case with monarchy and other types of constitutions: the people are in fact self-legislated, which means that they are self-determined, because constitution and laws are exclusively the

[89] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 28.

[90] Ibid., p. 29.

[91] Ibid., p. 30, 31.

[92] Ibid., p. 29.

[93] Ibid., p. 29.

[94] Ibid., p. 30.

[95] Rousseau's legislator, as approached in Chap. 7 of the second book of the *Social Contract*, is the agent who, within the framework of Rousseau's democratism, establishes the founding conditions of the republic before retreating from the stage with the people transformed into a demos, i.e. a self-legislating community.

creation of the people. In a democracy, it is the people *as a whole* that legislates, taking part in the legislative process and constituting the laws as an expression of the general interest: that is, the interest of the community. In short, 'in monarchy we have the people of the constitution; in democracy the constitution of the people'.[96]

Undoubtedly, Marx is not yet in a position to propose an elaborated theory for a transition to democracy. Nevertheless, as he raises and supports the people's initiative for self-legislation, he attributes to universal suffrage its full significance, while rejecting wealth and property as prerequisites for the status of citizen in the full sense of the term.[97]

At this point, it should be noted that Marx is now ready to turn his critique not only against monarchy as a form of political rule, but even against polities, such as that of North America, which draw their democratic foundations from principles and manifestos for which Marx reserves the term *republic*.[98] Yet, as he notes, 'the *political* republic is democracy within the abstract state form. The abstract state form of democracy is therefore the republic ….'[99] Hence, these polities must be distinguished from democracy in the full sense of the term, since, even when they are in conflict with monarchies, republics exhaust themselves within the abstract state form: that is, in the form that appears as an abstraction from civil society.[100]

Thus, as the moment of 'true democracy' has arrived, let me sum up the hitherto critical analysis in Marx's own words:

> *Political* life in the modern sense is the scholasticism of national life. *Monarchy* is the perfect expression of this estrangement. The *republic* is

[96] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 29.

[97] On this issue, Mercier-Josa's comment is correct (1999, p. 18):

> In the *Critique of Hegel's Philosophy of* Right, Marx argues that the dichotomy between the political state – that means between the constitution … – and the bourgeois-civil society cannot stay as a latent opposition, indifferent, but it is to be developed to a contradiction, the resolution of which is *democracy* conceived as the *disappearance of the political state alone*, in its difference from and its transcendence of the determinations of the real, terrestrial, concrete social life of the individuals, who are also citizens.

[98] On this specific issue, see the remark by Hunt (1975, vol. I, p. 67), who refers to and comments on the impressions Thomas Hamilton formed of American society, a review that constitutes part of Marx's *Kreuznach Notebooks* (*MEGA*$_2$, IV.2, pp. 266–75).

[99] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 31.

[100] See also the analysis by Desbrousses (1987, pp. 72–4).

> the negation of this estrangement within its own sphere. It is obvious that the political constitution as such is brought into being only where the private spheres have won an independent existence. Where trade and landed property are not free and have not yet become independent, the political constitution too does not yet exist. The Middle Ages were the *democracy of unfreedom*. The abstraction of the *state as such* belongs only to modern times, because the abstraction of private life belongs only to modern times. The abstraction of the *political state* is a modern product.[101]

Consequently, there is no doubt that, even for the Marx of the *1843 Manuscript*, who is still outside the realm of communism, democracy as an essential and not merely formal transcendence of the separation between political state and civil society is clearly distinguished from the 'republic'.[102] At the same time, it is worth noting that democracy, according to Marx, is not just an *ideal* to be imposed on reality. The Marxian type of democracy is a *historical* response to the deeper needs of socialised human beings, a response that is realised as a *concrete possibility* offered by the dialectical motion of modern society. Commerce and private property have finally broken free from their feudal bondage, putting an end to the medieval 'democracy of unfreedom'. Since the political constitution as the institutional groundwork of the 'abstract political state' has already been established, what now transpires as a historical demand of the present time is *true democracy*.

As opposed to the ancient state, where 'the political state makes up the content of the state to the exclusion of the other spheres', and counterposed to the modern state, which is 'a compromise between the political and the unpolitical state', democracy, the polity outcome of historical dialectics, constitutes the realm in which 'the abstract state has ceased to be the dominant factor'.[103] The era of 'true democracy' has indeed arrived!

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[101] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, pp. 31–2.

[102] Mercier-Josa (1980, p. 45) follows a similar direction:

> The philosophical defence of the idea of the people's sovereignty is not equivalent, for Marx, to a critique of the constitutional monarchy in favour of republic, but permits him the distinction between democracy and republic. Republic is not a radical negation of monarchy, but just one species of state, which allows the political state to subsist in its abstraction, like an empty universal that is placed beyond civil society and whose pretention to organically animate it is illusory.

[103] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 31.

If, in a monarchy or republic, 'political man has his particular mode of being alongside unpolitical man, man as a private individual',[104] then Marx suggests that, in terms of 'true democracy', the human mode of being takes the form and content of an organic totality. In 'true democracy', Marx tells us, and as modern French scholars have rightly pointed out,[105] 'the political state is *annihilated* ['*der politische Staat untergehe*']. This is correct insofar as *the political state qua* political state, as constitution, no longer passes for the whole.'[106]

In this context, the *differentia specifica* between democracy and every other type of constitution now becomes evident:

> In all states other than democratic ones the *state*, the *law*, the *constitution* is what rules, without really ruling – i.e., without materially permeating the content of the remaining, non-political spheres. In democracy the constitution, the law, the state itself, insofar as it is a political constitution, is only the self-determination of the people ['*Selbstbestimmung des Volks*'], and a particular content of the people.[107]

Thus, it is in this sense that Marx recognises democracy not as a state form, but as the *true* transcendence of the distinction between content and form, between essence and existence.[108] In fact, despite certain

[104] Ibid., p. 30.

[105] According to the editors of Marx–Engels, *Collected Works* (vol. 3, p. 589), but also according to Henri Lefebvre (1982, p. 135), the 'modern French' to whom Marx refers is Saint-Simon and his followers, for whom the state, in a future society, will be transformed from being an instrument of rule over people into an instrument of administering things, thus losing its political character. Papaioannou (1999, p. 62n) excludes Saint-Simon from these 'modern French' who inspired Marx with regard to 'true democracy' but includes Considérant and perhaps Proudhon. Rubel (1971, p. 58) also considers that Proudhon was likely to be in Marx's mind when he referred to the 'modern French' supporters of 'true democracy'. Abensour (2011, pp. 134–5) deems it possible that Marx was referring to Considérant and his work *The Manifesto of Democracy in the 19th Century*. Finally, Löwy (2003, pp. 41–2) argues that Marx, having travelled in Holland at the end of March 1843, was informed about the French working-class movement and possibly also about the communist organisations of French workers through reading French newspapers (see also Marx's letter to Ruge in March 1843). This type of information, Löwy assumes, must have influenced Marx's view on 'true democracy'.

[106] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 30.

[107] Ibid., pp. 30–1.

[108] According to the challenging, though rather risky, formulation of Berki (1990, p. 662):

remnants of Hegelian terminology, the Marxian approach to democracy, grounded on the notion of 'true democracy', attains its own specific identity in contrast to idealist theories of the state and raises the demand for the simultaneous dissolution of civil society and political state.[109]

In this context, the people of 'true democracy', as has been correctly pointed out, are not the *abstract* political subject of the declarations of the French Revolution, but the *concrete* collective body that transcends the schism between the social and the political through its own self-determination.[110] In other words, the Marxian critique opposes the state as an apparatus of power, or as an organisational form, and develops as an advocate for a self-determined society within which the political state sinks and dissolves.[111]

Obviously, it is significant that, during Marx's pre-communist period, democracy does not have the class connotations it attains in the writings of the communist Marx. Even so, however, democracy, in the sense of

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there are clear hints that Marx regards democracy as being essentially *formless*. He dismisses the 'political republic' as being democracy merely 'within the abstract state form' and insists that in democracy proper (that is, beyond the republic) the constitution is 'the free product of man', 'constantly brought back to its actual basis'. If by 'state' we understand here a settled framework of offices, separated from social roles and relations (as Marx evidently does), then it is obvious that 'democracy' can no longer be a state. Democracy is sheer movement, constant *actualization,* rather than *actuality*. At the same time, Marx begins to demolish the realm of the 'political' which to him now signifies the illusory domination of the human 'will' over society.

[109] In a different vein, see the analysis of Oizerman (1981, p. 173). 'Such a view of democracy,' writes Oizerman, referring to the Marxian 'true democracy', 'does not yet signify a break with idealism, for it springs from the notion that the state is the realm of freedom or, at any rate, has to be such, in accordance with its concept.' In opposition to this line of interpretation, Lukács (1967, pp. 531–5) recognises in the *1843 Manuscript* Marx's turn to materialism in relation to Feuerbach's materialism, which, however, Marx succeeds in overcoming.

[110] See the Preface by Gérard Raulet in Balibar and Raulet (2001), especially pp. 9–10.

[111] Focusing his analysis on the rejection of the modern state per se, '*even in its republican form*', Hunt (1975, vol. I, pp. 66–7) accurately argues:

> Once Marx had grasped the civil society–state dichotomy as the Gordian knot of modern times, he could no longer set his hopes for human self-realization on a mere political transformation that would leave civil society unchanged. … Thus Marx had to cut the Gordian knot with a solution that would transcend both the state and civil society in some higher synthesis. Initially he would call this new synthesis 'democracy' or sometimes 'true democracy', as counterposed to the 'republic as merely a particular form of the state.'

'true democracy', represents the Universal through the negation of the civil society–political state separation, while posing directly and without reservation the dissolution of the conditions of this separation.[112]

From another point of view, it has been argued that Marx's 'true democracy' is, broadly speaking, a 'new type of state'.[113] Nevertheless, what actually matters most is the fact that Marx's 'true democracy', in contrast to any form of the state, refers to a stateless community of free, self-determined and integral personalities.[114] In this context, we can conclude that Marx's democracy is not merely one form of state constitution among many others.

