

# **Thinking ‘Emancipation’ after Marx**

A Conceptual Analysis of Emancipation  
between Citizenship and Revolution  
in Marx and Balibar

by

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## **Declaration**

I, Svenja Bromberg, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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Svenja Bromberg

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## **Abstract**

In light of an increasing embrace of the notion of ‘emancipation’ by various theoretical and political perspectives in recent years, this thesis aims to scrutinise the philosophical connotations of the concept itself. It therefore returns to Karl Marx’s distinction between political and human emancipation, developed in his text ‘On the Jewish Question’, with the aim of excavating its theoretical stakes. The core argument of the first part is that Marx draws a line of demarcation between citizenship as the modern form of political, bourgeois emancipation realised by the American and French Revolutions, and human emancipation as necessitating a different kind of revolution that would allow for the constitution of a new type of social bond between the individual and the social. Marx’s formulation of the need for human emancipation is grounded in his critique of political emancipation, which he regards as failing to recognise the dialectical constitution of its social bond by both political *and* economic relations. The bourgeois social bond moreover makes ‘man’ exist as an individualised being who can only relate to his or her political existence and dependency on others in a mediated and abstract way. The second part turns to the post-Marxist critiques of ‘On the Jewish Question’, starting in the late 1970s with Claude Lefort, which coincide with a broader re-evaluation of the revolutionary legacy in France. It specifically interrogates Étienne Balibar’s alternative understanding of the form of emancipation achieved by the French Revolution under the name of ‘equaliberty’, with which he defends the struggle for citizenship as the unsurpassable horizon of a contemporary politics of emancipation. The aim is here to develop a deeper understanding of Balibar’s criticism of Marx’s dividing line, which allows the French thinker’s contribution to ‘thinking emancipation after Marx’ to be disentangled from his decision to distance himself from the Marxian approach.

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# 1 Introduction

“La liberté n’est pas ce qu’on nous montre sous ce nom...”<sup>1</sup>

“The left lost the battle in the early 20th century by abandoning Marx’s commitment to the concept of emancipation and liberty, as opposed to equality and justice.”<sup>2</sup>

In critical thought in general, and in Marxism more specifically, there exists a kind of common-sense understanding of emancipation. It functions as an almost uncontested common denominator used to express an allegiance to a certain kind of left, alternative, or radical political project that stands in opposition to the liberal or neoliberal mainstream. More than that, the political call for emancipation and the theoretical call to re-think emancipation have resounded with renewed force in recent years. Both observations are easily confirmed by looking at how frequently ‘emancipation’ has recently appeared in the title of journals, conferences, and books,<sup>3</sup> and how rarely it is defined or interrogated in and of itself, as a concept with a specific meaning.<sup>4</sup> These two tendencies combined carry the danger of reducing emancipation to a mere catchword<sup>5</sup> that, by acting as a repository for a range of alternative theoretical and political projects, actively engenders the blurring of the dividing line between these projects and the mainstream liberal conception and enactment of politics. The first step of this thesis is then to actively reclaim emancipation as a philosophical and conceptual battleground worth fighting over, instead of giving in to a certain fuzzy sense of agreement that might hide potentially productive conflicts.

More specifically, this thesis aims to contribute to a more pronounced understanding of the philosophical commitments made in the name of emancipation or ‘emancipatory politics’, by excavating and analysing *one specific line of demarcation* that runs through past and present mobilisations. The line of demarcation around which this thesis centres was inaugurated by Marx, when he intervened in the 1840s into a debate that was

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<sup>1</sup> Char 1971.

<sup>2</sup> Yanis Varoufakis in Novara Media 2015 min. 6:06.

<sup>3</sup> See Hypatia Special Issue: Emancipation, Summer 2015, 30/3, esp. the Introduction, Lettow 2015; the project ‘Penser l’emancipation’ with conferences in Lausanne and Paris (2012-2014, <http://www.penserlemancipation.net/>); Kalmring 2012; the journal *Emancipation – Zeitschrift für sozialistische Theorie und Praxis*, founded in 2011 (<http://www.emanzipation.org/>); Hewlett 2007.

<sup>4</sup> There are only a handful of works that deal explicitly with ‘emancipation as a concept’. See especially Greiffenhagen 1971; Grass and Koselleck 1997; Laclau 2007; Pieterse 1992. A few more texts appeared recently, which introduce their takes on emancipation with usually a brief introductory overview of the conceptual history of the concept such as Scott 2012; Biesta 2008; Lettow 2015.

<sup>5</sup> A danger that is not at all new. Koselleck and Grass emphasise in their conceptual history of emancipation that emancipation became a catchword in the 1830s, just after it had assumed its properly modern meaning. But we will come back to this discussion in the second part of this introduction.

then commonly referred to as ‘the Jewish question’. In his text with the corresponding title, ‘On the Jewish Question’, Marx introduces a distinction between religious, political and human/social emancipation. At stake in this distinction is much more than Marx’s more immediately legible dissociation from the Young Hegelian Bruno Bauer, and the latter’s attempt to subordinate the possibility of Jewish emancipation to the universal renunciation of religion and the radical secularisation of the state and its modern subjects. This thesis suggests that we should read Marx’s distinction between political and human emancipation as a much broader attempt to resolve the conceptual ambiguities that befell the concept of emancipation just after it had gained its properly political meaning in the late 18<sup>th</sup> century, in the context of the Enlightenment movement and the bourgeois revolutions. Marx’s most fundamental contribution to this endeavour is a critique of what he calls ‘political emancipation’, in which he assesses and distances himself from the possibilities and limits of the emancipation that he saw realised by the bourgeois revolutions in conjunction with Hegel’s and Rousseau’s theorisations. His next step is to delineate an alternative universalistic conception of what it means to realise emancipation from within and beyond the modern civil-bourgeois society, which he calls ‘human emancipation’.

Whilst this thesis will argue that Marx’s conceptual distinction lacks an unequivocal demarcation of the goal, means, and temporality that separates political from human emancipation, and that it contains definitional ambiguities that are not easy to resolve, it also contends that the problems he raises are not reducible to Marx’s supposedly premature and pre-scientific Hegelian or Feuerbachian theorisations; nor do they find their proper definition and resolution in his mature work represented above all by *Capital*. Instead, the distinction between political and human emancipation draws a dividing line between citizenship on one side and revolution on the other that remains under-theorised in the existing literature on ‘On the Jewish Question’, and unresolved within Marx’s work as a whole. On the side of citizenship, Marx acknowledges the outcome of the bourgeois revolutions as a new dialectical relationship between the politics of citizenship and a new form of economic social relations, which he deems to signify overall progress. But he goes further than this and confers upon the newly constituted form of politics, which he understands to be determined by an essentially liberal definition of the individual at the

heart of human rights (or ‘the rights of man’) in conjunction with a democratic, republican state, an ideological role that is hidden from the modern citizen-subject and whose disemancipatory effects are denied by classical political philosophy. Marx’s central argument is here that the political sphere with its emancipatory potential is structurally subordinated to the economic sphere, which makes a second revolution necessary in order to overcome this structural limitation and realise truly human, universal emancipation qua instituting new social relations.

One might object at this point that this approach to thinking revolution as human emancipation was superseded by Marx himself, once he introduced class struggle and what Louis Althusser would later praise as the scientific theory of historical materialism.<sup>6</sup> Thus, even without embracing the Althusserian argument of the epistemological break, which marks perhaps the strongest antithesis in the history of Western Marxism to an attempt at rehabilitating ‘emancipation’ as a concept with continued relevance, one has enough reason to doubt the productivity of the angle on Marx’s work that this thesis takes. Above all, Marx himself never allowed the notion of emancipation back to the centre stage of his subsequent political or economic writings, which suggests that he himself did not believe that his theorisation was successful or forceful enough to be continued.

But Marx’s radical critique of political emancipation and his critique of rights gained renewed relevance in light of the affirmative return of French post-Marxist thought in the 1980s to questions of citizenship, human rights, and the role of equality and liberty for a radical democratic politics. The moment of the 1980s was a post-revolutionary moment in its own right, in the sense that the French thinkers did not need to see the Berlin Wall fall in order to start assessing the political and theoretical consequences of the failure of the communist project, which many have subsequently referred to as the second, socialist revolution that Marx sought. That the year of the fall of the Wall coincided with the bicentennial of the French Revolution cannot be disregarded as an influence on the specific manifestations of French post-Marxist discourse: the crisis of Marxism, François Furet’s revisionist history of the French Revolution, the crisis of the French state evolving around the aftereffects of its colonial past as well as the ’68 movement, the first ‘headscarf

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<sup>6</sup> See Althusser 2005, 229.

debate’, and the simultaneous assertion of a neoliberal capitalism without alternative – all these elements make up the conjuncture in which the post-Marxist debate turned back to the concepts of the young Marx that Althusser’s so-called structural Marxism seemed to have eradicated from the philosophical and political vocabulary.

The first to explicitly return to Marx’s critique of political emancipation in ‘On the Jewish Question’ was Claude Lefort in the late 1970s, but many others followed, such as Étienne Balibar, Jacques Rancière, Alain Badiou, Ernesto Laclau, Antonio Negri and Slavoj Žižek, and also Lefort’s student Pierre Rosanvallon. Through a mix of explicit re-readings of the young Marx’s texts and alternative assessments of the relationship between what they understood to be the essence of modernity and modern politics, the French revolution, and the role of human rights, they all more or less agreed that Marx was ultimately wrong when, in ‘On the Jewish Question’, he placed citizenship on the side of ideology and political emancipation, and revolution on the side of human emancipation. It is this curious return to the Marxian distinction that seems to be unequivocally paired with the intention of critically re-evaluating and ultimately rejecting it that makes the investigation into the specific construction of the problem of this thesis a pertinent and timely endeavour. The analysis of this return to the Marxian problematisation in the second part of the thesis is intended to explicate the criticism directed at Marx, which is often developed by means of forced, or generalising arguments that need to be carefully dissected in order to carve out their productive critical insights. Further, the aim is to shed light on the other side of these criticisms, namely on the common post-Marxist embrace of those political concepts that Marx had criticised in ‘On the Jewish Question’ as ultimately complicit with the civil-bourgeois social order and thus ideological, such as equality and liberty.

In order to gain access to the detailed reasoning behind the – at least superficially – univocal criticism of the young Marx’s conceptual distinction, this thesis focuses primarily on Étienne Balibar’s writings, although it highlights his theoretical debts, convergences, and disagreements with the aforementioned group of contemporaries, as well as with other thinkers. The reason for this focus is a unique convergence in Balibar’s theory of a multifaceted – as well as meticulous – critical engagement with Marx’s overall work, and an embrace of a concept of emancipation qua citizenship that explicitly rejects Marx’s dividing

line between citizenship and revolution. The fact that Balibar's work ranges from his earliest participation in the Althusserian project of reconstructing a philosophy (or theory) that would match Marx's scientific analysis in *Capital*, to his development of a 'proposition of equaliberty' in his work starting from the late 1980s, makes him the most relevant and fruitful interlocutor for an inquiry into the return of the problem of emancipation in the French Post-Marxism<sup>7</sup> of the 1980s. Balibar turned decisively away from his rejection, alongside Althusser, of the young Marx's problematic as humanist and ideological, to embracing the importance of that problematic and some of its related concepts, whilst rejecting the early Marx's critical stance on them. It is in the name of 'equaliberty' that Balibar develops his understanding of the role of the 1789 Declaration as a political and theoretical event that inaugurated a new understanding of politics. He opposes Marx's critique of the Declarations by defining this new politics as a politics of citizenship that is not tied to any fixed, or substantive understanding of human nature, and that instead gains its specific force from the paradoxical declaration of 'egalitarian sovereignty' that cannot be contained by any political institutions.

But this examination of Balibar's later critical return to the young Marx only becomes properly comprehensible in light of Balibar's previous deconstruction of Marx's entire oeuvre as an ultimately contradictory attempt to rethink a concept of politics against the liberal separation of the political from the economic, to which he dedicated several texts in the late 1970s and 1980s. Revisiting Balibar's earlier critical problematisations of Marx's understanding of the state, of ideology, and of (proletarian) politics allows us to further clarify the conceptual uncertainties and unsolved problems in the early Marx's distinction between political and human emancipation, and it makes the Marxian problematic of emancipation appear – historically as well as philosophically – in a new light. But it also brings out a purposeful shift of the theoretico-political terrain and commitment performed by Balibar. The second part of this thesis shows that there indeed exists a gap between Balibar's critique of the early Marx's theorisation of politics and his embrace of

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<sup>7</sup> I use the term Post-Marxism in a broader sense than it is sometimes done, because I include besides Ernesto Laclau and Chantal Mouffe, to whom it classically refers, Althusser's students and other thinkers, who kept a certain, in different ways qualified fidelity to Marxism or at least to Marx's oeuvre like Antonio Negri or Slavoj Žižek.

the proposition of equaliberty as the undeconstructible horizon of radical politics today. This gap is shown to develop out of Balibar's desire to rectify Marx's continued inability to think the materiality of ideology, but it ends with him rejecting not only the Marxian dividing line between citizenship and revolution, but also the very premise of Marx's materialism, namely the determining role that 'civil society', or what is later called the economic 'base' (vis-à-vis the political superstructure), plays in the dialectical constitution of the modern social form. This is significant in two senses. First of all, it clarifies that Balibar's reading of the revolutionary Declaration from 1789 and his criticism of Marx for missing the 'materiality of the statements' does not remain immanent to the Marxian project; instead Balibar presents us with a philosophical and political alternative, which needs to be read and scrutinised as such. Secondly, this alternative evades the challenge the young Marx set up for anyone attempting to think emancipation in his wake when he developed a critique of political emancipation by identifying its bourgeois limits.

These findings are significant not only in order to explicate the limits of Balibar's continued fidelity to the Marxian project, but because they affirm the relevance of the Marxian problematisation of emancipation for Balibar and post-Marxist thought more generally. They further allow us to separate out the theoretical limitations of the Marxian conception of emancipation from philosophical and political choices that have so far been hidden or downplayed in the name of rectifying untimely Marxist orthodoxies, which in turn led to somewhat forced critical interpretations of the Marxian text. This thesis finally asserts that Balibar's return to the Marxian concept of emancipation is only in a very qualified sense still the one Marx sketched in the 1840s, because it rejects the – for Marx – crucial distinction between emancipation qua citizenship *within* civil-bourgeois society and emancipation qua revolution leading *beyond* it. Only after this specification of *how* the problem of emancipation returns in the 1980s, and by bearing in mind the conjunctural stakes reflected in the shift of the problematic away from Marx, can we begin to inquire into what a meaningful Marxian concept of universal emancipation could look like within the contemporary conjuncture, and why we might not want to give up too easily on its possibility or indeed necessity.

The following section will go on to clarify the stakes of the investigation in relation to existing attempts at conceptualising emancipation, before we conclude this Introduction with a chapter overview. Part of this effort at clarification is a methodical separation of the approach this thesis takes from more classical conceptual histories, and a discussion of the debts to and disagreements with the few existing accounts of the history of the concept of emancipation. It moreover allows the reader to get a first sense of the specificities and difficulties of emancipation as a modern theoretico-political concept.

### **1.1 The canonical conceptual history of ‘emancipation’**

At this point, it is clear that this thesis – with its focus on the Marxian distinction between political and human emancipation introduced in 1844 – has more specific stakes than to reopen the general philosophical quest for a more precise understanding of emancipation as a concept. Whilst it thereby concentrates on a strictly delimited moment within the larger history of the concept of emancipation as the few historians of the idea, most prominently Reinhard Koselleck, have painted it, the argument of this thesis nevertheless interacts with the general history of the concept in a significant way. It however insists that the history of the concept of emancipation has not actually come to an end, especially not to a consensual one as several contemporary thinkers try to make us believe. No conceptual history – indeed no history at all – is theoretically, politically or normatively neutral, and most often the mainstream historical narrative imposes onto its conceptual object a liberal conception of politics in conjunction with a linear concept of time. We can witness this tendency in the specific context of this thesis by paying attention to the kind of past characteristics of the concept of emancipation that are declared as nowadays obsolete or no longer fruitful by the conceptual historians.