However, I must make it clear that I do not share the hypothesis supported by distinguished scholars on Marx's work according to which '*anarchism* is the profound sense of the conception by which Marx opposes, in his manuscript, the Hegelian theory of the state under the term "democracy"'.[115] Indeed, I have difficulty in following this rationale and this interpretation of Marx's pre-communist notion of democracy, let alone subscribing to it. 'True democracy' as conceived by Marx does not adhere to an anarchy-like aversion to or rejection of politics. The Marxian 'true democracy' is not contrasted with politics in general, but with state politics as the profession and privileged exercise of power by bureaucracy in the interest of private proprietors.[116]

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[112] According to Oizerman (1981, p. 174), it is worth noting that Marx 'does not yet describe democracy as a definite class structure of society, but rather contrasts it to the latter, which he designates as the *political state*. He holds that true democracy is a negation of the political state. That is the only kind of democracy, a non-political state, that fulfils *social* tasks, that is, effects the working people's emancipation.'

[113] Kouvélakis (2001, p. 17).

[114] Extending the sense of the term 'state' to denote *community*, Kain (1991, pp. 36–7) argues in a quite contradictory way as follows:

> For Marx, the political state is an estranged entity dominating civil society. He also rejects Hegel's preference for monarchy and advocates a radical form of democracy capable of overcoming the difference between the political state and civil society. … Though opposed to a dominating *political state*, Marx is not against the state as an organic community of free individuals where there is no political state estranged from society.

[115] Rubel (1971, p. 58).

[116] In this vein, see Berki (1971, pp. 207–9).

In this theoretical context, 'true democracy' proves to be organically linked to a ruthless critique of *bureaucracy*.[117] Marx no doubt takes into serious consideration the fact that Hegel defined civil society through the prism of a 'war of all against all'; he rejects, however, the position that the private interest could be transcended through the mediating role of corporations and their 'spirit of the state', the 'secret of patriotism', as Hegel wrongly assumed.[118]

It is in this context that the *critical* Marx refutes the role attributed by Hegel to the 'middle class' ('*Mittelstand*'), this class of 'education', bureaucrats and civil servants, whose exclusive aim, according to Hegel, consists in realising the state interest as the universal interest. Instead, Marx provides a long comment on the Hegelian approach, trying to prove that it is false and reactionary. The *democrat* Marx sees bureaucracy as the corporation of the state. Contrary to Hegel's *idealist* approach to bureaucracy as agent of the Universal, he attacks the estate of the bureaucrats in a *materialist* manner as a corporation agency of *particularistic* interests that is composed at the state level. Characteristically, Marx notes:

> The *corporations* are the materialism of the bureaucracy, and the bureaucracy is the *spiritualism* of the corporations. The corporation is the bureaucracy of civil society; the bureaucracy is the corporation of the state. In actual fact, therefore, bureaucracy as the 'civil society of the state' confronts the 'state of civil society', the corporations.[119]

This is the direction that Marx was following in order to establish a radical critique of bureaucracy as a political *estate*, or rather as a professional *stratum*, that contributes in its own way of thinking and practice to the reproduction of the world of material/private interests and the

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[117] For a theoretical, positive assessment of Hegelian bureaucracy, see MacGregor (1998, pp. 188–97). For an opposite view, see Lefebvre (1982, pp. 138–53). For his part, Liebich (1982) argues that Marx is not targeting the bureaucracy at the time of Hegel but the bureaucracy of Germany during the last years of *Vormärz*. A similar position is developed by Furet (1986, p. 14), noting that 'the Germany that Marx is looking at is not anymore the enlightened Prussia of 1818–1820, but the reactionary Prussia of 1830 and 1840'.

[118] Hegel (1991, §289, Remark).

[119] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 45.

relationship between the (political) state and civil society.[120] After all, bureaucracy, in terms of the Marxian critique, is both based on and buttresses the distinction between state and civil society; this means that the dialectical transformation of the particular to the universal interest, through the state action of bureaucracy, cannot fail to assume a *false* character. In other words, it is only 'with the fall of the "state of civil society" [that there is] the fall of the "civil society of the state" [i.e. bureaucracy]'.[121]

The truth of the state as the 'great architectonic edifice, a hieroglyph of reason which becomes manifest in actuality',[122] is nothing more than a false universal, a mediated appearance of the particular interest as a *universal one*, a false representation that proves effective as long as bureaucracy plays its role successfully:

> The bureaucracy must therefore protect the *imaginary* generality of the particular interest, the spirit of the corporations, in order to protect the *imaginary* particularity of the general interest – its own spirit. … The corporation is the attempt of civil society to become the state; but the bureaucracy is the state which has actually turned itself into civil society.[123]

Consequently, there is no doubt that, for Marx, the division between civil society and the state produces and reproduces itself through the administrative function of bureaucracy as a corporative branch of the state, as well as through the various corporations that form the bureaucracy of civil society. Even the life-long devotion to the service of the universal interest that Hegel attributes to the bureaucrats[124]—this hierarchical aristocracy

[120] Nevertheless, Liebich (1982, p. 80) is not incorrect when he draws the conclusion that 'an examination of the vocabulary of Marx's *Critique of Hegel's Philosophy of Right* in its historical context does not lend credence to the idea that this text provides the foundation for a theory of the bureaucracy as a new class'.

[121] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 45.

[122] Hegel (1991, §279, Addition).

[123] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 46.

[124] Hegel (1991, §294). In this paragraph, as well as in its addition, Hegel conceives the role of the bureaucrat in contrast to that of a 'knight errant' ('*fahrende Ritter*') and also in opposition to the activity of a '*civil servant* who performs his work purely out of necessity [*Not*] without any genuine duty and likewise without any right'. In this sense, as Hegel remarks:

> the service of the state requires those who perform it to sacrifice the independent and discretionary satisfaction of their subjective ends, and thereby gives them the

of the *Science of the State* ['*Staatswissenschaft*'][125]—fails to be convincing for the Marx of 'true democracy'.[126] As 'formalism of the state', Marx argues, bureaucracy exudes 'a Jesuitical, a theological spirit through and through'. In this respect, Marx draws the conclusion that 'the bureaucrats are the Jesuits and theologians of the state. The bureaucracy is *la république prêtre*.'[127]

Let us not be misled, therefore, by the Hegelian *idealisation* of bureaucracy. Even if the power of bureaucracy within the framework of Hegelian politology appears as spirituality, in reality this kind of spirituality is nothing but a crude materialism of particular interests. The *romantic* Hegelian portrait of the bureaucrat as the devoted servant of the general interest becomes the direct target of Marx's critique within the context of a radical theory of 'true democracy':

> Within the bureaucracy itself, *spiritualism* becomes *crass materialism*, the materialism of passive obedience, of faith in authority, of the *mechanism* of fixed and formalistic behaviour, and of fixed principles, views and traditions. In the case of the individual bureaucrat, the state objective turns

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right to find their satisfaction in the performance of their duties, and in this alone. It is here that, in the present context, that link is to be found between universal and particular interests which constitutes its concept of the state and its internal stability.

[125] The 'objective moment' of the civil servant's vocation in terms of knowledge aristocracy is described by Hegel as follows:

> The functions of the executive are *objective* in character; as such [*für sich*] they have already been substantially decided in advance, and they must be fulfilled and actualized by *individuals*. Individuals are not destined by birth or personal nature to hold a particular office, for there is no immediate and natural link between the two. The objective moment in their vocation [*Bestimmung*] is knowledge [*Erkenntnis*] and proof of ability; this proof guarantees that the needs of the state will be met, and, as the sole condition [of appointment], at the same time guarantees every citizen the possibility of joining the universal estate.

[126] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, pp. 46–7:

> The bureaucracy is a circle from which no one can escape. Its hierarchy is a *hierarchy of knowledge*. The top entrusts the understanding of detail to the lower levels, whilst the lower levels credit the top with understanding of the general, and so all are mutually deceived. … The general spirit of the bureaucracy is the *secret*, the mystery, preserved within itself by the hierarchy and against the outside world by being a closed corporation.

[127] Ibid., p. 46.

> into his private objective, into a *chasing after higher posts*, the *making of a career*.[128]

In short, if for Hegel bureaucracy is a crucial component of the structure and functioning of the state as the 'actuality of the ethical Idea'[129]—that is, as 'the actuality of concrete freedom'[130]—for Marx it is the agent of *political* theology and denotes servility and vanity, formalism and careerism, inasmuch as bureaucrats delude themselves and act as if bureaucracy is 'the ultimate purpose of the state'.[131]

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In terms of 'true democracy', the author of the *1843 Manuscript* approaches politics in clear distinction to the state. In fact, politics proves to be the centre of gravity of 'true democracy': that is, a permanent and vital functioning of the people acting as a collectivity of personalities engaged in the common cause.[132] In the pre-communist Marxian conception of democracy, the self-determination of the people as a collective agent means that the real man becomes the true legislator of the constitution.

Recalling to some extent the Feuerbachian anthropology, which, through its reversal of the theological relationship between man and God, developed into a critique of religion, the Marxian theory of democracy, through the reversal of the Hegelian relationship between man and the state, develops into a critique of politics.[133] In this way, the Marx of democracy characterises this 'genus constitution'—that is, democracy itself—as the 'solved riddle of all constitutions',[134] whereas just a year

[128] Ibid., p. 47.

[129] Hegel (1991, §257).

[130] Ibid., §260.

[131] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 46.

[132] Leopold's challenging approach to the state–politics distinction in connection to his own understanding of the Marxian 'true democracy' (2007, pp. 254–62) moves in this direction. For his part, Castoriadis (2003 [1996], p. 330), while permanently ignoring Marx's 'true democracy', insists that, although society without a state is possible, 'society without institutions of power is an absurdity into which both Marx and anarchism lapsed'.

[133] In this vein, see Avineri (1968, pp. 35–6).