I will proceed by introducing three distinct accounts of the history and characteristics of ‘emancipation’ as a concept that have all been developed in the 1990s. Together, they build what one could call the ‘canon’ of attempts to conceptualise emancipation in the Anglophone literature, as there don’t exist any other accounts that scrutinise the past and present connotations of ‘emancipation’ in the same systematic way.<sup>8</sup>

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<sup>8</sup> I am aware that by referencing these canonical accounts I participate in side-lining other usages and critiques of emancipation, especially from the feminist and postcolonial tradition. A serious confrontation with those

We have already mentioned Reinhard Koselleck's influential approach to thinking how the conceptual and the socio-political histories of 'emancipation' intertwine.<sup>9</sup> It leads him to rich findings regarding the different valences of emancipation between its earliest utilisation as a legal category in the Roman Republic and its properly modern meaning, which, according to Koselleck, it had reached around 1840.<sup>10</sup> Koselleck defines the most significant distinction between the Roman, legal connotation of emancipation and its properly modern meaning as stemming from the different relationships to the existing order that the term instantiates. As a Roman-legal category, emancipation is a clearly circumscribed process by which a son or daughter was, similarly to the *manumissio* of a slave or serf, relieved from the father's hand ('emancipatio' from Latin *e manu capere*, which can be translated as 'release from the hand'). They were granted their rightful and independent existence that was prescribed by law, i.e. their emancipation proceeds within an unchanging structure of domination.<sup>11</sup> Whilst this legal meaning became heavily contested in Germany, because it was regarded to have disemancipatory implications, and was rejected as something alien to the Germanic legal system in the 18<sup>th</sup> century, Koselleck describes that emancipation's modern meaning started to emerge when the word entered Western European languages between the 14<sup>th</sup> and 17<sup>th</sup> centuries – but it did so in its reflexive meaning, as *self*-emancipation, possibly as part of the earliest throes of the Enlightenment.<sup>12</sup> The essential difference in this usage is that it contradicts any legal utilisation, because it implies a challenge to the hierarchical structure of the social order that can be just as much

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voices would be an important aim for any future extension of this research project. See for conceptual accounts from a feminist perspective Sauer 2008; Lettow 2015.

<sup>9</sup> See Koselleck 2002, pp.20. Koselleck's work on the conceptual history of emancipation comprises a long dictionary entry written together with Grass for the *Geschichtliche Grundbegriffe: historisches Lexikon zur politisch-sozialen Sprache in Deutschland* and an essay included in his book *The Practice of Conceptual History*. More generally, conceptual history is defined as the linguistic articulation, processing and assimilation of social history and both levels are for Koselleck irreducible to each other. He argues that both levels came into existence in the Enlightenment, since when they either exist entirely separate or to explicate one another.

<sup>10</sup> See Grass and Koselleck 1997, 154; Koselleck 2002, 250. Especially in the German language there exist earlier conceptual histories of and philosophical inquiries into emancipation, mainly from the 1970s, which are not referenced by Koselleck, because his general conceptual history ends in 1840. For the remaining historical period, he focusses exclusively on particular, group-specific mobilisations. See Greiffenhagen 1973 especially his introduction, pp.7-47; Schweppenhäuser 1973; Herwig 1980; Hartfiel 1975., and for the anti-emancipation voices Kaltenbrunner 1975; Rohrmoser 1995. It is also interesting that this period generated some original philosophical developments in the name of emancipation, which can be found in Greiffenhagen, Herwig, Hartfiel and Rohrmoser. Most of these accounts are developed in a more or less critical relationship to the Frankfurt School, especially to Adorno and Marcuse; see e.g. Schmidt 1973.

<sup>11</sup> See Grass and Koselleck 1997, 154–155.

<sup>12</sup> See *ibid.*, 157–160.

directed against the law itself as against certain individuals, groups, or other entities, since its direction is decided and enacted by those who feel the need to emancipate themselves. The modern meaning of emancipation continues to encompass the legal connotation that relates emancipation to a singular act of lawful recognition, but only as one of its elements. When, in the context of the French revolution, emancipation is for the first time defined as “the demand to end any domination of humans over humans”<sup>13</sup>, then it has fundamentally enlarged its political meaning and objective so that the singular act becomes reduced to only one event within a temporally-enlarged, social emancipatory process – in the sense that legal recognition might not achieve the state of non-domination for humanity. Instead, what might be required is a revolution that properly interrupts the linear progression of history and founds a new right or a new form of social order that allows humanity to live a truly emancipated life.

But, based on these historical semantics of “the traditional concept of emancipation”<sup>14</sup>, Koselleck concludes that emancipation only remains viable today as a polemical concept that constantly re-opens “the claim of all human beings to an equal right”<sup>15</sup>, i.e. to their legal inclusion as a substantive goal for political action. Koselleck emphasises that his understanding of equal rights is not reducible to the liberal concept that falls prey to the illusion it could realise them by focusing on the individual alone and ignoring interhuman and group relationships.<sup>16</sup> Whilst he frames this reasoning in terms of ‘preserving’ the essentially modern character of emancipation, he however ends up dispelling the possibility of imbuing emancipation with the revolutionary impetus with which it entered into modernity. Not on the level of the goal – here, Koselleck is happy to hold on to the utopianism that emancipation proclaims in the name of ‘freedom of rule’ for all – but on the level of the emancipatory process, Koselleck warns against anything more than single political acts that result in gradual change. He justifies this limitation of the meaning of emancipatory change to a “minimal consensus”<sup>17</sup> by making the adherence to the pluralism of society that resulted historically in contradictory emancipatory demands

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<sup>13</sup> Koselleck 2002, 249; Grass and Koselleck 1997, 164.

<sup>14</sup> Koselleck 2002, 261.

<sup>15</sup> Ibid., 262 see also 264.

<sup>16</sup> Ibid., 259

<sup>17</sup> Ibid, 264.

(between different groups) an absolute condition of preserving emancipation as a political concept. Otherwise, it would yet again dissolve into a mere ‘catchword’ without any real, political force.

Another, methodologically very different, attempt at indicating a new contemporary direction for rethinking emancipation comes from Jan Nederveen Pieterse. He takes the rise of the new social movements of the 1990s as the key motivation to mirror this promising practical-political innovation in the theoretical concept of emancipation, which he saw as lagging behind. The starting point of Pieterse’s conceptual investigation is not dissimilar to that of this introduction: whilst he shows some frustration with the muddling of concepts such as emancipation, liberation, resistance, empowerment and participation and their meanings, he holds the conviction that the effort of disentangling them is worthwhile. Because

[e]mancipation is a matter of critique *and* construction, of which resistance represents the first step and transformation, in the sense of structural change, the second.<sup>18</sup>

But he is quick to add that despite this attractive conceptual trait, he is not sure whether its close link to the Enlightenment tradition will allow it to survive the poststructuralist turn.<sup>19</sup> To rethink emancipation in the 1990s means for Pieterse to wrest the concept from ‘the dark side’ of the Enlightenment and to invest it into a pluralistic and yet universalist (but in the negative or contingent, poststructuralist sense) democratic project that takes the “relativity of the social” as its ground.<sup>20</sup> Curiously, just like Koselleck a few years later, Pieterse refers to this project as distilling “a minimum profile of emancipation”<sup>21</sup>. Differently to some of the post-Marxist thinkers, who are very close to such an approach, Pieterse does not try to conceal that his redefinition participates in what he regards to be “a wider trend towards a reconvergence of liberalism and Marxism”<sup>22</sup>.

Pieterse’s approach relates to another famous project of explicitly rethinking ‘emancipation’ in the 1990s and 2000s, namely Ernesto Laclau’s work, which has been

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<sup>18</sup> Pieterse 1992, 13.

<sup>19</sup> Ibid., 6.

<sup>20</sup> Ibid., 31, 33.

<sup>21</sup> Ibid., 31. There is however no reference in Koselleck’s conceptual-historical work to Pieterse’s text.

<sup>22</sup> Ibid.

brought together in his book *Emancipation(s)*<sup>23</sup>. Differently to Koselleck and Pieterse, Laclau does without any historical-semantic excavations and instead enters directly into an analysis of the different logical dimensions of emancipation. Quickly after having identified and defined each dimension, whose specifics are not relevant for our inquiry at this point, he concludes that emancipation as a whole is plagued by several incompatibilities between its various dimensions.

It is ... by playing within the system of logical incompatibilities of the latter [emancipation] that we can open the way to new liberating discourses which are no longer hindered by the antinomies and blind alleys to which the classical notion of emancipation has led.<sup>24</sup>

We are here primarily interested in the negative delimitation of Laclau's project. How does he oppose his attempt to think 'real emancipation' to 'the classical notion of emancipation'? It is not difficult to identify the basic elements he ascribes to the latter: total transparency; an autonomous, self-emancipatory subject; a secularised version of Christian salvation; a total ground of the social that is positively identifiable; the absolute representability and rational conceivability of the real – basically everything that can somehow be subsumed under an extremely simplified idea of Enlightenment universalism. According to Laclau, these elements not only logically contradict the starting point of emancipation, namely the affirmation of an existence in need of being emancipated, i.e. in a state that is still lacking those characteristics. They are also, and more importantly, incompatible with the contemporary, poststructuralist understanding of society as irreducibly contradictory – an understanding that is for Laclau the only viable one.

Without going into more detail at this point, this overview shows that contemporary projects of rethinking emancipation are often forcefully pitched as a turn against a classical Enlightenment concept of emancipation (in full or in parts) that is characterised as no longer timely or even as "disintegrating"<sup>25</sup>, as Laclau claims. Even Koselleck's account, which is so attentive to the diachronic and synchronic aspects of emancipation as a typically modern concept, ultimately participates in painting such a linear

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<sup>23</sup> The first essay from *Emancipation(s)*, entitled 'Beyond Emancipation' was first published in the collection of essays edited and introduced by Pieterse called like his introductory text 'Emancipations modern and postmodern'.

<sup>24</sup> Laclau 2007, 2.

<sup>25</sup> Ibid.

history of the development of emancipation when he settles on a minimal concept of emancipation in order to avoid earlier aberrations of the concept's meaning. The Marxian concept of emancipation is in all of these accounts centrally located within emancipation's Enlightenment heritage, which makes this thesis, at least from the point of view of the former projects from the 1990s and 2000s, itself a somewhat untimely endeavour. Methodologically, it means that whilst this thesis will punctually argue with certain findings and problematisations from those conceptual-historical accounts, it will bracket their conclusions.

But even those attempts that are inclined to rethink emancipation as an Enlightenment and as a Marxian concept (at least in a some limited sense)<sup>26</sup>, often do not go beyond affirming common places when it comes to defining what makes emancipation an Enlightenment or a Marxian concept, including the link between them. Whereas in the case of the previous, critical accounts, the Marxian concept is usually rejected in the name of labels such as philosophy of history, proletariat as subject of history and utopian concept of classless society, it remains unclear what a renewed commitment to a Marxian understanding of emancipation in these more affirmative approaches precisely entails. The latter group (including Hewlett as well as the thinkers, he studies, i.e. Badiou, Rancière, Balibar) seems to share indeed similar objections or problematisations of the Marxian and the Marxist projects of emancipation as the ones put forward by the more critical fraction, which renders the Marxian commitment a much more open and complex question. Even if the pronounced 'needs to return' to a Marxian concept of emancipation are meant extremely seriously (as in the case of Alain Badiou and Joan Scott), it is hardly possible, based on the current literature, to evaluate whether what they return to is indeed Marx's concept of human emancipation and what the theoretical and political implications of such a return would be.

Above all, this situation attests to a lack of differentiation of the nuanced variety of emancipatory projects that the Enlightenment tradition combines,<sup>27</sup> which is instead

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<sup>26</sup> As found in some German publications from the 70s (see footnote 10), and in Nick Hewlett's more recent *Badiou, Balibar, Rancière: Rethinking Emancipation* (see Hewlett 2007, 1)

<sup>27</sup> See for nuanced historical accounts the work by Jonathan Israel, especially *Enlightenment Contested* (Israel 2008) and also *Enlightenment and Emancipation* by Manning and France (Manning and France 2006).

replaced by a kind of straw-man or common place. From poststructural, postcolonial, feminist and queer perspectives, there certainly exists an urgent need and strong justification for a ruthless criticism of various theoretical and political elements that emerged from the Enlightenment tradition. Foucault formulated this impetus very pointedly in 1980:

Two centuries later, the Enlightenment returns: but now not at all as a way for the West to take cognisance of its present possibilities and of the liberties to which it can accede, but as a way of interrogating it on its limits and the powers which it has abused. *Reason as despotic Enlightenment*.<sup>28</sup>

However, such a project is itself in danger of becoming empty of significance at the moment when it labels as ‘Enlightenment theory’ everything that defends a rationalist or universalist emancipatory project and subjects it to generalised suspicion or even just outright rejection.<sup>29</sup>

Marx’s attempt to define human emancipation by distinguishing it from other, in his eyes, limited forms of emancipation in ‘On the Jewish Question’ could itself be read as an attempt to alleviate this lack, but his account is widely disregarded in its specificity and often conflated with other parts of his oeuvre. That does not mean that the criticisms coming from the anti-Enlightenment camp need not be taken seriously, on the contrary. But this thesis contends that only a careful, philosophical excavation of the Marxian problem of emancipation, which depends on a critical close reading of ‘On the Jewish Question’, will allow for an informed, non-ideological debate over its capacities and limits, as well as the dispelling of (post-)Marxist co-optations and monopolisations of what a Marx-inspired concept of emancipation might look like. Only then are we in a position to affirm or reject ‘human emancipation’, or elements thereof, as a useful politico-theoretical concept for the present.

Methodologically, this means that the question about what is specific to ‘emancipation’ that makes it different from freedom, liberation and such concepts also needs to be bracketed for the time being. I am referring here, for example, to Koselleck’s definition of emancipation as concept of movement and goal<sup>30</sup>, or Pieterse’s definition as

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<sup>28</sup> Foucault [from his article from 1980, ‘Georges Canguilhem: philosopher of error’, cited in Gordon 1993, 20.

<sup>29</sup> See for the development of a similar argument in the context of ‘fanaticism’, Toscano 2010a, xix.

<sup>30</sup> Grass and Koselleck 1997, 153. See also more generally on ‘concepts of movement’ Koselleck 2006, 81, 84.

combining ‘critique and construction’. All those characteristics point more generally to the kinds of structure, universality, temporality and agency that are inscribed within the concept of emancipation. However, this thesis argues that there is no general answer that encompasses all definitional projects, and the specific characteristics of a Marxian concept of emancipation are something we will need to work out in the following chapters. We might say this makes this thesis a “partisan philosophical inquiry” – because it makes its stakes, and how they impact on inner-conceptual differentiations, explicit, rather than quietly implying a universal or objective validity of its findings that so often serves to cover over a partisanship with a hegemonic intellectual culture.

There remains undoubtedly a final concern for any Marxian inquiry, namely the relationship of a theoretical or philosophical inquiry as developed in this thesis and emancipatory practice(s). This inquiry aims to counteract certain solidified visions of emancipation that fundamentally mediate our contemporary representations and thus understanding of society, i.e. of the praxis that is always already on-going without the intervention of any emancipatory praxis. Part of this role falls to theory, which has the ability to revivify the thought of emancipation as a decisive and contestable element within the theory-practice couple.<sup>31</sup> Or, to say it with Schweppenhäuser:

Emancipation today needs to, from within its powerlessness, assure itself of its power with which it will expose the real powerlessness of the dominating power. It needs to be aware of this dialectics, or it is none.<sup>32</sup>

## 1.2 Chapter overview

The thesis is organised in two parts, reflecting the two historical moments through which the unfolding and return of the Marxian problem of emancipation is reconstructed.

*Part One* contains three chapters on the Marxian conceptualisation of emancipation. Whilst a close reading of Marx’s text ‘On the Jewish Question’ lies at the core of the entire first part of the thesis, *Chapter Two* precedes this by introducing the relationship between religion and politics as a historical-political problem in the German *Vormärz*<sup>33</sup> and as a

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<sup>31</sup> My approach takes its inspirations from Schweppenhäuser (1973, 410), Löwy’s affirmation of “the partial autonomy of the sphere of ideas” (2003, 5) and Tomba’s definition of the method of the historical materialist (2013, xii).

<sup>32</sup> Schweppenhäuser 1973, 410; my trans.

<sup>33</sup> Within German history, *Vormärz* [literally translated it would be ‘pre-March’] refers to the historical period leading up to the 1848 revolution. See Chapter 2.1 for a more detailed elaboration.

theoretical problem between Hegel and the Young Hegelians. It develops a careful examination of the continuities and divergences between Hegel's and Bauer's stance on the relation between state and religion in general and state and Judaism in particular, without which it is difficult to separate out Marx's critique of the two as he develops it in 'On the Jewish Question'. Above all, it is the very ground on which we will be able to re-evaluate the common narrative that Bauer remains closer to Hegel than to Marx, which contains several facets that Marx's own polemic brushes over and which this thesis aims to draw out. *Chapter Three* takes up a close reading of 'On the Jewish Question' and thereby develops Marx's critique of political emancipation as a double critique of the outcomes of the bourgeois revolutions and of Hegel's theory of the state. The central argument of the chapter is that Marx develops a critique of modern, bourgeois man in conjunction with a critique of the modern state as a key force that allows for the creation of a republican ideology within civil-bourgeois society, namely by creating specifically bourgeois political abstractions. The latter half of the chapter clarifies the extent to which this critique is indebted to Hegel's theory of the modern post-revolutionary society and where it breaks with it. By shifting the focus to Marx's conflicted relationship to Rousseau's theory of popular sovereignty, *Chapter Four* further explicates the key finding from Chapter Three, namely that Marx's critique of political emancipation, which aims at defining the limits of the totality of bourgeois society, is not reducible to his critique of Hegel in the 'Critique of Hegel's Doctrine of the State'. It shows that the basis for understanding the roughly sketched concept of human emancipation in the greatest possible specificity lies in its relationship to political emancipation, i.e. in Marx's rudimentarily materialist account of a social totality that he understands as giving rise to political and economic abstractions. Human emancipation is therefore far removed from a Feuerbachian inversion thesis in its method but remains nevertheless indebted to Feuerbach's aim, the realisation of man's species existence. Thus the chapter ends with an explication of how we can understand Marx's alignment of human emancipation with a second, non-bourgeois revolution that aims at a different form of human social existence, and how such a revolution is supposed to contribute to solving the 'Jewish question'.

With *Part Two*, the thesis moves forward in time into the moment of the 1980s in which the problem complex of Marxian emancipation forcefully reappears. The introduction to the section develops an overview of the key political and theoretical elements that make up this post-revolutionary moment or conjuncture. The aim is here to explicate the political, economic and intellectual force field in which the return to the early Marxian problems – somewhat surprising from a certain Althusserian perspective – takes place in order to make the return intelligible, on the one hand, and to allow for its context-specific critical analysis within the overall comparative framework, on the other. *Chapter Five* explicates Balibar’s reading of the *1789 Declaration of the rights of man and the citizen*, which he starts to develop in 1989. The analysis takes its main cue from Balibar’s distancing from the interpretation of the Declaration by Marx, who in his eyes had failed to conceive of the proper ‘materiality of the statements’. By rendering more precise the relationship between Declaration and revolution, and their impact on the emergence of the new citizen-subject and of a new form of politics in Balibar’s reading, this chapter identifies the exact point at which his assessment diverges from Marx’s. For this purpose, it further highlights the effects of Balibar’s selective alignment with thinkers such as Lefort and Hannah Arendt on what he frames as new and unique about post-revolutionary politics, especially concerning the concepts of sovereignty, citizen, and ‘man’. The chapter concludes that the ‘materiality’ Balibar accuses Marx of missing in his critique of the Declarations<sup>34</sup> does not in fact refer to the textual materiality and performativity of the statements in and of themselves, but to a political materiality that Balibar locates between the statements and their historically contradictory modes of actualisation. *Chapter Six* turns back to Balibar’s earlier writings on Marx’s different approaches to thinking politics. Only by examining Balibar’s critique of what he portrays as Marx’s two conflicting concepts of politics, is it possible to identify the deeper ground for his disagreement on the interpretation of the Declaration. This ground is Balibar’s conviction that, throughout his entire oeuvre, Marx remains unable to conceptualise a materiality specific to ideology, which this thesis identifies as the

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<sup>34</sup> Marx’s exegesis relies on the 1793 and 1795 versions of the *Declaration of the Rights of Man and of the Citizen* and on different versions of the American *Bill of Rights*. Balibar, on the contrary, focuses solely on the Declaration from 1789, mainly Articles 1-6. These various references are the reason that I refer to all texts generically as ‘Declaration’ or ‘Declarations’ throughout the thesis, when I do not make the specific version explicit.

Althusserian remainder in Balibar's theory. But the final section of Chapter Six shows that by carrying this objection over into what, after all, appears as a Derridean-Rousseauian conception of equaliberty, Balibar at once turns against a Marxian and an Althusserian project of re-thinking politics. He instead locates his new emancipatory politics on the plane of ideology and at a distance from the socio-economic, or capitalist, social relations. That means Balibar has given up on the Marxian challenge of human emancipation, because he refuses the possibility to conceive of a social totality and designates any thought of its overthrowing qua revolution untimely. Instead, emancipation can only be the struggle for citizenship taken absolutely – but conceived of and configured in primarily political terms, which brings Balibar closer to Marx's position in 1843, prior to 'On the Jewish Question'.

## Section 1: Conceptualising a Marxian notion of emancipation

It is in the text ‘On the Jewish Question’ that Marx intervenes into the conceptual history of the notion of ‘emancipation’ with a triple distinction: *religious emancipation* is not *political emancipation* is not *human emancipation*. Despite the fact that the text in general, as well as these specific concepts, are frequently referred to, such references lack a rigorous and comprehensive examination – against the background of the on-going debates at the time – of what is at stake for Marx in these conceptual distinctions. This, as I argued in the Introduction, is a problem that manifests itself in many existing conceptual histories whose subsumption of Marx’s project under unexamined commonplaces – often based more on conceptual developments from other texts than on ‘On the Jewish Question’ – makes their subsequent claims about the need to leave Marx’s conceptualisation behind plainly unconvincing. On the other hand, a similar problem exists in the Marxological and Marxist interpretations of Marx’s definitions of the different forms of emancipation. They make the lack of rigour of the conceptual historians, who are of course to some extent reliant on the outcomes of this research, appear in a slightly more forgivable light. Whilst there exist several publications in English, German, and French on the text ‘On the Jewish Question’, only very few, as we will see throughout the subsequent chapters, deal comprehensively with Marx’s conceptual distinctions, without ascribing a disproportionate leverage either to Marx’s theoretical developments immediately before and after ‘On the Jewish Question’, or to the theoretical influences discernible in the text, namely Bruno Bauer, Feuerbach, Hegel, Rousseau, and Moses Hess. Thus, the task of this section and the following three chapters is to re-read ‘On the Jewish Question’ with the aim of grasping more precisely why and how Marx differentiated political from human emancipation and how his theoretical developments within this distinction stand in relation to his predecessors, Hegel, and Rousseau, and to his fellow Young Hegelian colleagues and friends. Because only if we clarify what is unique about Marx’s delimitation of human emancipation from merely political emancipation, will we be able to assess the recent ‘returns’ to emancipation and their obvious, but undoubtedly qualified relationship to the Marxian problem complex in the 1840s.

‘On the Jewish Question’ is an extremely difficult text for several reasons that we will excavate step by step. It is a two-part article that Marx wrote in the autumn of 1843<sup>35</sup> as a review and response to Bruno Bauer’s two texts, *Die Judenfrage*<sup>36</sup> (March 1843),<sup>37</sup> and ‘Die Fähigkeit der heutigen Juden und Christen, frei zu werden’<sup>38</sup> (June 1843). It was published in the double issue of the *Deutsch-Französische Jahrbücher* in February 1844,<sup>39</sup> when Marx was 25 years old and had just relocated from Kreuznach to Paris.<sup>40</sup> We will start here with a nutshell presentation of the Marx–Bauer controversy as it is presented in the text by Marx, which gives us a first impression of the topics of the controversy and their respective standpoints, which in turn forms the kernel of our subsequent interpretation.

Marx’s presentation of Bauer’s stance on the ‘Jewish question’ does not, at least at first sight, leave much room for discussion. Marx conveys extremely clearly that Bauer defends only a limited concept of emancipation, because Bauer “subjects to criticism *only* the ‘Christian state’, not the ‘state as such’, ... he does not investigate *the relation of political emancipation to human emancipation*, and therefore puts forward conditions [for the emancipation of the Jews as well as of man in general] which can be explained only by an uncritical confusion of political emancipation with general human emancipation.”<sup>41</sup> Marx here levels essentially two criticisms against Bauer and his approach towards solving the ‘Jewish question’, namely that his critique of the state is too limited and that this limitation of his critical view of the theoretical and political problem causes him to lose sight of a truly universal, ‘human’ emancipation as well as of its conditions. Bauer thinks he has found a solution to Jewish emancipation *and* to human emancipation, i.e. the emancipation of the whole of humanity, disregarding religious beliefs, gender, race, class, but he is misled: neither has he found the solution, nor can his demands on ‘the Jews’,<sup>42</sup> which he

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<sup>35</sup> More specifically mid-October until mid-December of 1843. See Marx and Engels 1982, 648.

<sup>36</sup> English title: *The Jewish Question*; my trans.

<sup>37</sup> See Marx and Engels 1982, 648–649. *The Jewish Question* had been published earlier in the *Deutsche Jahrbücher* in November 1842.

<sup>38</sup> English title: ‘The Ability of Present-Day Jews and Christians to Become Free’; my trans.

<sup>39</sup> See more on the publishing project of the *Deutsch-Französische Jahrbücher* in Marx and Engels 1982, 529–554; esp. 545.

<sup>40</sup> See Bensaïd 2006a, 29–30.

<sup>41</sup> Marx 1975, 216 [350–351]; amended trans. The page number in brackets always refers to the German text, cited according to the *Marx-Engels-Werke* (MEW), Band 1 (Marx and Engels 1956.)

<sup>42</sup> When I paraphrase Bauer or the discussion about Judaism and Jews at the time more generally, I do not always place ‘the Jew(s)’ in inverted commas, because that emphasise my own critical distanciation too much. But I will use the inverted commas when appropriate in order to mark the ascription of a unified subject position to Jews as historically and theoretically contingent.

argues are necessary conditions for them to be emancipated, be justified.

Bauer's reframing of the question of how the Jews can be emancipated is based on inquiring into 'the true nature' of the subject that seeks emancipation and into the entity that is supposed to emancipate – "the *nature* of the Jew...and of the Christian state"<sup>43</sup>. Bauer's supposedly crucial new angle on the question of Jewish emancipation is his identification of a particular, religious opposition between Judaism and Christianity, which is perpetuated by the Jewish people and by the Christian state. That leads him to denounce the Jews for making their emancipatory demands as 'egoists', because they demand something, namely their own 'special' emancipation, as Bauer calls it,<sup>44</sup> from the contemporary German 'Christian state' without participating in the emancipation of the entire German people, which would necessitate the renunciation of the Christian state's religion. But the Jews are not interested in this, in Bauer's eyes, bigger, more universal project, because they only think of their own need to gain recognition from this generally oppressive state as Jews – for Bauer nothing other than a demand of privilege – and therefore do nothing to push the state towards atheism. Further, the Jews have not understood that they are seeking emancipation by the wrong means, from an entity that cannot grant it to them, because it is itself not emancipated but instead functions based on a different religious privilege. The question for Bauer is no longer that of whether Jews *should* be granted citizenship – which is the question that liberals and conservatives were debating at the time – but that of whether they are able to receive it, and almost more importantly, whether the Christian state is at all in any position to grant it to them. Bauer's answer to both is 'no'. Focusing on the Christian state's need to renounce its religion before anyone – be it Jews, Christians, or others – will be able to be emancipated in Prussia resolves the specific challenge of Jewish emancipation into the emancipation of the whole of humanity.<sup>45</sup>

Bauer's solution is framed, as Massimiliano Tomba rightly argues, as a new political universalism<sup>46</sup>: religion needs to be *abolished* in order for everyone to be able to become

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<sup>43</sup> Marx 1975a, 147 [348].

<sup>44</sup> Ibid., 146 [347].

<sup>45</sup> See Bauer 1843, 61.

<sup>46</sup> See Tomba 2005, 113.

*citizen and man*<sup>47</sup> without the religious specificities that create an (in Bauer's eyes) insurmountable difference between them.<sup>48</sup> Religious beliefs are, for Bauer, particularities, which, when raised to the political level, as in the Christian state or in the Jewish emancipation movement, oppose the modern freedom that is supposed to be free of privileges and prejudices. All these particularities need to retreat behind the true, equal, and free citizen-man on the one side, and the atheist state, the true and real state on the other side.<sup>49</sup> That means both sides have to free themselves from their religious attributes and give up trying to politicise them, because those attempts are logically unable to overcome exclusion. Essentially, Bauer believes in the ability of a truly atheist state to grant full citizenship to its people, and thereby allow them to fully emancipate themselves, as humans, under the condition that they, i.e. in this case specifically the Jews, in turn give up on the need to politicise their particular religious beliefs. In other words, that they renounce their religion as well, and instead of demanding to be emancipated as Jews, they should demand to be emancipated as abstract, universal human individuals. Each side involved has to give up their particularities.

Against Bauer, Marx argues for the need to subject the "state as such" to criticism rather than only the "Christian state", because "the *state* can free itself from a restriction [*Schranke* – i.e. religion] without man being *really* free from this restriction"<sup>50</sup>. Condensed in this statement is Marx's rejection of the possibility that humanity will be emancipated by means of the state, even if this state has reached its truly modern, secular existence. On these grounds, Marx also rejects Bauer's demand directed at the Jews to renounce their religion. This is, first of all, because Marx does not deny the emancipatory effect that the Jewish struggle for equal rights can have. Secondly, Marx is convinced that renunciation would not have the effect that Bauer thinks it has, and that it would not overcome the

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<sup>47</sup> Even though Bauer uses both notions citizen [Staatsbürger] and human being [Mensch], he does not draw a systematic distinction between them, which becomes clear when Marx later on in the text introduces a distinction in order to criticise Bauer. See 3.1 and 3.2 for a more in-depth analysis.

<sup>48</sup> See Marx 2010, 154–155 [355–356]. Bauer had intended to publish *The Jewish Question* and *Das entdeckte Christentum* [Christianity exposed] at the same time, which might have made clearer that his criticism of Judaism was just as much directed against Christianity. Every religion, for Bauer, is a caste system, which excludes the other caste that is opposed to it; see on this point Tomba 2005, 107. We will come back to this issue in 2.4.

<sup>49</sup> See Marx 2010, 149 [350].

<sup>50</sup> *Ibid.*, 152 [353]; amended trans.

emancipatory limitations that those claims of equal right embody. Beyond all disagreement, Marx concurs with Bauer on the need to establish a comprehensive understanding of that which dominates humanity as a whole and that this understanding will provide a solution for the ‘Jewish question’. Marx goes beyond Bauer by contending that it is not religion alone that stands between man and his emancipation,<sup>51</sup> but other kinds of worldly ‘religiosities’: first of all, the religiosity of the state *as such* and its forms of domination, further its manifestation in human rights, and finally the religiosity of money, of self-interest, and of private property.