[134] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, p. 29.

later the communist Marx would conceive and define communism as the 'riddle of history solved.'[135]

Needless to say, even the similarity of formulations sheds light on the hypothesis examined here from another angle: namely, between the Marx of the *1843 Manuscript* and that of the *1844 Manuscripts*—that is, between the Marx of democracy and the Marx of communism—there is a dynamic relation in play that began much earlier and in a way that announces communism not as the formal antithesis of democracy but as its dialectical transcendence.[136] In order to reconfirm, however, this assessment, it is important to focus our attention on those passages of the *1843 Manuscript* in which the young Marx suggests democracy as a way of combining *politics* and *anthropology*, true democracy and socialized human beings, and a place where the two can meet:

> Hegel starts from the state and makes man the subjectified state; democracy starts from man and makes the state objectified man. Just as it is not religion which creates man but man who creates religion, so it is not the constitution which creates the people but the people which creates the constitution. In a certain respect the relation of democracy to all other forms of state is like the relation of Christianity to all other religions. Christianity is the religion *κατ' ἐξοχήν* [par excellence], the *essence of religion* – deified man as a *particular* religion. Similarly, democracy is the *essence of all state constitutions* – socialized man as a *particular* state constitution. … To democracy all other forms of state stand as its Old Testament. Man does not exist for the law but the law for man – it is a *human manifestation*; whereas in the other forms of state man is a *legal manifestation*. That is the fundamental distinction of democracy.[137]

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[135] Marx, *Economic and Philosophic Manuscripts of 1844*, in Marx–Engels, *Collected Works*, vol. 3, p. 297.

[136] While commenting on Castoriadis's critique of Marx's theory of democracy and politics, Dick Howard (2002, p. 96) makes the following remark:

> The locus of this critique is Marx's vision of the Paris Commune as a direct democracy that is the 'finally discovered secret' to the riddle of history he had sought since his youthful critique of Hegel's theory of the state in 1843. … But Marx's vision of democracy is not developed further; he treats its appearance in the Commune just as he treated it in the 1843 critique of Hegel.

[137] Marx, *Critique*, in Marx–Engels, *Collected Works*, vol. 3, pp. 29–30.

At this point, I feel it necessary to distinguish my own argument on Marx's democracy as a prelude to communism from positions such as those included in Shlomo Avineri's analysis, which, starting from the plausible reasoning that 'in 1843, the nucleus for Marx's life work is already visible',[138] reaches the conclusion that 'what Marx terms "democracy" is not fundamentally different from what he will later call "communism", and that in any case this "democracy" is based on "man's communist essence".'[139]

In my view, Avineri makes a serious mistake in that he underestimates the difference between 'true democracy', on the one hand, and, on the other, Marxian communism as it will develop on the basis of the critique of political economy and the theory of the class struggle. In other words, the distance between the democrat Marx's '*communistische Wesen des Menschen*' and Marx's own communism as a social formation and real movement proves far more significant than Avineri supposes.

Unfortunately, Avineri bypasses this crucial difference, grounding his approach on the erroneous hypothesis that the 'guarantee of continuity' between the young and the old Marx 'has been supplied by Marx himself'.[140] In fact, overlooking the continuity–discontinuity dialectics, Avineri overestimates and finally misinterprets the quite immature and philosophical *communist* stigma of 'true democracy'.[141]

No doubt, the notion of 'true democracy' raises in *materialistic* terms the demand for a society without political state and the need to overcome the separation between civil society and (political) state.[142] Nevertheless, Marx's pre-communist materialism is decisively different

[138] Avineri (1968, p. 26, see also p. 41). Hunt (1975, vol. I, pp. 50, 74–5) adopts a similar perspective.

[139] Avineri (1968, p. 34). Hunt (1975, vol. I, p. 75) also draws the conclusion that '"true democracy" may indeed be equated with communism'. For the opposite view, see Kain (1991, p. 36, footnote 57).

[140] Avineri (1968, p. 40).

[141] It is worth reminding the reader that Lucio Colletti (1975, p. 42, 43) makes a similar mistake, when arguing that 'what is really understood by democracy here is the same as, many years later, Marx was to rediscover in the actions of the Paris Commune of 1871. … Almost thirty years later, the argument of 1871 clearly recalls that of 1843.'

[142] As Colletti (1975, p. 41) rightly comments on this specific issue, 'Marx not only distinguishes *between* "democracy" and the "political republic" (which is "democracy within the abstract form of the state") but goes on to emphasize that democracy in this sense implies *the disappearance of the state* altogether'.

from his communist materialism based on the critique of political economy and the reading of the history of all previous societies as the history of class struggle.

Based on the analysis above, I offer this summary: the Marxian democracy, within whose framework the political state dissolves as it becomes absorbed by society—that is, 'true democracy'—consists in the *end of state* in the strict sense of the *end of politics as the exercise of power by those experts of state knowledge, the bureaucrats.* In the context of 'true democracy', the state as political power and politics as a profession and privilege cease to exist. Politics stops serving particularistic interests and ceases to expose them as if they were universal. In 'true democracy', politics is recognised and lived by the people as a vital function of self-determination, and even as a collective aesthetic creation of social life in its entirety.

For my part, no doubt remains that in the pages of the *Critique*, Marx does not downgrade the question of democracy to the level of a *tactical means* towards a society without politics *tout court.* In fact, democracy is primarily dealt with as the *strategic goal* of founding a society whose members discover and experience politics beyond the state and as a means for their constant self-transformation into personalities-creators of a life of high moral and aesthetic standards. It is at this point, I believe, that the Marx of democracy meets the Marx of communism. In the intellectual and social context of our times, in our days and years of severe economic, social and political crisis, 'true democracy' emerges as what it really was from the beginning: a prelude to communism.[143]

As I approach the last chapter of this book, the Marx of democracy, the Marx of a world that, by and large, was the outcome of the long waves of the French Revolution, will turn his gaze towards today's world. At this transitional moment, when the pre-communist radical theory of democracy has reached its limit, just before its *transcendence* by a class theory of communism, I look forward in order to gauge the political significance of the Marxian 'true democracy' for our epoch, an epoch that is marked by the greatness and tragedy of the Russian Revolution of

[143] At this point, it is worth quoting Bakouradze's (1960, p. 28) very careful formulation:

> Despite the overall richness of the manuscript written by Marx, the world-conception of its author is not still that of a communist, even if the most important premises for a passage to communist ideas have been developed in the *Critique of Hegel's Philosophy of Right.*

1917, the catastrophe of two World Wars and many local wars, as well as ongoing environmental and cultural degradation.

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CHAPTER 6

Theoretical Conclusions and Political Perspectives

In the last part of this work, and aiming at a more direct communication with the reader, I return to the initial question that underpinned my analysis and that was posed at the start: is there, potentially, a *Marxian* theory of democracy, a *Marxian* political theory?

Following what has been argued so far, and given the evidence submitted, there is no doubt that even before his communist militancy, Marx shaped *his own* political theory and *his own* theory of democracy. This did not happen in a void. It came through a critical approach and transcendence of modern and ancient political theories, which are related to Marx's pre-communist notions about politics and the state. These notions are crucial for an understanding of Marx's *transition* to communism conceived as both a movement and a social formation, but also for our own confrontation with the contemporary *ideology* of so-called parliamentary democracy. In this respect, while perceived in its distinction to both the democracy of the ancient *polis* state and the modern theories of the liberal state, Marx's pre-communist conception of democracy, as a 'moment' in a *dialectical* course that leads to communism, turns out to be a political-practical and not an academic-scholastic question.

Having dealt at length with the elements that comprise the Marxian pre-communist theory of democracy, this study concludes and corroborates the position that the fundamental issue of Marx's pre-communist theory of democracy is *self-determination*, and in particular the definition of the people as the sovereign collective subject. Needless to say, for Marx, what actually matters is not just the formal/*de jure* type of governance, but

A. Chrysis, *'True Democracy' as a Prelude to Communism*, Political Philosophy and Public Purpose,
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the essential/de facto procedure of legislation. More specifically, the constitution of the people as sovereign and their function as a self-legislated demos form the core of the Marxian democracy, the 'true democracy'.

From this perspective, it is correct to argue, alongside Miguel Abensour, that 'Marx's project in the 1843 Critique is to think the essence of the political from the view point of the real subject as *demos*'.[1] For his part, the Marx of democracy, especially as he appears in the *1843 Manuscript*, makes very clear what is often misinterpreted or even ignored today: the democratic character of a political system is not primarily assessed at the level of the elected government, but at the level of the legislative power, where the substantive function of the people as sovereign legislator—that is, as demos—is tried and evaluated.[2]

In other words, if we take into account the indisputable influence of Rousseau, Sieyès and Jacobin theory and practice on the democrat Marx, who meticulously studied the political theory and history of the French Revolution, Marx's concept of democracy becomes synonymous with people's self-constitution as the sovereign demos.[3]

At the same time, it is worth recalling and pointing out once again that the *citizen* Marx, even before he turned to the study of the critique of political economy, took into consideration civil society's opposing private interests and approached the solution to the riddle of people's sovereignty not at the level of the (political) state as such, but in the dialectical process of transcendence of the separation between political state and civil society: that is, in the context of 'true democracy'.

It is well known that, as a student and devotee of ancient Greek culture, Marx knew and appreciated, without idealising, the value framework of Athenian democracy,[4] especially as this was set out in the

[1] Abensour (2011, pp. 47–8).

[2] Jean Hyppolite (1969, pp. 120–5) focuses on this precise point, recognising the fact that, for Marx, the people is not an 'abstract Idea' but the 'living source of any real constitution'. However, for Hyppolite, Marx fails to solve *historically* a problem that is indeed an *existential* one—that is, the 'contradiction of the human condition', since a human being remains at the same time both object and subject of his own life.

[3] Guilhaumou (2001, especially pp. 81–8) also follows this direction.