Based on this undoubtedly all-too-quick summary we could now conclude on the Bauer-Marx debate: Bauer is a radical secularist, a defender of the truly atheist, republican state in whose name he demands Jews and Christians to “overcome their religious narrowness in order to get rid of their secular restrictions”<sup>52</sup> as interpreters like Douglas Moggach and Sara Farris have carefully argued<sup>53</sup>; Marx instead has already liberated himself further from this kind of Hegelian belief in the rational state [*Vernunftstaat*] and from the political project of secularism, at the time of writing his response, and therefore argues that it is the worldly, secular restrictions [*Schranken*] themselves that need to be overturned in order for man to be truly free from religion in all its forms.

But of course such a summary of the Marx–Bauer controversy can only be preliminary, serving as an initial orientation of our inquiry towards the problems and questions at stake. In order to enable ourselves to break through Marx’s surface level dazzling rhetoric and shorthand criticisms, which make ‘On the Jewish Question’ such a difficult text – as we will see in Chapters Three and Four – we need to interject here a preliminary, yet indispensable analysis of the relationship between Bruno Bauer and Hegel on the topic of the historical and logical/philosophical relationship between the state, religion, and the ‘Jewish Question’. Only a clarification of the continuities and discontinuities between Hegel and Bauer will

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<sup>51</sup> One of the difficulties of this work is not to leave the equation between ‘man’ as human [*Mensch*] and man as referring to the male sex and gender that led feminist discourses to reject universal emancipatory projects with very good reason unchallenged. Whilst all major thinkers of this thesis use ‘man’ in conjunction with the pronoun ‘he’, I will try to interject female pronouns whenever it is appropriate.

<sup>52</sup> Marx 2010, 151 [352].

<sup>53</sup> See Farris 2014, 296–299; and Moggach 2006.

allow for a subsequent precise definition of Marx's position between the two thinkers on different elements of the debate.<sup>54</sup>

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<sup>54</sup> Whilst there is scholarship on the relationship between Marx and Bauer (see esp. Rosen 1977; Tomba 2005; Tomba 2015), and between Bauer and Hegel (see esp. Moggach 2002; Gascoigne 1985), none of the literature considers their triangular relationship in order to interpret 'On the Jewish Question', which is the unique angle of this first section the thesis.

## 2 The 'Jewish question' between state and religion in Bruno Bauer and Hegel

Long before Bruno Bauer turned his attention to the 'Jewish Question', he had identified the state as a political and philosophical problem deserving heightened critical attention. He regarded the *Christian state*, or as Marx specifies "the Christian-German state"<sup>55</sup> as the embodiment of a "regime of general oppression"<sup>56</sup>, the barrier to the political emancipation of every German citizen – and in that sense also to the political emancipation of the Jews. The empirical referent for this critique is the Christian-Prussian state that dominated the German confederation in the years after 1815. The reason for the Christian state's oppressive existence, the most famous element of Bauer's critique, is that it still works on the old 'privileges', on "religious prejudice"<sup>57</sup>. Privilege, as Bauer argues in *The Jewish Question*, is thus the main obstacle to true, political emancipation as he understands it, i.e. to the transition towards a truly secular state and the rule of law, all based on the application of Enlightenment reason.<sup>58</sup>

Marx's polemical tone in his review essay makes it easy to read his critique of Bauer's reformulation of the 'Jewish question', and of his critical account of the Christian state in the name of achieving '*merely* political emancipation', as a total refutation of Bauer's position. But such an assessment would miss the fact that the opening paragraphs of 'On the Jewish Question' contain a moment that lauds Bauer's achievements before embarking upon its criticism. As Tomba rightly points out, Marx does not deny that Bauer made an important theoretical contribution, when he writes:

[Bauer] replies with a critique of the Jewish religion, he analyses the religious opposition between Judaism and Christianity, he elucidates the essence of the Christian state – and he does all this audaciously, trenchantly, wittily, and with profundity, in a style of writing that is as precise as it is pithy and vigorous.<sup>59</sup>

But it is unlikely that Marx is able to speak with such specificity of Bauer's critique of the Christian state based on the two essays that he is reviewing for 'On the Jewish Question', because neither of them treats the problem of the Christian state at a length that allows a

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<sup>55</sup> Marx 2010, 158 [359].

<sup>56</sup> *Ibid.*, 146 [347].

<sup>57</sup> *Ibid.*

<sup>58</sup> See Bauer 1843, 60–61.

<sup>59</sup> Marx 2010, 147 [348]; amended trans. See also Tomba 2005, 91.

full grasp of Bauer's theoretical position.<sup>60</sup> It is only against the background of Bauer's earlier texts from 1841 and 1842, 'Der christliche Staat und unsere Zeit'<sup>61</sup>, and 'Die gute Sache der Freiheit und meine eigene Angelegenheit'<sup>62</sup> – which we have good reason to believe Marx knew of, and to which he even contributed some core ideas<sup>63</sup> – that we can understand what Marx values in Bauer's critical analysis. In those texts, Bauer develops a complex genealogical and logical analysis of why the post-Reformation, post-revolutionary Protestant Prussian state did not achieve its proper secularisation.

To develop a deeper understanding of these theoretical analyses, which Bauer arrives at through a close dialogue with Hegel's theory on the state, religion, and self-consciousness, is also important in order to grasp in their historical and philosophical significance and specificity Bauer's solution to the 'Jewish question' and Marx's rejection of this solution in the name of the need for a more radical critique of the state.<sup>64</sup> This is the aim of this chapter, which will proceed from the political debate on the role of the state and religion in Germany in the early 1840s, to a discussion of Hegel's theory, and subsequently to Bauer's problematisation of the relation between state and religion. These elaborations will allow us to confront and qualify Bauer's continued 'Hegelianism' from a new perspective that does not exist as such in the available secondary literature. This assessment provides the foil for our subsequent re-reading of the Marxian critique in Chapters Three and Four allowing for a more acute awareness of moments where Marx

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<sup>60</sup> The few passages in *The Jewish Question* on the Christian state are almost all quoted or referenced in 'On the Jewish Question', see pp.156-158.

<sup>61</sup> English: 'The Christian State and Our Time'; my trans.

<sup>62</sup> English: 'The Good Cause of Freedom and My Own Concerns'; my trans.

<sup>63</sup> See the letter from Köppen to Marx in June 1841, where he congratulates Marx for influencing some of Bauer's most pointed thoughts in 'The Christian State and Our Time', in Pepperle and Pepperle 1985, 812–813. Zvi Rosen confirms that Marx knew this text well and argues for a far-reaching, even terminological influence of it on Marx's critique of religion, see Rosen 1977, 139.

Bauer himself mentions 'The Good Cause of Freedom and My Own Concerns' to Marx in a letter from December 1842, where Bauer rejects Marx's criticism of his involvement of the clique "Die Freien" in Berlin, by which he feels offended and misjudged by his long-standing friend and protégé (see Pepperle and Pepperle 1985, 862). In a later letter from Marx to Ruge from March 1843, Marx mentions the text to Ruge with the comment that Bauer has never written anything this good. Already in the next paragraph though, Marx mentions his worries about Bauer's stance on Judaism ("the Israelite belief") as too abstract. Instead Marx suggests that "one needs to punch as many holes into the Christian state as possible and to smuggle the rational inside of it" (Ibid., 872; my trans.). Marx says this as justification for signing a petition to support the Jewish cause in the state parliament.

<sup>64</sup> That implies that I do not claim to treat Bauer's work comprehensively, which would go far beyond the scope of this thesis. See for the most important explicitly exegetical works in English Moggach 2002; Moggach 2006; Tomba 2006; Tomba 2015; Gascoigne 1985; Rosen 1977, and in German especially Tomba 2005; Kanda 2003; Post 1975.

remains tied to the Hegelian-Bauerian arguments, where he returns to Hegel against Bauer, and where his critical developments of ‘political emancipation’ go beyond both theorists – and not only in a topical, but in a methodical sense.

## 2.1 State and religion in the Vormärz

### 2.1.1 *Vormärz as post-revolutionary moment in the double sense*

Both Bauer and Marx write their respective contributions to the ‘Jewish question’ towards the later years of the German Vormärz, which in its narrow historical definition lasts from 1830-1848. The Vormärz is the period in which Germany experiences its delayed transition into a modern, capitalist society interrupted by re-feudalisation tendencies.<sup>65</sup> What finds plentiful expression in the writings of and about the Young Hegelians is that it was a time of an experienced generalised crisis, a specifically ‘German misery’.<sup>66</sup>

Lucien Calvié’s historical-literary studies of this period, entitled *The Fox and the Grapes*,<sup>67</sup> help us to grasp the historical and political factors that contributed to this crisis experience and therefore must be understood as influences on the theoretical answers that the Young Hegelians, and in our case specifically Bruno Bauer, produced. The sequence that Calvié develops places this crisis firmly within a revolutionary sequence that began in 1789: the French Revolution (1789) as the starting point, the Jacobin attempt of 1793 trying not to let go of the radical revolutionary demands, followed by Napoleon Bonaparte and the restoration period under Charles X, who was King of France between 1824-1830. In this periodisation, the July Revolution of 1830 marks the beginning of the second revolutionary cycle that once again gave rise to progressive, liberal, and radical revolutionary forces and hopes after the counterrevolution; an event that Calvié argues is just as important a social, political, and intellectual rupture as 1789 and 1848.<sup>68</sup> The alliance of liberal forces led by the Bourgeoisie that united to bring down King Charles X on the “Trois Glorieuses” of July 1830 was in Calvié’s eyes so similar to that of 1789 that he calls

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<sup>65</sup> See Kanda 2003, 38.

<sup>66</sup> See Tomba 2005, esp. p.24; Kanda 2003, pp.32; Post 1975.

<sup>67</sup> ‘Le renard et les raisins’ is the title of a famous fable that deals with the fox pre-empting the need to expend a lot of hope and commitment into developing a plan how to reach the problematically located grapes by telling himself that they are not ripe anyways and that it is not worthwhile to try at all.

<sup>68</sup> See Calvié 1989, 99.

it the “small” French revolution.<sup>69</sup>

But, in Prussian Germany, these revolutionary hopes, alongside the hope of finally breaking out of its specific backwardness, and of fully embracing the social and political modernisation processes that England and France had long undergone, and that Napoleon Bonaparte had started to introduce during his rule of the Rhineland, did not last very long. They were countered by backlashes and repressive measures taken by the conservative forces, notably the Austrian Metternich reign, in alliance with the Prussian state and its king, Frederick William III.<sup>70</sup> Calvié describes how already in 1832 the liberal and revolutionary voices had become marginalized and had to retreat to South-Germany or into clandestine movements, and were properly isolated by 1834.

In particular, two political developments mark the experience of crisis or ‘German misery’ of Bruno Bauer and his fellow Young Hegelians that deepened in the early 1840s, after the conservative Frederick William IV had replaced his father Frederick William III, who died in June 1840. The first element was the further concentration of power in the Prussian state and its manifestation as an absolute state,<sup>71</sup> which the Young Hegelians perceived as a new form of “general oppression”<sup>72</sup>. This development, which had been taking place ever since Napoleon’s defeat, converged with a movement towards economic liberation for journeymen [*Gesellen*] through becoming labourers, and for serfs [*Gutsuntertanen*] through becoming day labourers, which was part of a larger modernisation reform in Prussia. Whilst this was a process of progress as well as regress, and initially excluded the granting of political rights, it led towards the dissolution of the hierarchical structures in the house and in the estates and towards the creation of a “mass of formally free labourers”<sup>73</sup>. These two developments – the reaffirmation of the state as absolute power and the dissolution of the estates – influenced the Young Hegelians in their intensive debates regarding the question of the mediation between individual and state and the revolutionary legacy more generally. They were driven by a sense of crisis and urgency nurtured by the continued blockage of the political revolutionary advances for the German

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<sup>69</sup> Ibid., 116.

<sup>70</sup> See *ibid.*, 100.

<sup>71</sup> See Tomba 2005, 26.

<sup>72</sup> Marx 2010, 146 [347].

<sup>73</sup> Tomba 2005, 27; my trans.

states due to the absolutist and Christian-Prussian state, whilst structural changes happened on the economic, and civil-societal level.

Besides, Hegel, who had been the Young Hegelians' primary source of theoretical orientation in relation to the modern revolutionary changes, died in 1831 and left them with his writings, that apparently allowed for a variety of vastly diverging political interpretations as the formation of Right and Left Hegelian Schools attests. This raised the question of whether his theory of the state still usefully supplied the necessary theoretical weaponry, in terms of method and formulated goals, against the Prussian state.<sup>74</sup> Moreover, Hegel's essential concept of mediation between individual and state, namely the figure of the estates, was in the process of empirical dissolution, leaving behind a vacuum and a bigger question mark over the value of his theory for the Young Hegelians.<sup>75</sup> The legacy of the French revolution suggests that this vacuum would be filled with the concept of citizenship, which was, however, mere theory in Prussia at the time, as it lacked its necessary political foundations, such as a constitution. As Bauer makes perfectly clear when he addresses the Jews directly, "[i]n Germany there are no citizens"<sup>76</sup>.

Thus, the pressing question was how to establish a new relationship between theory and practice that would allow the emancipatory promise that the Young Hegelians saw at the beginning of the 1840s in the French Revolution to spark off in Germany. But this commitment was paired with a certain subliminal loss of orientation in the face of the dissolution of the old world order and the doubts they developed about the role of the Hegelian legacy. It is upon these problems of identifying the obstacles to the proper modernisation of Germany, which would imply its true, *political*, modernisation and finding a solution to the crisis of mediation between individual and state against the existing, Christian-Prussian approach, that the Young Hegelians' approaches focus, and around these problems that they diverge from each other. But it is not only a question of 'how' Germany could finally realise the revolutionary elements that were already present on a world-historical stage. As Marx makes explicit in his review, the decisive fractures between the Young Hegelian theorists become much more apparent in relation to the question of

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<sup>74</sup> See Calvié 1989, 99–100.

<sup>75</sup> See Tomba 2005, 24,30.

<sup>76</sup> Bauer paraphrased in Marx 2010, 147 [348].

what it actually means for humanity to be emancipated, “what kind of emancipation” they were trying to realise by conjuring up the revolution in Germany<sup>77</sup>.

### **2.1.2 The problem of the ‘Christian state’**

The primary object of Bauer’s critical inquiry into the political crisis of Germany in the early 1840s was the formation and strengthening of the ‘Christian state’ since the brief upsurge in revolutionary hopes in the liberal and nationalist oppositional camps sparked by the July Revolution in France in 1830, and the unrest it inspired in Germany. But the reinforcement of repressive state measures was in many ways a continuation of the restorative policies that built the ground for the formation of the German confederation through the Vienna Congress in 1815. But, whereas there were several ways in which the restorative policies, led by the Prussian King Frederick William III. impacted the life of the German people – of course to a varying degree in the different states of the confederation – it was especially the relation between the state, religion, and the church that was seen, by rationalist and conservative forces alike, as the decisive battleground for realising their political aims. That is why questions of theology, of the role of the church, and of politics were so intricately intertwined with the attempts of the Young Hegelians to understand and criticise the anti-revolutionary, monarchical, and generally oppressive political forces that were held responsible for the state of experienced crisis.<sup>78</sup>

Junji Kanda calls the time of the 1810s and 1820s the period of counter-revolutionary “religious awakening”<sup>79</sup>, whilst Warren Breckman describes it as the “theistic counter-movement to rationalist philosophy” opened by Jacobi,<sup>80</sup> or simply “the revival and transformation of Pietism”, which was notably led by aristocratic and intellectual elites, and for Breckman important in shaping the relation between religion and state in the post-revolutionary period<sup>81</sup>. The second heavily political development in the religious sphere of the time was the state-led church unification project, which was supposed to form the Prussian Union [*Preussische Landeskirche*]. This “union of Calvinist Reformed and Lutheran

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<sup>77</sup> Ibid., 149 [350].

<sup>78</sup> See Breckman 1999, 4–9; Kanda 2003, 33–34, 89.

<sup>79</sup> Kanda 2003, 92.

<sup>80</sup> Breckman 1999, 27.

<sup>81</sup> See *ibid.*, 44–45.

churches”, which was initiated in 1822 but only properly implemented against the protesting parties by 1835,<sup>82</sup> served the purpose of asserting the existing alliance between the political authority and Protestant religion by means of enforcing the King’s liturgical interpretation as the one and only orthodoxy.

Many liberal thinkers of the time, including Bauer, had initially looked hopefully towards Baron Stein’s attempt at rigorous socialisation [*Verstaatlichung*] of the church and his aim of integration, which was part of the Stein-Hardenberg reform measures initiated between 1806 and the early 1820s, as they thought it could transcend the religious influence on political matters precisely by properly political means.<sup>83</sup> But what initially seemed as if it could bring about the success of the ‘state as rational state’ to Bauer and his fellow Hegelians, which caused them to tolerate even some hard state measures against those religious communities that protested against the unification in the name of freedom of belief, turned out to lead somewhere entirely different. The Romantic religious awakening appeared to have become much more ingrained in the supposedly rationalist state idea through the religious and educational reforms than many progressive thinkers had considered possible or likely.<sup>84</sup>

When in 1840, the romanticist and retrogressive Frederick William IV succeeded his father on the Prussian throne – in Julius Carlebach’s words “an absolute ruler cast in the mould of feudal kings, a conservative pietist wholly divorced from the realities of his time and his people”<sup>85</sup> – hopes for the long awaited change, which his predecessor had not managed to realise, were briefly rekindled. But after an initial moment of liberalisation of the press and the release of political prisoners, Frederick William IV turned quickly to an agenda of further enforcing absolute state power together with the orthodox-conservative forces that surrounded him. He was able to use the unified state-church complex to enforce hierarchisation, censorship, and repression and to spread the “religious awakening” via his *Christian state* throughout the whole of public life. By then, Bauer and his fellow

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<sup>82</sup> The Prussian government initially failed to realize the protestant union because of the protest against it, and the date of the final establishment seems to be slightly unclear, as it differs between different sources. See Kanda 2003, 94–95 versus Breckman 1999, 44.

<sup>83</sup> See Bauer 1968a, 37.

<sup>84</sup> See Kanda 2003, 92–94; Breckman 1999, 67.

<sup>85</sup> Carlebach 1978, 65, see also 66.

Young Hegelians were firmly opposed to what they understood to be the cultural policy of a Christian-patrimonial state aiming to suppress any liberal and radical forces, and which they realised had nothing in common with the Hegelian concept of the modern bureaucratic state on which they were placing their hopes.<sup>86</sup>

However, this struggle over the alignment of the religious, spiritual, and institutional forces also complicated matters theoretically. Whilst Hegel had unequivocally lauded the German reformation to be the spiritual foundation of modernity and modern freedom, the new role of Protestantism in the 1830s and early 1840s, as an important pillar for the consolidation of the conservative and romanticist forces, complicated this assessment for the Young Hegelians and rendered Hegel's theoretical standpoint moot. Whilst the rising opposition against any direct Hegelian influence in that time suggested that Hegel's speculative philosophy contained a threat to the consolidation of the Christian state, and the connected personalist theories that saw worldly sovereignty originating in the personal God, it was nevertheless clear to the Young Hegelians that his theory of the state – on the one hand due to the ongoing modernisation measures that reached beyond Hegel's theoretical elements, and on the other hand regarding the historical and logical modernising role Hegel had assigned to Christianity – needed to be critically reconsidered; not least, because it was obviously open to co-optation by the state, through an interpretation of the conservative Right Hegelians, which raised the crucial question of whether this co-optation was abetted by inner-theoretical elements.

But before we can enter into Bauer's critique based on an argument about the logical form of the Christian state, which builds the foundation for his critique in *The Jewish Question*, we need to understand the Hegelian contribution in its own right. In the following section, we want to clarify how Hegel's concept of freedom is connected to his understanding of Christianity and to the state, in order to be able to specify where Bauer breaks with this understanding – if at all – and to what extent his position remains Hegelian.

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<sup>86</sup> See Moggach 2002, 80–82.

## 2.2 Relation between state and religion: Hegel's troubled secularisation thesis

Hegel discusses “the state’s relation to religion” most famously and at some length in §270 of his *Philosophy of Right*,<sup>87</sup> a text that was for most of the Young Hegelians, especially for Arnold Ruge and for Marx but also for Bauer,<sup>88</sup> the decisive source for their critical reworking of the Hegelian theory<sup>89</sup>. It is in the annotation to §270 that Hegel states what we can easily identify as his most contentious definition of the relation between state and religion, which troubled not only the Young Hegelians but remains an unresolved problem to this day: that is, his affirmation that “religion is the foundation of the state”<sup>90</sup>.

However, in relation to Bruno Bauer, we should clarify that his primary target when he re-examines this relationship is not Hegel himself. He wants to understand the logical form of the foundation of religion within the contemporary Prussian state of the Restoration period, and how it developed genealogically, in order to confront it properly by attacking its logical limits. As part of this undertaking, he attacks the most influential philosophers of this ‘Christian state’, which, not incidentally, self-identify as Hegelians themselves.<sup>91</sup> Based on this, in Bauer’s eyes, perverse and wrong alliance, he writes very much in the name of developing the true, namely scientific, understanding of Hegel, who is the thinker of “atheism, revolution, and the Republic”<sup>92</sup>. It becomes apparent that this is not an unproblematic defence of Hegel when we bring Bauer’s affirmation into dialogue with the relation between state and religion that for Hegel has to be, at least in some sense, *foundational*. The first question in order to establish this dialogue is to clarify what Hegel means by this.

Hegel spends a lot of §270 distancing himself from what he does *not* mean. Because

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<sup>87</sup> See Hegel 2003, 291 [415] (§270). The page number in square brackets always refers to the German original: Hegel 1986a.

<sup>88</sup> See Ruge 1842; Bauer 1985 [1841], esp. the reference on pp.333–334.

<sup>89</sup> The other most explicit passages on the relation of the state and religion are in §552 of the *Encyclopaedia* (Hegel 1971, pp.249) and in a section from the *Lectures on the Philosophy of Religion*, which, according to research, was added by Hegel when he gave them for the last time in 1831 (Hegel 2008, pp.451). For a placement of Hegel’s view of religion in relation to his theoretical system as a whole and the state in particular in its chronological development, see Rohrmoser 1995, chap. 4. Whilst the overall purpose of Rohrmoser’s book runs entirely counter to this thesis by trying to affirm freedom against the Marxist aberrations of the concept of emancipation (understood as emancipation from tradition), the chapter on Hegel provides insights on this issue in its own right.

<sup>90</sup> Hegel 2003, 291 [415] (§270).

<sup>91</sup> See Bauer 1968a, 17.

<sup>92</sup> See Bauer 1968b, 85–86; also Bauer 1968a, 7, where Bauer argues that religion needs to be transformed into thought.

even his qualification that “if, then, religion constitutes the *foundation* ... it is at the same time only a *foundation*”<sup>93</sup> leaves the claim open to one-sided misinterpretations, which he realises need to be exposed. One misinterpretation, which takes up most of the space of the paragraph – and can be related to Hegel perceiving this interpretation as an actual theoretical and political threat – disregards the qualification of serving ‘only as a foundation’. It is this interpretation that ends up determining the state as “confessional state”. The confessional state however does not realise religion as only a foundation of the state, but it subsumes the state under religion and religiosity. It turns religiosity, understood by Hegel as subjective feeling, together with representational thought and faith, into a false kind of piety which is regarded as the ruling force because it can access God’s will and translate it into laws. However, Hegel deeply rejects this translation of foundation into the determination of the state and its form by religion *tout court*, that is to say, into “an essentially valid and determining factor”<sup>94</sup>. Religion here becomes the essence of the state, but it remains as such an under-determined, merely abstract, determination: how God’s will is to be translated into laws is not a question of rational and scientific thought tied to actuality, but a question of subjective feeling alone.<sup>95</sup> Hegel sees here the danger of religious fanaticism and arbitrariness ruling the state and its political institutions, because the content of the state can be arbitrarily defined as always already justified through its divine form. The second misinterpretation arises for Hegel from not taking the concept of foundation seriously enough, because “they refuse to go beyond the opposition of the form of religion against the state”<sup>96</sup>. Hegel describes this in the *Addition* to §270, where he writes:

But the same proposition can also be misunderstood to mean that those human beings whose spirit is fettered by an unfree religion are best equipped to obey...that individuals must have religion in order that their fettered spirit can be more effectively oppressed within the state [...].<sup>97</sup>

This is, in Hegel’s eyes, a bad interpretation because it would make religion into a functional element for the state.<sup>98</sup> But this function could only be fulfilled by turning religion into an untrue, namely unfree religion, which in turn separates the state from

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<sup>93</sup> Hegel 2003, 292 [417] (§270).

<sup>94</sup> Ibid., 293 [418] (§270).

<sup>95</sup> See also Schick 2009, 25.

<sup>96</sup> Hegel 2003, 292–293 [418] (§270), amended trans.

<sup>97</sup> Ibid., 303 [430] (§270, Addition).

<sup>98</sup> See Schick 2009, 25.

having religion as its true foundation, namely as content and essence, in a double sense. First, because religion has been rendered untrue, and second, because the state defines its own essence independently of subjective convictions, which separates the two and makes them external to each other. They are only aligned in their actuality, but not through a free and shared intentionality focused on the realisation of a shared essence.

Underlying both these critiques is, of course, Hegel's positive understanding of 'religion as foundation of the state', whose elements we have already started to glimpse but need to make explicit. What religion and the state share against the second misinterpretation is their content: they share a foundational commitment to universal freedom, or, in Hegel's wording, to "truth and rationality". But the second element of Hegel's definition of the foundational relation is in fact negative, because religion and state "differ with regard to their form".<sup>99</sup> We will start to explicate the latter qualification before we come back to specifying the positive sense of what 'foundational' means.

By form, Hegel means the form of their respective consciousness. Religion and the state relate differently to the whole (the absolute or spirit), and therefore develop particular epistemological forms, differing types of authority and rationality. The state relates to the particularities and the specific purposes of the whole [*"im Staat haben die Unterschiede eine Breite des Außereinander"*<sup>100</sup>], trying to realise them through practical effectivity. The epistemological form that corresponds to this relation to the whole is thought and knowledge. The state's purpose is to apply thought to the content – that we will see it shares with religion, namely the realisation of *'Sittlichkeit'* – and thereby to help realise it: by demanding legal duty as an objective demand, independent of the emotional attitude with which it is performed. Based on this formal definition, science has its seat in the state, because they share the purpose of "thinking cognition"<sup>101</sup> as opposed to subjective opinion. Religion, on the other hand, relates to the whole in its abstract form, as totality.<sup>102</sup> It does so, as I mentioned earlier, by the epistemological means of feeling – representational thought and faith – through which the religious abstractions qua doctrine [*Lehre*] enter into

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<sup>99</sup> Hegel 2003, 299 [425] (§270); amended trans.

<sup>100</sup> Ibid., 304 [430] (§270, Addition).

<sup>101</sup> Ibid., 180 [278] (§140 Note).

<sup>102</sup> See *ibid.*, 303–304 [430] (§270 Addition).

the sphere of inwardness.<sup>103</sup> Religion, as form, implies a right to this subjective and inward relation to the totality, which, however, needs to be understood as thoroughly separate from the state. Because, in this operation, the content of religion remains “latent [*eingebüllt*]”<sup>104</sup>, as opposed to the state, which establishes a stable, objective, and rational organisation that rationally grasps and erects the content’s inner necessity through thought.<sup>105</sup>

It is in this context that Hegel recognises the Reformation as a crucial historical and philosophical event. Most fundamentally, the differentiation of the religious confessions, and the loss of unity of the church, called the unity between church and state itself into question. This was the singular opportunity for the state to attain its particular existence, and establish a form of consciousness separate from the church. Because “only in so far as the church becomes divided within itself ... can the state attain universality of thought as its formal principle and bring it into existence”<sup>106</sup>. This is because, if the separation of the church does not threaten the existence of the state by tearing it apart as well, it only tears the state away from its inessentialities, and allows it to realise that its purpose in relation to the whole differs from that of the church – namely, as we just learned, in the development of objective knowledge separate from religion’s subjective belief, and needs a separate, ‘particular existence’ [*besondere Existenz*].<sup>107</sup> In this respect, it seems that Hegel’s secularisation thesis is wholeheartedly defensible, in the sense that he is greatly concerned not to allow the religious form of consciousness to relativise the scientific-rational grounding of the state.<sup>108</sup>

But, what happens when we move to the positive side of the foundation thesis and examine in what sense – if not in the institutional one we have just considered – state and church build a unity, which lies, as Hegel tells us, “in the truth of principles and disposition”<sup>109</sup>? On a basic level, Hegel posits this unity as a historical interpretation, as the church did have a foundational role in the development of the state – which we will see in

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<sup>103</sup> See *ibid.*, 297 [422–423] (§270).

<sup>104</sup> *Ibid.*, 303 [430] (§270).

<sup>105</sup> See Taylor 1977, 480.

<sup>106</sup> Hegel 2003, 301–302 [428] (§270).

<sup>107</sup> Jaeschke 2009, 11–12.

<sup>108</sup> See Siep 2015, 14.

<sup>109</sup> Hegel 2003, 301 [428] (§270).

more detail in Bauer’s genealogical account in 2.3 – as much as the secularisation of the state reflected back on religion.<sup>110</sup> But Hegel’s thesis also has a philosophical meaning, for which we need to understand their unity in a double sense, namely by taking religion as a concept in a wider, and in a narrower sense. In our use of terminology, we have already loosened our definition of religion, once we used religion and church interchangeably, thereby mirroring Hegel’s usage. But, it is necessary to become more explicit about such a wider understanding of religion as opposed to a narrower one, both of which we find in Hegel’s text<sup>111</sup> – especially as Bauer has his own way of dealing with this difference, as we will subsequently see.

The most fundamental and overarching aspect of the unity of religion and the state remains rather under-defined in §270 itself, though it is nevertheless presupposed at various points, for example when Hegel states that “church and state are not opposed to each other as far as their content is concerned, which is truth and rationality”<sup>112</sup> or, in a statement that has raised rather more contention and doubt regarding its meaning, namely that “the state is the divine will as present spirit”<sup>113</sup>. Truth, rationality, divine will – these and others are all concepts that Hegel uses to define the shared content between religion and the state. In the final course of his lectures on the philosophy of religion, held in 1831, which constitutes also his last ever comment on the relation between the concept of religion and the state,<sup>114</sup> Hegel adds a further concept and thereby provides us with an angle to explicate their shared content: “There is *one* concept of freedom in religion and the state.”<sup>115</sup> Freedom is the highest truth and it means free spirit, “that man is in and for himself free”<sup>116</sup>. And if this is the shared ‘principle’ between religion and state, then Hegel argues that they are both modes of Spirit’s self-knowledge, which coincides with the freedom of humanity as community in the sense of a speculative truth.<sup>117</sup> The important

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<sup>110</sup> See Siep 2015, 18–19; in relation to Hegel 1971, para. 552.

<sup>111</sup> Although in §270 of the *Philosophy of Right*, Hegel spends more time on the separation of religion from the state on the level of their form, as that seems to concern him most at that moment. Which is why we base our analysis of their unity also on a reading of §552 from the *Encyclopaedia* and the relevant section from the *Lectures on the philosophy of religion*.

<sup>112</sup> Hegel 2003, 299 [425] (§270).

<sup>113</sup> *Ibid.*, 292 [417] (§270).