[4] Patricia Springborg (1986, p. 194) attributes to the *Aristotelian* Marx a 'highly romanticized view of public-spiritedness in the polis hardly consistent with the facts'. In contrast, Castoriadis (2003 [1993], p. 320), as a thinker of our times who was inspired by the Athenian democracy without idealising it, and despite his critical differences with Marxian thought, recognises in Marx a clear knowledge of the economic and social basis of ancient

Epitaph of Pericles. 'We do not say,' argues Pericles, 'that a man who takes no interest in politics is a man who minds his own business; we say he has no business here at all.'[5] Such a person was morally condemned by the *polis* because he had chosen to exclude himself from being a citizen: that is, an active contributor to the collective being of the *polis*.[6]

Undoubtedly, the Athenian notion of *polis* and democracy and Marx's pre-communist concept of democracy are not identical. I agree with the position of Richard N. Hunt, one of the most thorough scholars of Marxian political ideas, when he states that:

> to say [Marx] admired Athens is not, of course, to say he admired everything about it, or dreamed nostalgically of re-creating the golden age of a simpler society. … Periclean Athens served Marx as a general model for the *political* functioning (if he would forgive us the word) of an ideal society, but no more than that.[7]

Obviously, the historical period that elapsed between Marx's time and ancient Athenian democracy did not allow reductionisms and voluntarisms when dealing with radically new social conditions. However, even the fact that Marx's support of democracy includes influences from Athenian democracy should at least have made some of the liberal theorists of the twentieth century more cautious—such as Popper, who deals with Marx as if he were a proponent of totalitarianism.[8]

As regards modern times, my analysis has focused on the fact that the logic of civil society proves to be incompatible with the Marxian conception of democracy. As civil society takes shape and modern societies distance themselves from their medieval past, leaving behind the world

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Greek *democratic* politics. Unfortunately, however, in his effort to focus on and criticise the objectivist/determinist element of Marx's thinking, Castoriadis *bypasses* the Marx of democracy and his 'true democracy' as a philosophical prelude to a communist self-legislated society. On this issue, see Castoriadis (1987, Chap. 1; 2011 [1992]).

[5] Thucydides (1972, Book II, 40, p. 147).

[6] See, among others, Hunt (1975, vol. I, pp. 82–4).

[7] Ibid., p. 84.

[8] See in particular Karl Popper's critique of Marx's social theory as developed in his *The Open Society and its Enemies* (1962). For a liberal introduction to and critique of the so-called 'totalitarian democracy', see the J. L. Talmon's classic monograph *The Origins of Totalitarian Democracy* (1986).

of closed feudal communities, their political integration into states deepens the schism between the private human being and the citizen. As the dynamics of bourgeois societies reach their peak, the rights of equality and liberty increasingly lose their essential meaning as principles for the people's fight and sovereignty, taking the form of a state illusion.

Without reservations or ambiguities, and before he entered communism, the Marx of democracy clearly formulates a position that is blurred and distorted by the contemporary myth of the current bourgeois parliamentarianism: strictly speaking, the reality of civil society is not determined by but determines the state. Through the prism of such a Marxian critique, the political state emerges as a system of power mechanisms and practices that project in a distorted and reversed way the partial interest as if it were universal, as if it were the interest of the *community*.

But which community? In a society in which, as Hegel acknowledged, the sphere of needs is the battlefield of the war of all against all, how could one talk of community and common interest? How can a community be formed as a way of life through which the universal is realised? Which state, which 'ethical universe'—to repeat Hegel's terminology—can transcend the antitheses of the particularistic interests that cut across civil society?

Dealing directly with these questions, I have attempted an understanding of the Marxian notion of 'true democracy'. To the deep split between civil society and (political) state that corresponds to the anthropological equivalent of the separation between the individual person and the citizen, Marx counterposes the objective of democracy as a way of life and as a mode of organisation and functioning of the collective, within whose framework the various schisms that characterise modernity are transcended.[9]

For me, no doubt remains that, in times such as ours, in which the dominant neoliberal policy and its social-liberal friend continuously

[9] As Sitton (1989, pp. 36–7) characteristically points out:

> [Marx] put forth the argument that the only real answer to the political problems of modern society is the overcoming of the separation of state and civil society. The *name* Marx gave to this project is 'democracy'. … Marx's general concern in using the term 'democracy' was *not* with such issues as better representation (which he would not think would work), free elections, civil liberties, etc., that is procedural questions. 'Democracy' for Marx is nothing less than a demand for the end of the alienation of state and society. It is a call for their identity.

downgrade democracy into a meaningless process of electing bureaucratic political personnel, it is worth recalling that, for Marx, at least before he was involved in the communist hypothesis, democracy was not a mere constitutional form. It is, in fact, a collective way of acting and changing our lives in terms of a community.

For the democrat Marx, both the liberal state—the state as night watchman over the interests of private owners—and the Hegelian state—the kingdom of bureaucracy—are determined by the private interest. They are institutional versions of a functionalist delusion par excellence, a delusion of vital importance for the production and reproduction of modern civil society, inasmuch as the states in both cases appear to and inscribe themselves in the common consciousness as supposed agents of the universal interest. In contrast, the Marxian 'true democracy' constitutes the negation—that is, the dissolution—of this vital lie.

In other words, Marx's defence of democracy stands against and reveals the illusory and formal character of the state paradise of equality, liberty and fraternity, this *myth* of modernity that contributes decisively to the functioning of an egoistic world, a world composed of particularistic interests.[10] As long as civil society exists and reproduces itself as a *private* society, concludes the Marx of democracy, the state will be *its own* state and politics will be the privilege and the profession of a specialist caste, and not the cohesive functioning of the citizen members of all society—that is, of the social body as *political* community.

It is, of course, a great mistake—and one that has major political and theoretical consequences—to take the Marxian quest for the end of the schism between civil society and the state as a process of abrogation of politics *tout court*. This study has produced enough evidence to show that each time Marx exercises his critique against the state as the state of the existing civil society, he simultaneously supports democracy as a *political* project, as a conscientious and collective effort by the people in

[10] As Dupré reminds us (1966, p. 107):

> the French Revolution has not succeeded in restoring the harmony of the Ancient State: instead the complete levelling of all citizens in the political State caused a break with the existing social structures. Marx correctly concludes that this has led to an increasing individualism: the State has become an empty organism and the civil society has lost its social reality.

order to become sovereign.[11] In this sense, the Marx of 'true democracy' sees no contradiction—nor can he be accused of contradiction—between his radical critique of the political state and the separation of civil society and political state, on the one hand, and his demand for universal suffrage and people's self-constitution as demos, on the other. In short, the democrat Marx is not against politics in general, but against that type of politics that subdues and surrenders itself to the logic of civil society and its partial interests.[12]

The democrat Marx opposes the bureaucratic version of politics, both in the form of independent corporate interests that develop within the state and suck the wealth out of society, and in the sense of an army of civil servants, serving the powerful and the rich while at the same time presenting themselves as representatives of the universal interest.[13] In the final analysis, the Marx of democracy as a critic of both the Hegelian philosophy of the state and the liberal theory of the state elaborates *his own political theory of emancipation*. He understands and articulates the fact that civil society and the state constitute an organically uniform pair. The transformation of one side of the pair is impossible without the transformation of the other. Thus, in Marxian terms, it is the transcendence of the civil society–political state relationship that makes democracy the solution to the enigma of power and opens the way to 'true democracy' as a prelude to communism: that is, as the absorption of the state by society and the simultaneous conversion of society to a self-constituted and self-functioning community.[14]

A systematic overall approach to the question of the transition from a modern bourgeois society to a 'true democracy' – that is, towards a society that constantly democratises, transforming itself into a community

[11] According to Abensour (2011, p. 48), 'true democracy—by which is to be understood democracy that has reached its truth as a form of *politeia*—is politics *par excellence*, the blossoming of the political principle, its apotheosis'.

[12] In the same vein, see works by Abensour (ibid., pp. 47–8) and Mercier-Josa (1999, pp. 18–19).

[13] A similar argument is developed by Screpanti (2011, pp. 94–6), who is influenced by the theory of the *multitude* of Antonio Negri, a thinker who draws in turn on Spinoza's political theory.

[14] Isabelle Garo (2001, p. 102) similarly argues that Marx pays attention to the separation between politics and the state and aims at a 'reinteriorization of politics within the social, which is less the disappearance [of politics] than its reappropriation by the social individuals'.

of autonomous personalities while the political state is absorbed by the changing society—is absent from the Marxian pre-communist theory of democracy.

However, in this book I have spotted traces of such a process, especially in the *republican* advocacy of the young Marx in favour of the public use of reason and freedom of the press, but also in the pages of the *1843 Manuscript*, where Marx's argument for universal suffrage marks the point of departure—and just the point of departure—of a struggle for the dissolution of the 'abstract political state' and the consequent supersession of the 'political state–civil society' separation.[15] Nevertheless, it would be wrong to conclude that such analyses, comments and evidence regarding the means and modes of transition to a new *stateless* society constitute the parts of a systematic theory of transition.

Above all, democracy, especially 'true democracy', is not a set of tactical means, but a *strategic* goal. 'True democracy' is the strategic concept for a self-determined community in which politics—that is, thinking, discussion and decision making about the *polis*—is not a private affair or an affair of particularistic groups but an object of collective activity. By supporting democracy in philosophical terms, while criticising Hegel's philosophy of right, and without subscribing to an anarchic and abstract negation of politics, Marx seeks the stigma of a radical politics as *concrete negation* of civil society and the state on the one hand, and as the formation of a new *political* community on the other.[16] It is through this concrete perspective that 'true democracy' announces the coming of Marxian communism, since it emerges as the *self-constitution* of the

[15] There is a misconception that Marx overestimated the significance of universal suffrage (see Sitton 1989, p. 40). This is the consequence of a misunderstanding of the fact that Marx deemed the demand for universal suffrage as equivalent to that for the dissolution of the relation between civil society and the state. Marx *never* supported this equivalence, which has also been wrongly argued by Avineri (1968, pp. 36–7). On the same issue, see also Leopold's interesting comments (2007, pp. 258–9).

[16] Focusing on the difference between an anarchist and a Marxian approach to politics and democracy, Sitton (1989, p. 41) correctly argues at this point that Marx's 'true democracy' 'is a *correction* of "anarchist" thought. From the beginning Marx's conception is distinct from the anarchists. "Democracy" is not anarchy; it is the end of the "representative" state, an institution standing in a superior relation to society as the embodiment of unity, community, and universality.'

people, the sovereignty of the demos in a way that is perfectly compatible with the '*communistische Wesen*' of human beings.