<sup>114</sup> See Jaeschke 2009, 17.

<sup>115</sup> Hegel 2008b, 452 [237]. The page number in brackets refers to the German original, Hegel 1986b.

<sup>116</sup> Hegel cited in Jaeschke 2009, 20; my trans. (this quote is from a different German transcription of Hegel’s lectures on the philosophy of right than the one most commonly used).

<sup>117</sup> See *ibid.*, 17; Taylor 1977, 481; Rose 2009, 53.

question now is how does Hegel substantiate this claim? He does it in two steps.

Firstly, religion – taken as concept – develops the idea of human freedom that serves as the foundation of modern, rational civilisation. It serves as a foundation because it deeply influences the human spirit’s representational relation to the Absolute by way of its cultural expressions and its doctrine. As he argues in the *Philosophy of History*:

The *Germanic* nations were the first to come to the consciousness, through Christianity, that the human being as human is free, that the freedom of spirit constituted humanity’s truly inherent nature. This consciousness first arose in religion [...].<sup>118</sup>

But not in any religion. It matters crucially for Hegel what particular idea of freedom any given religion propagates, especially concerning the relationship between man and God. This relationship will determine how man perceives his or her own freedom, understood as the relationship to oneself vis-à-vis the relationship to the world, and it determines the possibilities of realising this freedom on earth, in the actuality of their lives, through the interplay of subjective and objective consciousness. This is why Hegel infamously privileges Christianity over other religions: because it is the only religion that recognises “the absolute as free spirit”<sup>119</sup>.

We can understand this role of Christianity most usefully for our thesis if we develop what differentiates it from Judaism, which historically and conceptually immediately precedes Christianity in Hegel’s teleological scheme. As Nathan Rotenstreich and Steven Smith convincingly argue, Hegel conceives of Judaism in his early theological writings as antithetical to Christianity<sup>120</sup>: it is “a non-dialectical religion”<sup>121</sup>, which enslaves man by making him exist as entirely external to his God, who is also the law.<sup>122</sup> Judaism’s God is the object that man fears; he obeys him as he obeys the abstract law, namely as a command, but lacks self-consciousness. This externality between God and life translates for Hegel into the Jew’s relationship to the world, “to his own life and mankind in general”, where man remains alienated, isolated, and passive. Judaism is therefore “a religion without

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<sup>118</sup> Hegel 2011, 88.

<sup>119</sup> Taylor 1977, 496.

<sup>120</sup> Hegel’s attitude towards Christianity also undergoes a change throughout his *Early Writings*: whilst at first both, Judaism and Christianity, were condemned as anti-revolutionary “revealed religions”, Christianity was subsequently relieved of this accusation. See Smith 1998, 188.

<sup>121</sup> Rotenstreich 1953, 41–42.

<sup>122</sup> See *ibid.*, 36; Smith 1998, 189.

a subject”<sup>123</sup>, because it cannot conceive of man as in a self-conscious unity with the object, God, which implies that man cannot conceive of himself as existing in a dialectical unity with the word.

Once Hegel reached his properly dialectical method in his mature work, to be found in the *Philosophy of the History of Religion*, in the *Philosophy of World History*, and in the *Philosophy of Right*, his appreciation and evaluation of Judaism in relation to Christianity changes in as far as it also becomes dialecticised.<sup>124</sup>

Judaism “becomes now a stage in the dialectical process of the self-realization of Spirit. Judaism viewed by Hegel in the early period as a non-spiritual entity becomes now one of the partial manifestations of the total Spirit.”<sup>125</sup>

Breckman is right when he summarises that for Hegel Christianity ultimately “consummates the history of religion, [...] for it alone among the world’s faiths attributes freedom to human beings as such”<sup>126</sup>. But Judaism plays a significant role in the lead up to Christianity,<sup>127</sup> which Hegel is now able to appreciate: he calls it “Religion of sublimity” referring to “its conception of God as infinite power”.<sup>128</sup> Hegel nevertheless remains critical of Judaism’s externality, as God and man, infinite and finite, remain separate from each other and, on the other hand, of the foreignness of the Jewish law to the modern state, of Judaism’s existence in the form of a theocracy.<sup>129</sup>

It is only the religion of universal love, Christianity, which will be able to reconcile the finite and the infinite, subject and object, man and world, into a dialectical, thus speculative, unity.<sup>130</sup> How it achieves this reconciliation will not be discussed here in any detail, because it has to do with a specific interpretation of the Christian dogmas whilst

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<sup>123</sup> Rotenstreich 1953, 35.

<sup>124</sup> There exist various scholarly accounts of the different take on Judaism in Hegel’s early and mature writings. Whilst I rely mainly on Rotenstreich (1953) and Smith (1998), analyses with similar conclusions can be found in Tomasoni (2003), Liebeschütz (1967) and Yovel (1998).

<sup>125</sup> Rotenstreich 1953, 42.

<sup>126</sup> Breckman 1999, 39.

<sup>127</sup> Although, we should note here that Judaism is not alone in its role as contributor to bringing about the Christian sublation, because there is on the one hand, the Greek religion with its concept of “the beautiful unity of man with God” (Taylor 1977, 499) and on the other the Roman world, which, in Hegel’s eyes, already contained those aporias that only fully play out in Christianity (see Rose 2009, pp.121).

<sup>128</sup> Smith 1998, 192.

<sup>129</sup> See Smith, 192-193; Rotenstreich, 47

<sup>130</sup> See Marx’s partial agreement on this: “Only under the dominance of Christianity, which makes *all* national, natural, moral, and theoretical conditions *extrinsic* to man, could civil society separate itself completely from the life of the state...” (Marx 1975, 240 [376]). Whilst he agrees with the contribution of Christianity to the emergence of the modern state form via modern civil society, he contradicts Hegel by positing that “civil society has ... given birth to the political state” (Ibid., 239 [374]), which for Hegel happened the other way round as we will see shortly, and regarding the specific outcomes of this ‘contribution’.

riding Christianity of its essence, as Charles Taylor describes it, namely a view of God as absolutely free, and as the omnipotent giver.<sup>131</sup> It is thus certain that only a de-mythologised or “de-theologised” understanding of Christianity<sup>132</sup> becomes what Hegel calls the ‘absolute religion’, in which he sees a convergence between religion, which existed first in its immediate actuality, and philosophy, or between faith and Enlightenment.<sup>133</sup> But, despite such a secularised version of Christianity, to which Protestantism comes the closest, this privileging of Christianity over Judaism, and all other past and present religions regarding the access to the Absolute, ties Hegel’s entire philosophy to a “Christocentric standpoint”, from his early to his mature writings.<sup>134</sup> It also means that ‘the divinity of the state’ can be understood as the state’s task to realise this de-theologised, but nevertheless, at least originarily, Christian idea of freedom qua its specific mode, i.e. as a secular *Rechtsstaat* within the world.<sup>135</sup> That does not directly contradict the secular vision of the state, but it raises some doubts about how secular the overarching idea of freedom behind the Hegelian system is, which we should remain attentive to throughout the rest of the section.

A question that we have however not yet answered, and which deeply concerns all Hegelians after Hegel, the Right as well as the Left, is what kind of freedom of humanity Hegel precisely envisions as given in Christianity as absolute truth, and to be realised by the state as ‘present spirit’. What is the relationship between the freedom of the person and a fuller account of freedom of the human community, the species as a whole? A contention arises around what the freedom of the person is modelled on, and whether this is a truly modern individual or a Christian person.<sup>136</sup> In Hegel’s writings, it is clear that he rejects as abstract the idea of God as transcendent personality – an idea that served the Christian states of the Restoration period as the legitimating image of the personal, inaccessible ruler and the cult of the inwardly free person.<sup>137</sup> Hegel places against it an interpretation of the

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<sup>131</sup> See Taylor 1977, 493; also Breckman 1999, 33.

<sup>132</sup> Taylor 1977, 495.

<sup>133</sup> See Hegel 1971, 255 [363] (§552). The page number in square brackets refers to the German original: Hegel 2009. See also Taylor 1977, 484.

<sup>134</sup> Yovel 1998, 101; see also Fackenheim 1982; Rotenstreich 1953; Fischer 2006.

<sup>135</sup> See Jaeschke 2009, 14.

<sup>136</sup> See on the concept of the person Siep 2015, 14, 22; Breckman 1999, 39.

<sup>137</sup> See Taylor 1977, 481, 495.

Trinity of the Father, the Son, and the Holy Ghost as a form of concrete personhood that portrays the absolute Being as a specific self-consciousness determined by “the mutually interpenetrating self-relation of the self in the other”.<sup>138</sup> Thereby, concrete personhood as a relational concept becomes what guides the worldly attainment of spirit, the purpose of the state, whilst at the same time, an examination of the state’s actualisation of freedom will allow us to grasp how this relational concept works in actuality.

We thus have to specify the meaning of concrete personhood – how it leads to the attainment of freedom and what might still tie it to Christianity in the context of the state’s rational processes, beyond its initial emergence from a philosophical interpretation of Protestant dogma. This question confronts us with the role of religion in its narrower meaning, which is why we need to expand the scope slightly before we return to the question of personhood: first, the other, second dimension of the unity of religion and state, or of religion’s foundational role for the state, has to be included in the analysis.

The reason for this is that, for Hegel, the state’s most defining characteristic is not only its rational form, but also its existence as more than an external bond: Hegel’s state, at least as he develops it from the *Philosophy of Right* onwards, is an ethical state [*sittlicher Staat*], whose unity depends just as much on an inner integration of the convictions of its citizens as it depends on their external unification qua constitution.<sup>139</sup> The state’s highest purpose is to achieve a substantial unity, or, as Hegel specifies in §261, a unity of “external necessity” and “inner purpose”, where the individuals see their particular interests immediately intertwined with the universal interests of the state.

But, one might object, Hegel’s conception of civil society already sees the individual as simultaneously particular man (namely Jew, Catholic, Protestant, German, Italian etc.) and universal man or universal person, which for Hegel derives from the divine personhood of God.<sup>140</sup> It is implied in this development that civil society itself has a non-exclusionary character, because it is able to mediate between these two forms of human existence. The mediation takes place on an anthropological level and a private level. In §182 Hegel affirms what he had developed at length in the *Phenomenology of Spirit*: the

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<sup>138</sup> Breckman 1999, 41.

<sup>139</sup> See Jaeschke 2009, 13; Taylor 1977, 486; see also Hegel 2008b, 459.

<sup>140</sup> Hegel 2003, 240 [360–361] (§209); see also Becker 2010, 198; Binoche 1989, pp.92.

concrete, particular person with his own particular needs, who exists as his own end, is *one* principle of civil society; the other principle is that each particular individual can only fulfil his own ends and needs through others and by contributing to the welfare of others: we could call this the supposition of anthropological dependency.<sup>141</sup> Thus, already at the level of civil society, particularity and universality exist in a dialectic that bears the potential for successful mediation, namely through man's labour as his *oeuvre sociale*.<sup>142</sup> Successful mediation means to arrive at recognition [*Anerkennung, Anerkanntsein*]: the moment in the process where the isolated and abstract particular needs of the individual become one with concrete, societal needs.<sup>143</sup> The success of the dialectic on this level depends on limiting the possibilities for aberrations of particularity and subjective selfishness, which makes necessary a complex "stratification of right" between the legal person, the moral subject, and the individual.<sup>144</sup>

On the one hand, it is through the system of particularity [*Partikularität*] that right becomes externally necessary as a protection for particular interests [*Besonderheit*].<sup>145</sup>

But, Hegel does not think that with the introduction of abstract right, morality, and the institutions of civil society that are supposed to mediate the merely private interests of the individuals like the administration of justice, the police, and especially the corporations (the moment of ethical life within civil society), that the universality of freedom is already ensured.<sup>146</sup> He explicitly points towards the limit of the administration of justice (*Rechtspflege*) within the confines of civil society:

The principle of this system of needs, as that of the personal [*eigene*] particularity of knowledge and volition, contains within itself that universality which has being in and for itself, i.e. the universality of freedom, *but only abstractly and hence as the right of property*.<sup>147</sup>

In other words, civil society is governed by the principle of need and its fulfilment, which is ensured by right – based on the right of property – but as a whole it only contains the universality of freedom abstractly, rather than realising concrete, substantive freedom. It

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<sup>141</sup> See Weil 1998, 100.

<sup>142</sup> See *ibid.*, 94.

<sup>143</sup> See Hegel 2003, 229 [348–349] (§191, 192).

<sup>144</sup> Binoche 1989, 94; Behre 1997, 61–62.

<sup>145</sup> Hegel 2003, 240 [361] (§209, Addition).

<sup>146</sup> See Behre 1997, 64.

<sup>147</sup> Hegel 2003, 239 [360] (§208); my italics. The limit of the abstract law *within* civil society itself is for Hegel overcome by the police and the corporation, which fulfil the task of actualising the unity of the universal that abstract law merely protects if it comes into danger. See *ibid.*, 259 [381] (§229).

lacks the final moment in the system of stratification, the state as the moment of “concrete universality”.

It is with regards to the task of attaining substantive freedom that the state becomes important for Hegel. The affirmation of everyone as a universal person, of the Jews, Catholics, Germans, and so on, as generic human beings, cannot be achieved by only granting them equal private rights, because this kind of recognition remains abstract. It needs another level of mediation, the state and its institutions, to grant everyone civil rights, to include them into the political sphere as active citizens in order to achieve concrete freedom. Hegel develops this step as follows:

The state is the actuality of concrete freedom. But *concrete freedom* requires that personal individuality [*Einzelheit*] and its particular interests should reach their full *development* and gain *recognition of their right* for itself (within the system of the family and of civil society), and also that they should, on the one hand, *pass over* of their own accord into the interest of the universal<sup>148</sup>, and on the other, knowingly and willingly acknowledge this universal interest even as their own *substantial spirit*, and *actively pursue it* as their *ultimate end*. The effect of this is that the universal does not attain validity or fulfilment without the interest, knowledge, and volition of the particular, and that individuals do not live as private persons merely for these particular interests without at the same time directing their will to a universal end [*in und für das Allgemeine wollen*] and acting in conscious awareness of this end. The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfilment in the *self-sufficient extreme* of personal particularity, while at the same time *bringing it back to substantial unity* and so preserving this unity in the principle of subjectivity itself.<sup>149</sup>

The state is at the same time ‘external necessity’ and ‘immanent end’ to family and civil society, in the sense that it transposes their quest for ethicality and universal freedom onto a higher level, namely the political sphere where the individuals now actively and consciously participate in the actualisation of freedom, with a free will: this is the second level of dependency, now between state and civil society.<sup>150</sup> The free will is not the isolated free will of the autonomous individual, or a legally defined person,<sup>151</sup> but it is the political will of a subject, i.e. it is consciously and willingly mediated by the active reason of the state’s custom and rational organisation. As Eric Weil puts it, “freedom’s coming to consciousness is elaborated in the progressive transition from right to morality, thence to

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<sup>148</sup> Which I understand to be the passing over into the universal *within* civil society itself.

<sup>149</sup> Hegel 2003, 282 [406–407] (§260).

<sup>150</sup> See Weil 1998, 108.