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If we raise the issue in terms of a quasi-Aristotelian ontology that views man as a *political* human being, the transcendence of the distinction between private man and citizen becomes a critical anthropological parameter of Marxian democracy. Once again, I insist on this point: Marx's *socialised* man ('*der sozialisierte Mensch*') does not refute politics in general, nor does he reduce it to a mechanical or instrumental method of dealing with social problems.[17] In this specific sense, authentically political man, as conceived by Marx, is someone who, together with his co-citizens, is able to transcend the inner schism between private man and state citizen, succeeding in operating constructively as a member of a 'true democracy', a community in which *politics* is not the *privilege* of a group of specialists, but a way of life, common to all its members.

In the context of a pre-communist Marxian theory of democracy, as correctly pointed out, 'it is not because man is an "*animal socialis*" that he gives himself a constitution; rather, it is by giving himself a constitution—because he is a *zoon politikon*—that he reveals himself actually to be "socialized man".'[18] In other words, *true* politics, which means politics that corresponds to the Marxian concept of 'true democracy' as it *transcends* the Aristotelian '*politeia*',[19] consists in a process of self-determination and the completion of human personality. Thus, to the extent that man frees himself from and moves beyond his everyday need for survival, his *politicisation* takes the form of democracy as the

[17] From a different point of view, Gottfried (1978) argues as follows:

> In place of the Aristotelian distinction between *poiesis* and *praxis*, Marx spoke of the basic equality of all human work and experience. By the same token, Marxian *praxis* was derived from an ungraded heap of 'essential powers and activities' to which were assigned the metaphysical label, 'human essence.' Marx refused, moreover, to apply to this activity moral criteria of any kind, aside from its conduciveness to revolution. Ethical values were considered mere 'emanations' of material situations and, in any case, were extraneous to the highly individual character of each man's activities.

[18] Abensour (2011, p. 54). Depew (1992) rightly recalls that 'Marx is working from Aristotle's definition of *political animal* in *History of Animals*: "Political are those [animals] for whom something one and common comes to be the work of all" through the social division of labour (488a8–10). Marx, like Aristotle, *contrasts* political to herding.'

[19] Aristotle, *Politics*, especially 1293b–1294a.

self-legislating transcendence of the split between private man and citizen and the relevant relationship of civil society and political state.

In short, according to the democrat Marx, the entrapment of man in his own private affairs in connection with the individualistic practices of a market-led civil society makes him unable to function as a *political zoon*, which, ultimately, is an organic member of a 'true democracy'.[20] This is a tragic schism that modern men and women experience and that they can overcome only through their struggle to become integral personalities within the political and aesthetic frame of 'true democracy'.

In contrast, the formation of social individuals as active participants in the life of their self-legislated and self-operating community is what cuts across Marx's thought and constitutes the axis around which the Marxian theory of politics and anthropology spins. The primacy of the *whole* over the *part* is something that goes without saying for a political thinker such as the democrat Marx, who transcends dialectically philosophical traditions, such as those of Aristotle and Hegel. Obviously, the concept of *totality* in conjunction with that of *community* plays a key role in the *uniqueness* of Marx's pre-communist theory of democracy.

However, we should be careful: Marx's pre-communist proposal for the transcendence of the schism between civil society and the political state within the frame of 'true democracy' neither leads to nor presupposes a crude egalitarianism among the members of the community. The human being of Marxian democracy—like the human being of Marxian communism in the *1844 Manuscripts* a bit later—is against the levelling out of all differences in personalities. The fact that these differences cease to operate on the basis of civil society is what contributes decisively to the pluralism of the demos.

My further insistence on the distinction between a liberal civil society and the Marxian *polity of social individuals* must not be regarded as a kind of intellectual obsession. The critical relation between Marxism and democracy, dramatically aggravated in the frame of the 'really existing socialism' regimes, imposes on me the task of focusing on the distance that separates the liberal society of private men and women, on the one hand, and the communal human beings of the 'true democracy', on the

[20] In the context of his own analysis, Furet (1986, p. 24), argues:

> In Marx, as in Benjamin Constant, whom he read with pen in hand, or in Tocqueville, whom he dealt with more superficially, the private individual is the invention, par excellence, of modern civilization, a monad enclosed within its interests, its calculations and enjoyments, separated by its similars and alien even to the idea of community.

other, while confronting so-called socialist democracies as nothing more or less than 'misprints' of Marx's anthropology and politics. If, according to liberalism, the world of private interests dictates the terms according to which the political is constituted, then, according to the Marxian pre-communist theory of the state, it is the citizen, through becoming an integral personality, who *transcends* the private and its *civilisation* and legislates the framework of a 'true democracy'. In this sense, the citizen of the liberal parliamentary democracy is but an abstraction from the man and his real needs. This human being ends up being a man or a woman without attributes, without elementary political efficiency, inasmuch as his or her political existence lasts exclusively within the short time limits of the voting process.[21] In the final analysis, civil society attains through its political state the *negation* of personality: that is, concrete individuality in the widest sense of the term. The impersonal, *reified* character that human relations assume under capitalism because of the *privatisation of needs* and of everyday life increasingly corroborates the phenomenon of political apathy and the aspect of politics as a form of power politics serving particularistic interests.[22] Civil society stands on the opposite side of a 'true democracy' and, in the dynamics of its development, becomes a mass society, a *quasi*-totalitarian social reality, which, through an empty political formalism, brings about the bankruptcy of bourgeois democracy itself and the triumph of its bureaucracy.[23]

[21] Let us recall Rousseau (1997, p. 114): 'The English people thinks it is free; it is greatly mistaken, it is free only during the election of Members of Parliament; as soon as they are elected, it is enslaved, it is nothing. The use it makes of its freedom during the brief moments it has it fully warrants its losing it.' Similarly, the communist Marx in his *The Civil War in France* (Marx–Engels, *Collected Works*, vol. 22, p. 333) writes with reference to the Paris Commune:

> Instead of deciding once in three or six years which member of the ruling class was to misrepresent the people in Parliament, universal suffrage was to serve the people, constituted in Communes, as individual suffrage serves every other employer in the search for the workmen and managers in his business.

[22] In regard to the anthropological parameters of modern bureaucratic capitalism, see the interesting remarks of Castoriadis in his 'What Democracy?' (2005 [1990], pp. 221ff.).

[23] Although he constantly ignores the Marxian 'true democracy', Cornelius Castoriadis moves in a similar direction through his analysis of the 'liberal oligarchies' of the twentieth century. See, for example, his essay 'What Democracy?' (ibid., in particular pp. 205ff.). From his point of view, Howard, while distinguishing—under the influence of Lefort—between totalitarianism and totalitarian ideology (2002, pp. 117–18), draws the conclusion that 'totalitarianism represents an antipolitics in the same way that the unilateral

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For the Marx of democracy, 'true democracy' is incomprehensible as long as man is divided between private man and citizen; in addition, this democracy cannot exist in a world of poverty and deprivation. In other words, a radical reckoning with poverty is a *sine qua non* for the flourishing of 'true democracy'. This type of democracy is not just one constitution among many others. Strictly speaking, it is not a polity or a technical system of state administration. The Marxian 'true democracy' is an expression of the transformation of society itself, a transformation whose depth and width are assessed by how radically the question of poverty is tackled. In the last instance, poverty and democracy are two antithetical words. De facto, poverty means the exclusion of the individual from politics as a collective societal function, regardless of whether there is formal recognition of political rights in general and universal suffrage in particular. For the Marx of democracy, universal suffrage is of the utmost importance, yet it is not sufficient in order to make democracy 'true'. The truth of democracy is related to a direct confrontation with poverty as a social question with critical anthropological and political dimensions.

Undoubtedly, this approach to the issue of poverty reconfirms that, while still in its pre-communist phase, the Marxian theory of democracy differentiates itself qualitatively vis-à-vis that of classical liberalism. In the liberal philosophy of modern times, poverty, as well as living on the margins of society, are personal responsibilities and life decisions to some extent. In this context, given the social mobility of bourgeois societies as opposed to the static character of feudalism, every individual is considered responsible for deciding whether he is going to cultivate his mind and abilities as an independent person, thus becoming a citizen.

From this perspective, classical liberal politics deals with the issue of poverty as a matter of personal choice, and therefore accepts the exclusion of the poor and the deprived from the political process. The liberal parliamentary establishment coexists with poverty without acknowledging any substantial problem regarding poverty's negative influence on the democratic legitimisation of the political system. The poor are

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domination of economy does; both are antidemocratic in denying the differences among power, knowledge, and law' (ibid., p. 131). It is worth stressing, however, that, according to Howard, Marx himself is guilty of contributing to a totalitarian ideology (ibid., p. 117, 131).

deprived of citizenship and it is up to them to choose a lifestyle that allows them to enter the kingdom of proprietors and become citizens in the full sense of the word.

Thus, in the liberal polity that is introduced by Locke in his *Second Treatise of Government*, *people* as such, being the ultimate agent of sovereignty, cannot include men who are not proprietors in the strict sense of the term.[24] Those who are propertyless and, consequently, pay no taxes must be subject to and protected by the laws of the political system, but they have no right to be full members of it. Ultimately, only those who are economically independent can use their own understanding autonomously, which is a *conditio sine qua non* for everyone to act as a citizen.[25]

It would, of course, be philosophically and politically naive to believe that in today's neoliberal societies, as opposed to the era of Locke and Kant, the poor have succeeded in taking part not only formally but also substantially in the political life of capitalist states. Despite the establishment of universal suffrage and the flourishing of a 'digital democracy', it has now become clear in practice—and rather tragically—that more and more people are led into poverty, while abstaining from political participation. Nowadays, the social and political rights that have been recognised institutionally after long struggles and revolts, whatever those rights may be, are de facto neutralised by the harshness of the capitalist system, which, after a short historical period of rather mediocre social prosperity for the middle classes in the USA and Western Europe, is on the rise again, making living conditions unbearable even for the middle class.

In context of this approach, while not underestimating the differences between classical liberalism and the current neoliberalism, it is worth noting that it was not liberalism in any of its forms but social

[24]It is worth reading here C. B. Macpherson's well-known monograph *The Political Theory of Possessive Individualism: Hobbes to Locke* (1964, especially Part V).

[25]This is the case with Kant's normative legal theory as well, since, according to the principles dictated by reason, independence in terms of property ownership is an a priori *principle* for a lawful state. Kant (1991, p. 78) states:

> The only qualification required by a citizen is that he must be his *own master* (*sui iuris*), and must have some *property* (which can include any skill, trade, fine art or science) to support himself. In cases where he must earn his living from others, he must earn it only by selling that which is his, and not by allowing others to make use of him … . The number of those entitled to vote on matters of legislation must be calculated purely from the number of property owners, not from the size of their properties.

republicanism that directly connected democracy to the question of poverty.[26] Suffice it to recall that it was Rousseau, in his own social contract theory, according to which commerce and money sap the collective consciousness of citizens, who argued that poverty is incompatible with a democratically organised polity.

> Do you, then, want to give the State stability? Bring the extremes as close together as possible; tolerate neither very rich people nor beggars. These two states, which are naturally inseparable, are equally fatal to the common good; from the one come the abettors of tyranny, and from the other the tyrants; it is always between these two that there is trafficking in public freedom; one buys it, the other sells it.[27]

In other words, overaccumulation of wealth, on the one hand, and overaccumulation of poverty, on the other, make the establishment and operation of a democratic polity impossible. Democracy, in its broad sense and in the sense of a constitution in which the multitude of human beings is transformed into the sovereign demos, is nothing more nor less than the *vita activa* of a collective body formed by every member of the community, *regardless of property qualifications.*

We cannot know with precision the extent to which Rousseau's writing on poverty and democracy influenced the Marx of the pre-communist period. However, as I have argued in this book, the Marxian pre-communist theory of democracy draws key elements from the polymorphous philosophical tradition that was inaugurated to some degree by Rousseau, for whom democracy—and political equality in particular—makes no sense unless the fundamental problem of social inequality is solved.

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[26] As Bensaïd (2007, p. 79) points out, the pre-communist Marxian approach to the question of poverty as a precondition for the establishment of a democratic polity is also linked with those radical ideas about property advanced in seventeenth-century England by the Levellers.

To be fair, however, these ideas are related to the extended notion of property Locke himself had theorised, according to which a person is a proprietor not just of material goods that he appropriates with his labour, but also of his personality. Nevertheless, we should not downgrade the critical issue that the notion of citizenship in the full sense of the word, according to Locke's classical liberalism, corresponds exclusively to proprietors in the strict—that is, the *material*—sense of the term.

[27] Rousseau (1997, p. 78n).

Poverty, as we saw earlier, had also preoccupied Hegel in his *Philosophy of Right*; however, this did not lead him to the formulation of any radical solution within the framework of his political theory. At any event, and in line with the Marxian pre-communist theory of democracy, one should seriously take into account Hegel's thesis according to which 'a human being with no estate is merely a private person and does not possess actual universality'.[28] Essentially, this means that those deprived of a concrete profession and, by extension, property—that is, a 'large mass of people that sinks below the level of a certain standard of living', forming a mere '*rabble*'[29]—prove to be unqualified to participate in the life of the Universal, i.e. the state as the 'ethical whole, the actualization of freedom'.[30]

In contrast to Hegel as the defender of *constitutional monarchy*, the Marx of democracy, from the period of his republicanism, when he was writing and editing *Rheinische Zeitung*, was already demonstrating the contradiction that exists between the concept of the rational state and poverty. Once again, I remind the reader of Marx's articles on the theft of wood and the situation of the vine-growers in the Mosel. There is no doubt that such articles show in the most eloquent way that dealing with poverty has already become a crucial parameter with regard to the constitution of a state corresponding to its concept.

In terms of Marxian republicanism, a propertyless individual must not be considered a person in exile or a pariah of the state. In the final analysis, the poor should not be marginalised but empowered, so that they can eradicate their deprivation and misery. The poor should be educated and shaped in such a way as to be able to transform their own social condition and become not manipulated voters but full members of the democratic polity.[31] From this point of view, I deem it necessary to retain, within the body of Marx's pre-communist theory of democracy, the distinction between *liberalism* as the object of the Marxian critique

[28] Hegel (1991, §207, Addition).

[29] Ibid., §244.

[30] Ibid., §258 (Addition).

[31] Sitton (1989, p. 39) also shows this clearly in relation to the right to vote in the Marxian polity: 'For Marx "suffrage" is not merely voting and then a return to one's civil concerns. Marx argued that to be a member of the state is to take a genuine interest in deliberating on matters of common concern, to regard the universal interest as one's particular interest.'

and *republicanism* as the moment of Marx's transition to 'true democracy' as a philosophical announcement and, in this sense, a prelude to communism.

At the same time, I consider extremely important the distinction between 'true democracy' and 'republicanism'. In fact, it is on the basis of this distinction that I also distinguish between a 'republican' and a 'dialectical' moment in the pre-communist Marxian theory of democracy: in other words, between a rational/republican state and true democracy, which corresponds to a society without a political state and denotes the overcoming of the separation between civil society and political state.

After all, given the already substantiated and discussed republicanism of the Young Hegelians, and the influence of Rousseau's political and moral provision for the poor on Marx's theory of the state, as mentioned above, we must neither be surprised by nor bypass the Marxian reference to the 'estate of direct labour' that forms the ground upon which civil society rests, as noted in the *Critique of Hegel's Philosophy of Right*, the locus classicus of the pre-communist Marx's theory of democracy. We are doubtless just a step away from the philosophical acknowledgement of the *proletariat* as that particular *class* that incorporates the '*positive* possibility' of the universal, social revolution. This is the 'class with the *radical chains*, a class of civil society which is not a class of civil society, an estate which is the dissolution of all estates, … a sphere, finally, which cannot emancipate itself without emancipating itself from all other spheres of society'.[32]

Now is the time, therefore, to make a few significant remarks on the Marxian confrontation of poverty as a *social* question that is closely related to the *political* question of democracy.

First, it is wrong to argue that the pre-communist theorisation of the poor by the *democrat* Marx, as well as the communist theorisation of the proletariat by the *communist* Marx, suffers from an element of romantic idealisation.[33] What Marx attempts to do, as a critic of Hegel's

[32] Marx, *Contribution to Critique of Hegel's Philosophy of Law. Introduction*, in Marx–Engels, *Collected Works*, vol. 3, p. 186.

[33] This is, for example, Thomas's (1994, pp. 40–9) analytical perspective. According to Thomas, the Marxian view of the poor is pre-Hegelian and romantic, falling behind the Jacobin one, as long as it expresses a deification of the poor and their social condition, whereas the Jacobins insisted on the need for education.

philosophy of right, even before he moves on to elaborate his own materialist view of history, is to found a theory of the state through the critical understanding of social reality itself. Studying the bourgeois society of his time, the young Marx *meets* the poor and the world of the poor, this *class* without property ownership, the class of 'direct labour', a class that feels through its contradictory everyday life both the joy of creation and the sorrow of being deprived of the goods it produces.[34]

Moreover, it is also necessary to take into account the fact that, in Marx's view, this state of poverty is not a *natural* but a *social* phenomenon. Thus, it can be overcome through abolishing the political state–civil society separation and the consequent absorption of the state by society; this means, at least in Marxian terms, the exit of the people from their misery and their transformation into citizen-members of a 'true democracy'.[35] In contrast to the liberals of his time, and the neoliberals of ours, the democrat Marx does not blame the poor and their weakness in not becoming owners, because he does not consider them responsible for living on the margins of social and political life. As a critic of Hegel's politology, the Marx of democracy already suggests the need for radical change. He proposes and supports 'true democracy' as the *constitution* in which people from poor and deprived backgrounds who live on the edge of civil society can transform their life conditions and succeed in becoming demos, rising to the status of *ethical*—i.e. *free*—personalities.

From this perspective, Hannah Arendt is right when she argues that 'the young Marx became convinced that the reason why the French Revolution failed to found freedom was that it had failed to solve the social question'.[36] It is, in fact, in the context of this reading of the French Revolution, as Arendt notes, that Marx concluded that 'freedom and poverty are incompatible'.[37] It is thus reconfirmed that the democrat Marx belongs to and simultaneously transcends the great philosophical tradition inaugurated by Rousseau, when, in his *Social Contract*,

[34] Isabelle Garo (2001, pp. 95–9), while analysing Marx's approach to civil society, draws attention to a strange *absence*; following Garo, discussion of the *question of poverty* is in fact missing from the pages of the *1843 Manuscript*.

[35] As we are correctly reminded by Lubasz (1976, p. 31), according to the Marxian critique of the existing order of things, 'as outsiders to civil society the poor have been deprived not only of property rights, but of social and political rights as well'.

[36] Arendt (1977, p. 62).

[37] Ibid., p. 62.

he proposed his own theory of democratic polity, noting that without equality 'freedom cannot subsist' and attributing to the concept of equality a social content beyond its legal one.[38]

There should not be any doubt that, for the *citizen* Marx, freedom and poverty, democracy and poverty cannot exist together in the daily lives of the people. It is also obvious that the democrat Marx could not accept, whether politically or philosophically, a society in which poverty and freedom were shared between the weak and the strong, respectively. In short, the Marxian 'true democracy' presupposes as its social determinant the overcoming of poverty, and, in this regard, it can exist only as a community of freedom, assuming—although this is not enough—that it will strike the problem of poverty at its root.