<sup>151</sup> See *ibid.*, 32, 36.; it is on this basis that Hegel criticises Kant’s morality as external.

concrete ethical life, and finally to the State”<sup>152</sup> and mediation means that particular will and universal will become unified as the will of the thinking, self-conscious, subject and the objective state institutions (i.e. constitution, constitutional law and the state’s relation to other states in international law<sup>153</sup>) that, as part of the ethical state, have access to the Absolute that civil society lacks.<sup>154</sup>

And here we have arrived back at the role that religion in the narrow sense, namely as ethical conviction or disposition [*Gesinnung*], plays within the state, alongside the state institutions and the positive legislation. Religion, Hegel writes in §270, “is that moment, which integrates the state at the deepest level of the disposition [of its citizens]”<sup>155</sup>, the state’s inner bond. But, we need to ask immediately, what is the content of this disposition, and is it bound to any particular religion? Surprisingly, Hegel is quick to specify that it can be any religious confession, as long as it is of a genuine kind and does not have a negative or polemical attitude against the state, and instead recognises and supports it. All citizens are thus required to be members in a religious community:

but to any community they please, for the state can have no say in the content [of religious belief] in so far as this relates to the internal dimension of representational thought.<sup>156</sup>

This is remarkable, in that Hegel speaks here of religion as religious belief or cult that is based on its own actions and doctrine, which the individuals relate to in the mode of feeling and of intuition. Remembering the earlier analysis of the difference in form between religion and state, it makes sense that Hegel argues that the state has no right to interfere with this level, even though it depends on its functionality: religion is (only) foundation. Hegel here does not speak of religion as church – even though every confession or religious community builds such an institution. As soon as these institutions play a role *as institution*, i.e. once they own property, employ individuals and act as a unified institution, they fall under state authority and are subjected to the mode of the state, its laws, and other rational processes.

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<sup>152</sup> Ibid., 33.

<sup>153</sup> See Hegel 2003, 281–282 [404–405] (§259).

<sup>154</sup> See also Weil, 60–61

<sup>155</sup> Hegel 2003, 295 [420] (§270).

<sup>156</sup> Ibid.

In order to come to a conclusion on the secularisation thesis, it is interesting to question how seriously Hegel intends this seemingly liberal stance towards all confessions. I call this stance surprising because it stands in direct contrast to his teleological account of the different religions' concepts of human freedom that he finds developed most fully only in Christianity, and more precisely in Protestantism. What happened, for example, to his critique of Judaism? Has it suddenly become a religion that counts as fully acknowledging and endorsing the state, even though its concept of an abstract God implies that it contradicts the Christian idea of freedom that serves that very state as its Idea? The immediate answer is no.

Hegel does not deny that the view that Judaism needs to be regarded as “not just a particular religion, but also as members of a foreign nation”<sup>157</sup> finds some ground in the Jewish doctrine. But he nevertheless rejects the consequences that liberal and conservative thinkers suggested at the time, namely to deny citizen rights to the Jews as a religious community. Instead, Hegel was a firm supporter of full legal equality of Jews.<sup>158</sup> When Hegel writes in *Philosophy of Right*, in a footnote to §270, “the way in which governments have acted has proved wise and honourable”<sup>159</sup>, this is according to most interpreters to be understood as an acknowledgement of the Hardenberg edict from 1812, which he saw as part of the necessary abolition of the exclusionary treatment towards Jews on the part of the state.<sup>160</sup> The first reason Hegel gives for his stance on Jewish emancipation is by way of referring back to §209 in the section on civil society, which we discussed above. He reminds the reader that those deniers of Jewish emancipation forget that Jews “are first of all [*zuerst*] human beings”<sup>161</sup>. But that is not all. He goes on to explain that he regards this mediation of particular and universal on the level of civil society as no longer merely abstract. Instead, the self-esteem that arises from being recognised as a legal person *with* civil rights is an essential mediation that will allow the individual to assimilate *freely* with (hegemonic) conviction.<sup>162</sup> Particular subjectivities are, for Hegel, not to be dispensed with

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<sup>157</sup> Ibid., 295 [420] (§270, Note).

<sup>158</sup> See Bein 1990, 581.

<sup>159</sup> Hegel 2003, 296 [421] (§270, Note).

<sup>160</sup> See also Tomba 2005, 114–115.

<sup>161</sup> Hegel 2003, 295 [421] (§270, Note), amended trans.

<sup>162</sup> In this sense, the state is to be understood as a precondition of civil society and the family, even though it appears as a result. See Behre 2004, 95.

or overruled in the name of the ethical community of the state and its universal aims; rather, the state depends on their flourishing.<sup>163</sup> However, even behind Hegel's support of Jewish emancipation, there lies a Christian agenda of assimilating these 'anomalies' qua integration. This view of the modern state implies that Hegel, as Lars Fischer correctly emphasises, is part of that minority of post-Enlightenment thinkers who did not assume Jews to be afflicted by an inability to assimilate, which was part of their particular Jewish essence – as, for example, was asserted by Bauer. Fischer goes on to speculate that Hegel's view could be based on his own theoretical understanding of Judaism as part of his dialectical system, where it has already been sublated, rather than negated, in history by Christianity, which, in that sense, would affirm that it can be assimilated by a higher truth. This is a view that he finds polemically ridiculed by Bauer in *The Jewish Question*, where he writes: "Judaism too represented a truth once, but how many truths has history come up with since!"<sup>164</sup>

But, there is a second reason for Hegel's stance. If Jews, or any religious or ethnic community, were denied full civil rights, the state would risk failing "to recognize its own principle as an objective institution". It would become an exclusionary state that would have to take the blame for the failure to integrate *all* its citizens. But such a failure can be avoided, precisely because the Hegelian state is a strong state, with powerful rational institutions, and the power of custom (or conviction) that can tolerate even those divergent, i.e. non-Christian, religious communities that do not recognise their duties as citizens of this state for religious reasons.

A state which is strong because its organization is fully developed can adopt a more liberal attitude in this respect, and may completely overlook individual matters which might affect it, or even tolerate communities whose religion does not recognize even their duties towards the state (...).<sup>165</sup>

Hegel's unconditional support for Jewish emancipation is theoretically to be explained through his conception of the state as an "instrument of universalization"<sup>166</sup> that has a power of its own, which should not be underestimated or compromised. In relation to the Jews, he is convinced that they can be not only tolerated, but also assimilated without any

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<sup>163</sup> See Hegel 2003, 282–283 [407] (§260, Note); also Fine 2001, 35.

<sup>164</sup> Bauer 1843, 81; cited in Fischer 2006, 148.

<sup>165</sup> Hegel 2003, 295 [420] (§270).

<sup>166</sup> Fischer 2006, 148.

prior conditions, such as renouncing certain elements of their religious doctrine or their religion in its entirety. This is what Moggach calls Hegel’s “lax form of republicanism”<sup>167</sup>, which he regards as typically German because it continues in different forms in the *Vormärz* thinkers. On the one hand, he bases this ascription on a definition of Republicanism as making “the practices and institutions of citizenship ... integral to the experience of freedom”<sup>168</sup>. On the other hand, the adjective ‘lax’ implies that he thereby leaves the personality and motivations of the citizen of the Republic as they are, and does not demand their self-transformation. Without being able to subject Moggach’s not uncontested identification of Hegel as a Republican thinker to the scrutiny it would deserve at this point of the thesis,<sup>169</sup> it is enough to note that Moggach’s statement is compatible with our portrayal of the Hegelian state and its relationship to civil society on the one side, and freedom as Idea on the other. We should, however, not be blinded by its description as ‘lax’: that Hegel does not make such demands does not mean that he relies any less on the power of religion as conviction to realise the citizens’ transformation.

Hegel also articulates the importance of a conscious determination of the relationship between state and religion in the negative mode in his subsequent writings on the relation between the state and religion. In §522 of the *Encyclopaedia* and in his *Lectures on the Philosophy of Religion*, he blames the French state for having banned religion, in France meaning primarily the Catholic religion, into the private sphere, without acknowledging that this left the ethical state existing in an unresolved, because unmediated and external, contradiction to the non-reformed religion.<sup>170</sup> This one-sided solution, that implies the Enlightenment could be realised without considering the role of faith, purely on the ground of a constitution for which conviction and religion are irrelevant, ultimately blew up in the 1830 July Revolution.<sup>171</sup> That, however, should not lead to the overhasty conclusion that Hegel’s idea of the state instead resembles the contemporary Prussian state, as many commentators have convincingly warned.<sup>172</sup>

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<sup>167</sup> Moggach 2006, 116.

<sup>168</sup> *Ibid.*, 117.

<sup>169</sup> See Fine 2001, 10–15.

<sup>170</sup> See Hegel 1971, 251–252 [356–357] (§552); Siep 2015, 21.

<sup>171</sup> See Hegel 2008b, 457–460 [242–246].

<sup>172</sup> See Weil 1998, 13–16; Binoche 1989, 82–83; also Rose 2009, chap. 2; Losurdo 2004a.

We have now reached the point where we can develop some conclusive reflections on the secularity of Hegel's secularisation thesis, before we move on to Bauer's critique of the Christian state, and his own stance on the 'Jewish question', as both elements are crucial to Marx's evaluation. For this purpose, I would like to refer to a summary Breckman puts forward:

Secularization in Hegel's thought means neither the withdrawal of religion from social and political life, ... nor the transmigration of religious into profane concepts, ..., nor the domination of political and social life by a theocracy. ... He thus viewed secularisation in fully *Christian* terms, but only insofar as Christianity is understood here in its philosophically sublated form, not in any one of its narrow confessional manifestations.<sup>173</sup>

Whilst several steps of our analysis developed in agreement with all of Breckman's points, it is against the examination of the role of Judaism that the reconciliation between Christianity understood "in its philosophically sublated form", and Hegel's theory as properly secular or even 'atheist' – to anticipate Bauer's angle – remains troublesome. Because even if philosophy has the ability to reconcile the two moments of religion – the concept of religion and religion as conviction – under a properly secularised Idea of freedom,<sup>174</sup> the Christian idea of freedom is still to some extent present in the philosophically sublated form, and is thereby also present in the state. In this context, Carlebach made an interesting and potentially far-reaching observation. He suggests a subtle shift in the 1840s revival of the 'Jewish question' in Prussia with regard to earlier framings of the question. Whereas he understood it to have a dual connotation as an economic and national-cultural question before 1840, he argues that it was the Hegelian emphasis on law, state and history, which caused an increased emphasis on Jewish law, Jewish history, and the Jew's relation to the state, and gave the debate on the 'Jewish question' in Germany a "traumatic character", which it, for example, never acquired in England, with its minimal state.<sup>175</sup>

But instead of drawing our own conclusions, we now need to see how Bauer deals with these 'impossibilities' in Hegel's theory, and how he tries to wrest it away from the Right Hegelians and turn it into a weapon against the Prussian state.

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<sup>173</sup> Breckman 1999, 74–75.

<sup>174</sup> See Rose 2009, 99.

<sup>175</sup> See Carlebach 1978, 76–77.

### 2.3 Bauer's critique of the Christian state as an attempt to realise an atheist Hegelian political theory

We can initially read Bauer's critique of the Christian state from 1841 as a further explication of Hegel's critique of the reality of the Christian religion as confession from within his own political present, which had further disillusioned him regarding the progressive alignment of religion and the state;<sup>176</sup> living within a narrowly confessional Christian-Prussian state, he sees religion as precisely working counter to all attempts at realising the potential of universal freedom that the revolutionary moments from 1789 over 1793 to 1830 had unleashed, *especially* in the way it was tied up with the state.

Bauer goes along with Hegel in so far as he identifies the Christian doctrine as having for the first time inscribed infinity or universality into man's subjective consciousness, attainable for all of humanity.

Christian love is universal, because it does not recognise any difference between peoples, and instead offers the gift of faith to all peoples.<sup>177</sup>

Religion also knows love. Under Christianity humanity unified into a Holy brotherhood...<sup>178</sup>

But Christianity's universality only comes at a high price – a price it seems Hegel did not recognise. Because, Bauer writes in *Christianity exposed*,

...this love was not yet true love because it was not the love of humanity towards itself. It did not acknowledge humanity but it unified people only through the strange medium of an other-worldly, superhuman focus. So love was narrow-minded and violent. It was very much an exclusive creature. It was hatred against the human bond.<sup>179</sup>

Any religion, including Christianity, turns the love of humanity into hatred of the human bond, because love is only granted by a super-human instance beyond humanity. Religion binds the attainment of ethical life to the arbitrariness and otherworldliness of divine grace, to something beyond strictly human power.<sup>180</sup>

So, Hegel was wrong when he upheld Christianity as 'absolute religion' that contained the modern idea of freedom, because he did not go far enough – he did not get rid of the angry gods of Christianity that try to separate humanity from man. Although, we

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<sup>176</sup> See Breckman 1999, 234

<sup>177</sup> Bauer 1843, 17; my trans.

<sup>178</sup> Bauer 2002, 32.

<sup>179</sup> Ibid.

<sup>180</sup> See Bauer 1968a, 9; Bauer 2002, 31.

will see that Bauer, instead of turning against Hegel, will develop his critique by arguing that this atheist position was Hegel's all along. Whilst the scope of this thesis forbids a separate in-depth examination of the triangular relationship between Bauer, Feuerbach and Marx with regard to their Hegel critique,<sup>181</sup> it should be noted that the starting point of Bauer's critique of Christianity is very close to Feuerbach's: they are both concerned that the Christian gods are an illusion that divests humanity of itself. Bauer is, however, the one who translates his critique of Christianity into a critique of the state and into political consequences, whilst, as Kanda rightly contends, Feuerbach formulates, in his 'Preliminary Theses on the Reform of Philosophy', a one-off and embarrassingly emphatic concept of the state as "realised, developed, and explicit totality of the human being"<sup>182</sup>, which cannot be counted as a serious translation of his critique of religion into politics.

Further, for Bauer, Christianity as a doctrine uses the concept of man polemically when it claims the universal love of humanity, whilst in other parts of its doctrine it narrows this humanity down to those who are Christian believers.<sup>183</sup> Its universality is an exclusive universality – only those who have faith, who believe in the Christian doctrine, will be able to receive and experience Christian love.<sup>184</sup> Bauer's critique goes further and posits a homology between religion and church, i.e. between the doctrine and its institutionalisation.<sup>185</sup> Whilst Christianity as doctrine inscribes infinity into the sphere of heaven, the church institutionalises it on earth, based on a claim to the only true interpretation of the doctrine – the supposed universality becomes a dogma that justifies exclusion on an institutional basis. Religion – which in principle, as monotheism, is a universalism [*Allgemeinheit*] – is thus overlaid with an institutional form, whereby the

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<sup>181</sup> Something that is missing from the existing literature on the Young Hegelians and on the Young Marx's philosophical influences. Rosen dedicates a chapter to this triangular relationship, but it remains too focused on the personal relations and does not penetrate the philosophical convergences and differences deeply enough. It however raises the issue that the infamous inversion theory, which Althusser and many other Marx commentators before and after him made into the Young Marx's Feuerbachian moment, was most likely transmitted to Marx by Bauer instead. See Rosen 1977, pp.202. Further, Gascoigne shows how Bauer's atheist interpretation of Hegel in the name of human, subjective self-consciousness contradicts Feuerbach's anti-Hegelian humanism in the name of the species, which Bauer regards to be falsely ahistorical. See Gascoigne 1985, 76, pp.97–107.

<sup>182</sup> Feuerbach 2013, 172; see Kanda 2003, 69, 269fn; Feuerbach's paragraph on the state does not return in the 'Principles of the Philosophy of the Future', to which the 'Theses on the Reform' had been a preliminary.

<sup>183</sup> Tomba shows that Bauer grounds this exclusion in the Christian formula from Matthew 12,30: "Who is not with me, is against me." (cited in Tomba 2005, 86; my trans.)

<sup>184</sup> See Bauer 1843, 17.

<sup>185</sup> See Bauer 1968a, 7; also Tomba 2005, 86–89.

universality can only take effect if you are inside the institutional boundaries, which are themselves particular and necessarily exclusionary.<sup>186</sup> Bauer thereby adds to Hegel's concern that the heavenly focus should not divert humanity from realising substantial, worldly freedom, a more radical critique of the exclusionary and violent nature of the Christian promise itself, and of the church as institution. In the latter, Breckman identifies Bauer's hostility to organised religion.<sup>187</sup> Notable in this argument is a conflation between religion as concept, loosely based on its doctrine, and religion as institution, i.e. church and its own monopolisation of the doctrine, which, as we saw in the previous chapter, goes against Hegel's separation of those levels.