At this point, it is worth considering the argument made by Arendt while commenting on the social question as tackled by the French Revolution. 'Poverty is more than deprivation,' writes Arendt. 'It is a state of constant want and acute misery whose ignominy consists in its dehumanizing force.'[39] Yet, as far as I am concerned, I would remind the reader that, contrary to the *quasi-existentialist* ontology that was rather influential on Hannah Arendt's thinking and writings, Marx himself, when referring to poverty, conceived *deprivation*, *need* or *death* as *historically* determined parameters of the human existence. He identified the *social* nucleus of the so-called *human condition* and focused on the *possibility* of its *negation*, in particular by those who suffer from it. Hence, it becomes obvious that the struggle for 'true democracy' aims at the conquest of freedom and the overcoming of poverty *at the same time*—at least in a Marxian context.[40]

In fact, for the Marx of *dialectics*, poverty, which manipulates, impoverishes and brutalises human beings, constitutes the social *potentia* that pushes them to the *negation* of this manipulation, impoverishment and brutality. No doubt, such a negation is not the result of the metaphysics

[38] See also Book II, Chap. XI of Rousseau's *Du Contrat Social* (1997, p. 78).

[39] Arendt (1977, p. 62).

[40] Hannah Arendt, by juxtaposing *schematically* freedom and abundance as aims of revolution, misses the point of the *dialectical* relation between the social and *political* question as posed especially in Marx's theory of revolution and politics. Arendt (1977, p. 64) argues as follows:

> Thus the role of revolution was no longer to liberate men from the oppression of their fellow men, let alone to found freedom, but to liberate the life process of society from the fetters of scarcity so that it could swell into a stream of abundance. Not freedom but abundance became now the aim of revolution.

of spontaneity or a social automaton; it takes shape and advances via politics. Nevertheless, it relates to a different kind of politics, the politics of emancipation as a process of personal and collective action directed towards the sovereignty of the self-legislated demos.

In summary, as long as the realisation of freedom for each person is a condition for the freedom of others, democracy cannot be constituted or function without extinguishing the 'dehumanising force' of poverty. To this end, as I have already argued in this book, the Marx of democracy acknowledged and attributed a primary role to politics, since *he refused to see it only as a means of dealing with and solving the social question alone*. Prefiguring in philosophical terms his forthcoming conception of communism, the democrat Marx elevated politics by seeing it as the collective and permanent process that, through a radical solution to the social question of poverty, makes 'true democracy' the realm of autonomy.

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The approach taken by Marx in delving into politics during his pre-communist period proved crucial for his specific critique of the state. To this end, it is worth recalling that this book has focused on the 'republican moment' of Marxian thought and its significance for the notion of 'true democracy' as expressed in the *1843 Manuscript*. In fact, it is 'true democracy' that marks the 'dialectical moment' of the pre-communist Marxian theory of democracy as a philosophically conceived and defined prelude to his impending transition to communism.

As I have noted repeatedly, the Aristotelian root of Marx's political theory did not lead him to conceive of politics just as a means to resolve issues relating to everyday survival. An active and—as far as possible—direct participation in the life of the polity is a *sine qua non* for shaping accomplished personalities in the sense of citizen-members of the community.[41] Marx does not reduce the abolition of representative

[41] Sitton (1989, pp. 41–2) is accurate here:

> There is a specter haunting the *Critique*, the specter of Aristotle. … In the *Critique* Marx agreed with Aristotle that the life proper to a human being, the life in which his essence is realized, is political life, which for Marx meant participation in the universality of the state.

In a similar vein, though without specific reference to the Marxian 'true democracy', D. J. Depew (1992, p. 61) emphasises the impact of direct participatory democracy on Marx's theory of the state as presented in the *1843 Manuscript*:

> Marx certainly does anticipate a modern state that is the heir of ancient participatory democracy … . Direct democracy – he argues – rather than Hegel's elaborate pastiche is indeed the essence (*Wesen*) of the state precisely because it is not something separable from the lives of the citizens.

institutions to a necessary precondition for the functioning of 'true democracy'; however, he does acknowledge the importance of the *direct* participation of citizens in the collective functioning of the democratic polity. From this point of view, Isabelle Garo is correct when she writes, in relation to the Marx of democracy: 'In sum, the problem may be formulated as follows: how to think of a social participatory democracy on the ruins of a political representative democracy?'[42]

In any case, I can now reconfirm the conclusion that citizens' direct and active involvement in political life, with the aim of defining and approaching the 'general will', is a fundamental political determinant of Marx's pre-communist theory of democracy.[43] The constitution of the demos as a sovereign body, being the *open-ended* process of the people's involvement in common affairs,[44] sets out the parameters for the transition from a society in which politics is an instrument in the hands of the rich and a privilege for the bureaucrats to a society in which politics becomes a challenge for all its members.

At the same time, it is worth asserting that self-legislation is a collective procedure, which never ends as long as the people's *imagination*

[42] Garo (2001, p. 103).

[43] Focusing on the 'institutional dimensions of future society' as suggested by the young Marx, Leopold (2007, pp. 245–54) highlights participation in political life, administration by the people and not by a privileged group (bureaucracy), and the approval of some sort of 'popular delegacy'.

[44] 'Open-ended' does not mean indeterminate. Castoriadis (2013 [1994], p. 34) correctly notes at this point, while commenting on Athenian democracy, that 'democracy [is] not indeterminacy; it's explicit self-institution. It's the act of saying, as the Athenians said, *edoxe tē boulē kai tō dēmō*: "It appeared to be good to the Council and to the Assembly of the people," or, as is said in some modern Constitutions, "sovereignty belongs to the people".'

For his part, and within his own conceptual frame of reference, Lefort defends *indeterminacy* as the fundamental feature of democracy in its opposition to totalitarianism (1988, especially pp. 16–20). According to Lefort, 'the important point is that democracy is instituted and sustained by the *dissolution of the markers of certainty*. It inaugurates a history in which people experience a fundamental indeterminacy as to the basis of power, law and knowledge, and as to the basis of relation between *self* and *other*, at every level of social life' (ibid., p. 19).

is inexhaustible.[45] From this perspective, the Marxian 'true democracy' constitutes not the final achievement of an 'all-inclusive' strategy, but the *open* horizon of action for a demos participating as *directly* as possible in its own formation as sovereign by transforming the collective and individual lives of its members.[46]

Let me focus, therefore, on the thesis that cuts across this entire book: in the work of the democrat young Marx, who opposes the liberalism of his era and who, through the Hegelian Left and republicanism, arrives at a radical critique of Hegel's philosophy of the state, politics survives the absorption of the (political) state by society. In the context of the Marxian 'true democracy', politics emerges transformed as a vital function of a polity with a clear mark of direct democracy. On this basis, I have argued throughout that the Marxian 'true democracy' is not a state in the sense of an apparatus that is separate from civil society; 'true democracy' as a *political* community, a *political Gemeinschaft*, is clearly differentiated from and opposed to the theory and practice of a political state.[47]

Consequently, the argument that, according to Marx, political deliberation and decision making through political institutions and procedures have no meaning in a future stateless society constitutes a major misunderstanding of the Marxian theory of democracy. Such an

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[45] At this point it is worth quoting the following comment on *autonomy* by Castoriadis (1991 [1988], p. 164):

> Autonomy does not consist in acting according to a law discovered in an immutable Reason and given once and for all. It is the unlimited self-questioning about the law and its foundations as well as the capacity, in light of this interrogation, *to make*, *to do* and *to institute* (therefore also, *to say*). Autonomy is the reflective activity of a reason creating itself in an endless movement, both as individual and social Reason.

[46] The stimulating analysis by Paul Thomas (1994, especially pp. 6–17, 51–85) moves in a similar direction. As Henri Lefebvre (1982, p. 138) put it:

> According to Marx, there is no such thing as 'true democracy'. To him the sense of democracy is that it discloses the truth of politics. He sees it not as a system but as a process which comes down essentially to a struggle for democracy. The latter is never completed because democracy can always be carried forward or forced back. The purpose of the struggle is to go beyond democracy and beyond the democratic state, to build a society without state power.

[47] In my view, there is no doubt that Marx is conscious of the fact that, as Castoriadis correctly recalled and pointed out in our times (1997 [1983], p. 277), 'the Greek polis is not a "State" in the modern sense'. For the Marx of democracy, the *polis* of the Athenian demos should be considered a *political community* and not a mere *state power mechanism*.

argument reveals a failure to understand the Marxian conception of politics and the state, while confusing the *end of politics* with the *dissolution of the (political) state*.[48]

Moreover, it should be mentioned that the democrat Marx, while rejecting a simplistic separation of politics from science, does not deal with scientific knowledge as a closed system of 'Truth' that is imposed on ignorant people. Such a *quasi*-Platonic scheme is miles away from Marx's conception of politics and 'true democracy'. Contrary to every ideological use of politics as a technocratic-bureaucratic function, the pre-communist Marxian theory of democracy advances politics as a process of collective education and cultural formation in terms of the people's self-determination.

In this context, it is clear that the Marx of 'true democracy' puts forward a demand for a *demo*cratic *bio*-theory. The significance of such a theory is self-evident, especially in times like ours, marked by scientific discoveries such as the decodification of genes, through which man stops being just *homo faber* and becomes *homo fabricatus* as well, as he reaches a point where he may even pre-construct himself.[49] Indeed, only through the education of personalities based on principles of self-legislated 'true democracy' can the transition to Orwellian worlds be reversed.

At all events, confronting politics as a basic determinant of the Marxian pre-communist theory of democracy leaves no room for confusing the perspective of 'true democracy' with an anarchical negation of the political. The Marxian polity is not a quasi-anarchic or libertarian open assembly, which appears and functions occasionally in terms of

[48]This is the (mis)interpretation of the Marxian theory of politics and democracy that we get, for example, from Megill (2002, pp. 57–9). Taking for granted that 'Marx called for and predicted the disappearance of politics and of what he called "political state"' (ibid., p. 57), Megill also admits that 'in some sense politics remains' in the Marx of the early 1840s. He finally reaches the confusing conclusion that 'we are left not quite knowing what Marx's position concerning politics and the state actually was in 1843' (ibid., p. 101)! On the same issue, Colletti (1975, p. 44) clearly refuses to make a substantial distinction between *state* and *politics* and argues as follows: 'It is wholly appropriate that this should be the conclusion of Marx's argument in the *Critique:* the suppression of politics and the extinction of the state.'

[49]See the interesting analysis by Lacharrière (1963, pp. 177–80).

spontaneity.[50] If, as Miguel Abensour reminds us in his Machiavellian reading of democracy against the state, the (political) state disappears within the realm of 'true democracy' as an organisational form, politics permanently remains a critical moment of the social totality, within which the distinction between civil society and the state ceases to exist.[51] Hence, as long as 'true democracy' presupposes collective and conscientious action, it must be clearly distinguished from a society without politics.

Moreover, it is worth noting that, according to the democrat Marx, the demos does not pre-exist democracy. Creating and acting in conditions of *political bios*, the members of a collectivity under formation shape and reshape themselves as political subjects. In this sense, 'true democracy' signifies the people's struggle and victory against the state.[52] This means that a multitude becomes the demos only to the extent that its individual members reach the *technical* and *cultural* level of a self-institutionalised stateless society, thus realising their full potential in the context of a *vita politica*.

In any case, the criticism according to which 'a complete victory of society will always produce some sort of "communistic fiction," whose outstanding political characteristic is that it is indeed ruled by an "invisible hand," namely, by nobody'[53] is a criticism that does not concern the Marx of democracy. In the final analysis, the thesis following which the abolition of the state ('*Abschaffung des Staates*') means 'the future conversion of political rule over men ['*politische Regierung über Menschen*'] into an administration of things ['*Verwaltung von Dingen*'] and a direction of processes of production ['*Leitung von Produktionsprozessen*']', as

[50] Sitton (1989, p. 41) accurately notes: 'From the beginning Marx's conception [of democracy] is distinct from the anarchists. "Democracy" is not anarchy; it is the end of the "representative" state, an institution standing in a superior relation to society as the embodiment of unity, community, and universality.' Cornelius Castoriadis (2013 [1994], p. 7) refers critically to and distances himself from the 'bad anarcho-Marxist utopia [in terms of which] one day individuals will act spontaneously in a social way, [as] there will be no need for coercion, etc., and there will not even be a need to make collective decisions'.

[51] Abensour (2011, in particular pp. 62ff.).

[52] Castoriadis analyses this issue in a similar vein, while referring to the Greek *polis*: 'Did the Greek *politai* create the *polis* or the *polis* the *politai*? This is a meaningless question precisely because the *polis* could only have been created by the action of human beings who were by the same token transforming themselves into *politai*' (2005 [1996], p. 186).

[53] Arendt (1998, pp. 44–5).

endorsed by Engels through the words of Saint-Simon,[54] does not represent the pre-communist Marxian theory of democracy.[55]

In the context of the young Marx's theory of democracy, the transcendence of the state, which means its absorption by society, does not entail the substitution of political life with a quasi-automatically regulated administration of human relations.[56] Moreover, the transition from 'the political rule over people' to the 'direction of processes of production' could involve the revival of bureaucracy and the triumph of the reified consciousness, a consciousness that is definitely incompatible with the Marxian 'true democracy'.

In sum, I argue that, for the author of the *1843 Manuscript*, political life continues and flourishes with the dissolution of the state as political power. In addition, we must realise that Marx's 'true democracy', drawing from and transcending the tradition of republicanism, opposes not only instrumentalist views about the state but also positivist and/or technocratic utopian views of society in which politics, having become redundant, will be eclipsed forever.

Undoubtedly, as the *struggle* against every form of social and cultural heteronomy never ends, political *bios*—even within the frame of 'true democracy'—cannot be conceived as a *happy life*. Even so, as long as 'true democracy' denotes a self-instituted and self-operating community,

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[54] Engels, *Socialism: Utopian and Scientific*, in Marx–Engels, *Collected Works*, vol. 24, p. 292.

[55] Sitton (1989, pp. 13–22) tends to the opposite of what I argue here, when he says: 'As is universally acknowledged, Marx's notion of the transcendence of the state originated in the work of Saint-Simon.' However, he also notes: 'The exact relation between Saint-Simon's political perspective and the ideas of Marx has been rarely explored' (ibid., p. 13). However, according to Levine (1988, pp. 240, 243–8), Marx was a Rousseauist and not a Saint-Simonist or a Babouvist, as was the case, in Levine's view, with Engels and Lenin. Levine argues that Marx does not support the replacement of politics with the administration of things; rooted in the democratic tradition, Marx's theory of politics 'was an attempt to extend the notion of citizenship over socially necessary labor' (ibid., p. 247).

[56] See Renault's comment (2001, p. 31) in Balibar and Raulet (2001). Renault makes a distinction between the *suppression* and the *immersion* of the state in society, pointing out that, according to Marx, 'true democracy' denotes not the suppression but the immersion [*Untergehen*] of the state in society, where the *law* as the self-legislated will of the people exists and rules. On the same issue, Kain (1991, p. 37), ignoring the difference between *politics* and *political state*—in other words, *equating* politics and political state—is led to the incorrect conclusion that, according to Marx, 'the political state must be *aufgehoben*, transcended and preserved, not simply negated'.

it constitutes the philosophical prelude to Marx's future defence of communism as a classless and *stateless* society.[57]

Against a schematic notion of democracy as a phase in a *mechanical* transition from a bourgeois to a post-bourgeois order of things, the young Marx views democracy as the *dialectical* transcendence of the social and political status quo. The very moment when 'true democracy' abolishes the state, that political mechanism of unfreedom and inequality, is the very moment when it saves and transforms politics as the supreme *art* of shaping new human relations. In getting rid of the state's stranglehold, politics is not dead or redundant. Quite the opposite: politics rejuvenates humanity, helping it to become a 'free association of moral human beings'.

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Moving towards the end of this study of Marx's pre-communist theory of democracy, and 'true democracy' in particular, it is worth recalling the Aristotelian distinction between *poiesis* (production, making) and *praxis* (action),[58] as politics—even in the widest sense of the word—usually describes a 'mode of fabrication'.[59] In this context, legislation, a political function par excellence, remains a *poiesis*—that is, an art of construction of various works for the protection and regular life of the *polis*.

Yet, I am now in a position to argue that it is the Marxian 'true democracy' per se that marks the specific *limit* at which politics, this *science of poiesis* (productive science),[60] this *architectural science* (ruling science),[61] with its aim of happiness and the self-sufficiency of the citizens

[57] I emphasise the word *struggle*, without ignoring the following remark made by Castoriadis (2013 [1994], p. 33):

> I don't believe that there is a natural bent of human societies toward heteronomy, not toward democracy. There is a natural bent to seek an origin and a guarantee for meaning elsewhere than in people's activity: in transcendent sources or in the ancestors, or – the Friedrich von Hayek version – in the divine operation of Darwinism through the market … .

[58] Aristotle, *Nicomachean Ethics*, 1140a1–22.

[59] Arendt (1998, p. 230).

[60] Aristotle, *Eudemian Ethics*, 1216b17–19.

[61] Aristotle, *Nicomachean Ethics*, 1094a25ff.

of *polis*,[62] *tends to become praxis*.[63] In the field of Marxian 'true democracy', and as the distinction between *public* and *private* is transcended, politics does not shrink or contract as it turns from poiesis to praxis, but expands into a multicoloured and pluralistic world, giving life to a constantly restructured community.[64] Thus, democracy itself, the 'true democracy', emerges not as a *craft* of exercising power or as a *craft* of governance but as the *art* of *political bios*—a supreme art, since it tends to realise the 'highest good', the *happiness* of the *polis* and its citizens.[65]

Nevertheless, if Marx himself raises the demand for 'true democracy' at the high point of his analysis, just before he confronts the theoretical and practical challenge of communism, it is worth our while to contemplate finally how the political dynamics of our capitalist societies develop. In fact, the so-called bourgeois parliamentary democracies move in exactly the opposite direction from that indicated by Marx and his critical work as a *possibility*: civil society becomes stronger as the *public* sphere becomes weaker and weaker, pushing all of us towards a world of reified relations that, on the surface, is pluralistic but is essentially one-dimensional.

Taking account of and dealing with this contradiction, Marx proved to be a radical critic not only of his era, but also of our own. However, the distance between the quest for 'true democracy'—Marx's challenge to the powers of his time—and the spurious democracies of our time and our world means that what we need is not a theory alone, but *real movement*:

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[62] Ibid., 1095a15ff., 1097a15ff.

[63] At this point it is worth recalling that, following Castoriadis (2003 [1996], pp. 353–4), the true end of politics is not happiness (*eudaimonia*), a strictly private affair, but common good, which is freedom in the sense of individual and collective autonomy.

[64] From her point of view, Arendt (1998, p. 60), argues that, in continuity with Christian morality, which considered that 'political responsibility constituted first of all a burden', Marx was looking forward to the abolition of the public sphere. Arendt argues:

> It is surprising that this attitude should have survived into the secular modern age to such an extent that Karl Marx, who in this as in other respects only summed up, conceptualized, and transformed into a program the underlying assumptions of two hundred years of modernity, could eventually predict and hope for the 'withering away' of the whole public realm.

[65] Aristotle, *Nicomachean Ethics*, 1099b30–33.

> Communism is for us not a *state of affairs* which is to be established, an *ideal* to which reality [will] have to adjust itself. We call communism the *real* movement which abolishes the present state of things. The conditions of this movement result from the now existing premise.[66]

However, I will not talk here on behalf of the communist Marx. In a new, independent study on this subject, I will aim to follow Marx in Paris, where he decides to engage with the communist cause. For the time being, as I say farewell to the Marx of democracy, I feel that I have reinforced the validity of my research design and hypothesis. Marx's critical defence of 'true democracy', as argued in this book, and of the Paris Commune, which constitutes the focus of a forthcoming volume, are 'moments' in a single, though not *linear*, thought process. At the turning point of *democracy–communism* dialectics, 'true democracy', as a prelude to communism, not only succeeded in shedding light on the social and cultural horizons of self-determination opened up by the democrat Marx in reference to his contemporary world, but proves to be deeply influential and valuable to a strategic project of social liberation in our own times as well.

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[66] Marx and Engels, *The German Ideology*, in Marx–Engels, *Collected Works*, vol. 5, p. 49.

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