Following on from this critique of religion, "the Christian *state*" is that in which the religious determination, either as theological doctrine or as institutional rules of the church, "is the dominant moment ...or supposed to be brought into being the dominant moment".<sup>188</sup> Bauer's direct problem is the Protestant Prussian state of the Restoration period,<sup>189</sup> but he develops an argument in "The Christian State and Our Time" that places this form of the "Christian state" within a longer genealogy. The Byzantine state was the first form of the Christian state, its most Christian form, because it was theology itself that appeared uncontested as state.<sup>190</sup> It was followed by the state of the Middle Ages, which was properly god-less, spirit-less and entirely undivine, which made it easy for it to be entirely subjected to the divine power. Bauer argues that "the Reformation took place at a moment, when the building blocks of the divine hierarchy had been hollowed out enough so that the state could seize sovereignty in churchly matters and break down religious power, which had built the very top of the order, to let it fall into the inside of the state"<sup>191</sup>. That means it now contained the undivine, spiritless principles, as well as those of Christianity, within itself, but the Christian dogma was still hierarchically superior to the undivine spheres of state and civil society, which were only responsible for policing the

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<sup>186</sup> See Tomba 2005, 109.

<sup>187</sup> See Breckman 1999, 249.

<sup>188</sup> Bauer 1968a, 9.

<sup>189</sup> We will discuss Marx's assessment in Chapter 3, but see Marx 2010, 156-157 [357-358].

<sup>190</sup> According to a letter by Karl Friedrich Köppen to Marx from the 3<sup>rd</sup> of June 1841, this was Marx's idea, developed together with Bauer. See Pepperle and Pepperle 1985, 812-813.

<sup>191</sup> Bauer 1968a, 12; my trans.

compliance to formal right.<sup>192</sup>

The Byzantine state, so Bauer argues, had returned anew in the post-Reformation Protestant state, but saw its second overthrow in the 18<sup>th</sup> and first quarter of the 19<sup>th</sup> century, by the revolutionary and Enlightenment concern for a properly atheist state, which, in Bauer's view from 1841 that he would revise in the subsequent years, manifested in the supposedly modernising Prussian reforms.<sup>193</sup> Thus, in the 1840s, Bauer witnessed *the third rise of the Christian state*.<sup>194</sup> This state became absolutistic and seized power over the church, whilst the estates were dissolving;<sup>195</sup> but it incorporated the religious principles of Protestantism into itself. In this final emergence of the Christian state, the church as institutional form did not in fact exist as separate from the state, Bauer argued. Instead, it received its existence as institution with a monopoly on religiosity, its legal form, *from the state*, whereby the church “appears as an inner moment of the state and the state as the outer moment of the church”<sup>196</sup>. The form of the Christian state in its last emergence is characterised by a contradiction between its formal atheist existence and its inner religiosity, which in the Restoration period is exacerbated in favour of the divine.

One makes a big mistake, if one speaks of the decline of religious life. It was never as powerful as today.<sup>197</sup>

Bauer's assessment of this latest and final stage of the Christian state form, which Marx paraphrases in ‘On the Jewish Question’ based on the few passages on this matter from *The Jewish Question*,<sup>198</sup> before he objects that it is the worldly democratic state that really needs to be examined and criticised, is worth understanding in its full complexity. How precisely does Bauer account for the inner religiosity within the state's formal atheist existence? And how does this assessment relate back to Hegel's state concept, for which Bauer's characterisation could certainly be true?

On a basic level, Bauer thereby acknowledges that the Christian reformation enabled the separation between state and religion.<sup>199</sup> But this separation is not itself the solution

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<sup>192</sup> See *ibid.*, 14, 19.

<sup>193</sup> See *ibid.*, 13.

<sup>194</sup> See *ibid.*, 17.

<sup>195</sup> See *ibid.*, 21; Bauer 1843, 87–88; Bauer 1968c, 142; also Tomba 2005, 93–94.

<sup>196</sup> Bauer in ‘Die evangelische Landeskirche’ cited in Tomba 2005, 90; my trans.

<sup>197</sup> Bauer 1968c, 134 my trans.

<sup>198</sup> See Marx 2010, 156–158 [357–361].

<sup>199</sup> See Bauer 1968a, 7.

that brings about universal human freedom – as a crude secularism, but not the one Hegel himself developed, might suggest. First of all, the post-Reformationist state repeats the problems that Bauer already identified in Christianity itself. The state mirrors the church in that it becomes just as absolutistic (by identifying state power with the monarch), exclusionary, and based on privilege as the church had operated before it, only now it was supposed to exist externally to the church and its religiosity.<sup>200</sup> Nevertheless, that externality does not matter once the state had made religiosity into the inner determination of its infinite self-consciousness. By holding absolute power over the church, the constitutional state made the church into an institution that was recognized by its law, and thereby gave it its form. For Bauer that meant that religion was in turn allowed to take effect on other parts of the state, because religion=church was now, if not its only one, nevertheless an inner moment of the state's life as a whole.<sup>201</sup>

Thus, not only is Christianity an illusion of humanity – about itself, its destiny and especially about its freedom – but the bigger problem is that the state is now also subsumed under this illusion, and can therefore not function as a rational state.<sup>202</sup>

In *The Jewish Question*, Bauer writes: “The Christian state declares religion to be the essence and foundation of the state.”<sup>203</sup>

And in *Christianity exposed*: “It is true, religion is the essence of the State...but it is an incomplete and chimerical essence of a yet incomplete and chimerical State.”<sup>204</sup>

The state thinks of itself as absolute, and yet it exists under the spell of the primacy of the world beyond. Whilst some critics of the Christian state think that its existence in contradiction to the Gospel will ultimately lead to the dissolution of the state, Bauer firmly argues that this is not a necessary outcome due to the Christian state's ability to realise “a turning-away from the state while making use of political forms for its realisation”<sup>205</sup>. The same illusion works on the monarch's self-consciousness, who perceives himself as a State-God with infinite power, whilst this power is entirely subsumed under a “higher generality of spirit”, God himself.<sup>206</sup>

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<sup>200</sup> See *ibid.*, 21.

<sup>201</sup> See *ibid.*, 23.

<sup>202</sup> See Bauer 2002, 80; note the previously mentioned parallel with Feuerbach on this point.

<sup>203</sup> Bauer 1843, 55; my trans.

<sup>204</sup> Bauer 2002, 34.

<sup>205</sup> Bauer 1843, 55, translated according to Marx 2010, 157.

<sup>206</sup> See Bauer 1968a, 22; Bauer 2002, 80–82. And see on the same issue Marx, 1975, 158 [360]: “the *king*... is moreover a religious being, directly linked with heaven, with God.”

“The church is only the isolated appearance of unfreedom, which, within the Christian state, pervades all spheres of life.”<sup>207</sup>

The problem is no longer the church or religion itself, but the church having become a state institution, which makes the state repeat the illusion of freedom which is in reality nothing but unfreedom and paternalism that once and for all declares man’s life on earth to be worthless in contrast to life in heaven. Bauer’s diagnostic of his time is correspondingly dark:

At the time of the Restoration, everything changed: the promised concessions were revoked, the ones that had already been put into effect were limited, and privileges returned...Everything suffered in that time: reason, common sense, the general rights of man.<sup>208</sup>

This translates more concretely into the repression and exclusion that the sciences, art, and other religions experience from the state, something that Bauer himself knows all too well from his personal experience.<sup>209</sup>

It is time to evaluate Bauer’s position vis-à-vis Hegel and to reach a better understanding of Bauer’s emphasis on self-consciousness, upon which we have so far not commented. We have seen in Bauer’s critique of religion his most fundamental turn against Hegel and towards his subjective, consciousness-centred conception of emancipation: he rejects Hegel’s concept of the secular state in the sense that he positions Christianity as an absolutely anti-emancipatory force – an exclusionary, chimerical instance of the domination of humanity by the superhuman – which needs to be negated because it will otherwise continue to subvert the truth of the atheistic Enlightenment that has *historically* emerged with the revolution.<sup>210</sup> Religion and the church are not denied their contribution to the development of self-consciousness, but this contribution has now come to its end: “it could not give to self-consciousness its infinity and let it keep it”<sup>211</sup>. Thus, the embrace of atheism alone can lead in Bauer’s eyes towards human freedom.<sup>212</sup>

That means, first of all, that religion can no longer be accepted as the foundation of the state in either of Hegel’s understandings of ‘foundation’. In relation to the concept of religion, we might say that Bauer only embraces the philosophical sublation of religion in

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<sup>207</sup> Bauer 1968c, 135; my trans.

<sup>208</sup> Bauer 1843, 59; my trans.

<sup>209</sup> See also Bauer 1968a, 37; Bauer 1968c, 121.

<sup>210</sup> See Moggach 2002, 70.

<sup>211</sup> Bauer 1968a, 30; my trans.

<sup>212</sup> See Bauer 2002, 1.

order to access the Idea of freedom more unhesitatingly, or more forcefully and totally, than Hegel. Whilst he thereby remains in accord with several contemporary Hegel commentators, such as Gillian Rose or Eric Weil, we will see that such an embrace can have far reaching consequences. In relation to the role of religion in securing the inner bond of the state by way of integrating the interests and motivations of the citizens, the situation appears extremely radical: not only is it wrong to allow religion to enter the state, but even the Hegelian rational state is in danger of embodying a religious form of domination over self-consciousness – ‘religious’ taken in a wider sense. But let us understand step by step.

It is in his seminal text ‘The Trumpet of the Last Judgement’<sup>213</sup> (1841) that Bauer performs an atheist metamorphosis of the Hegelian concepts. Bauer is undoubtedly acutely aware of Hegel’s concept of the state and its relation to religion in this text, as he cites from §270 of the *Philosophy of Right* emphasising that, for Hegel’s state, the differentiation of the church into many is a good thing, because it allows the state to form its objectivity independent of the church, based on self-conscious rationality. Polemicising for an atheist interpretation of Hegel, Bauer refers to the ability of the Hegelian state to “tolerate religious parasites” within it, because it finds its ethical truth in an independent foundation based on laws and freedom.<sup>214</sup> But even though ‘The Trumpet’ does not contain an explicit critique of the Hegelian state,<sup>215</sup> Bauer takes a position that does not only reject the role of religion played in Hegel’s state as the inner bond, but it demotes the state as such from its position in the Hegelian system, which Bauer regards as an objective relation. The reason for the demotion is found in the following affirmations by Bauer:

Infinite self-consciousness is all that persists.<sup>216</sup>

Self-consciousness is the only power in the world and history, and history has no other purpose than the becoming and the development of self-consciousness.<sup>217</sup>

For Bauer, self-consciousness has primacy over its incarnation in positive institutions, such as the state, because self-consciousness – other than in the Kantian version<sup>218</sup> – develops in

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<sup>213</sup> From here on abbreviated as ‘The Trumpet’.

<sup>214</sup> See Bauer 1985, 333–336.

<sup>215</sup> The only explicit state criticism is directed against the Christian state (Ibid., 368; my trans.).

<sup>216</sup> Ibid., 274; my trans.

<sup>217</sup> Ibid., 291; my trans.

<sup>218</sup> See Moggach 2002, 42.

a dialectical relationship with history, which is for Bauer the revolutionary history that is clouded but not lost by the Restoration period. This development is, however, without end, therefore infinite.

[S]elf-consciousness thinks the essence of the whole natural and spiritual universe and rises to it as its own essence.<sup>219</sup>

We can see here how Bauer's atheist metamorphosis has much more far reaching implications for the Hegelian system, namely a revision of the doctrine of the Absolute, which Bauer regards as still dominating rational subjects instead of arising from their subjective power, and a critique of Hegel's concept of mediation, especially in relation to the state.<sup>220</sup>

Whereas a precise exposition of Bauer's reworking of the doctrine of the Absolute goes beyond the scope of this thesis,<sup>221</sup> it is significant to note that Bauer's aim was to reopen the historical process, which he feared Hegel's Absolute had closed. And the state, as one of its fundamental mediations, participates in this closure, because it confines self-consciousness to the objective and rational totality with which Hegel portrays the state. Bauer identifies in Hegel's state an obstacle to the "unity of thought and being"<sup>222</sup> that Hegel himself posited and that Bauer wants to hold on to, whilst he rejects the Hegelian state as its proper realisation. He identifies the Hegelian constitutional state that has eliminated popular sovereignty in the name of objective knowledge as an insufficient realisation of modern freedom, which they both defend, because the state gives Hegel's Absolute an institutional, finite existence that is thereby posited as transcendental.<sup>223</sup> In that sense the Hegelian ethical state, even though it manages to transcend liberal particularism, embodies the universal that is independent of and superior to self-consciousness. That makes it a pseudo-objectivity or, just like the Christian state, a false universal, because it is absolved from the dialectic, because it is not subjected to the dialectic of self-consciousness and history. When Marx rejects Bauer's critique of the Christian state because it fails to address 'the state as such', does he overlook this aspect of Bauer's work? Perhaps. But that

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<sup>219</sup> Bauer 1985, 344; my trans.

<sup>220</sup> See also Moggach 2002, 110–111.

<sup>221</sup> See for that *ibid.*, chap. 5.

<sup>222</sup> *Ibid.*, 9.

<sup>223</sup> See *ibid.*, 81. See the return to this critique at the end of 3.4.3.

does by no means automatically imply that Marx's critique ends up resembling Bauer's, which makes a further elaboration of Bauer's position crucial.

For Bauer, as a good Hegelian with regard to his methodological framework, it is the religious illusion that contains the truth within it – the question is, however, in which form. “Self-denial is the first principle and freedom its necessary result.”<sup>224</sup> That is, Bauer acknowledges that the internalisation of the religious principle into the post-Reformation state created a new condition, which allows for the overcoming of the religious determination of the state; the core achievement is that the church is now internal to the state and can thus become subjected to the critical power of self-consciousness, which it currently dominates.<sup>225</sup> But, the fact that the critical power of self-consciousness is currently dominated also means that it is itself implied in Christianity's promise, and only needs to be set free by transferring it from heaven to earth, from God to humanity itself – we might call this Bauer's anti-dialectical inversion thesis.

Let us no longer combine humanity with an otherworldly chimera, but let us convey a person to himself and unite people with other people.<sup>226</sup>

Religion is unable to bring about this unification, instead it needs to be abolished, once and for all. The power to achieve this abolition emerges from the moral conviction [*moralische Gesinnung*] of the Enlightenment that values knowledge and science over faith.<sup>227</sup> We could almost say that Bauer understands belief in Enlightenment values as an anti-religious religion to be embraced by every individual.

Humanity no longer wants anything exclusionary. This is why it cannot want religion, which thus far limited its ability to be everything that it can be, any longer as its universal, dominating affair.<sup>228</sup>

Religion is merely a weakness testifying to humanity's lack of courage to assume its proper being. It does not matter if it remains a private affair, but it needs to be decoupled from the state, as humanity will only be able to bring about universal freedom for itself if it takes itself as absolute.

The corresponding interpretation of history is, however, significant, in order to grasp this embrace of the Enlightenment against other, similar gestures. When Hegel writes

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<sup>224</sup> Bauer 1968a, 26; my trans.

<sup>225</sup> See *ibid.*, 28, 41.

<sup>226</sup> Bauer 2002, 34.

<sup>227</sup> See Bauer 1968a, 23–26.

<sup>228</sup> Bauer 1968c, 121; my trans.

in his introduction to the *Philosophy of Right* “To recognise reason as the rose in the cross of the present”, when he speaks of the “reason as present actuality”,<sup>229</sup> which is to be discerned by the self-conscious spirit, then Bauer takes this extremely seriously, despite his disagreement with the content that Hegel gives it in the subsequent 360 paragraphs.<sup>230</sup> When Bauer asserts that “the critique is the crisis, which breaks the delirium of humanity and allows man to become conscious of himself”<sup>231</sup>, then crisis is synonymous with history. Bauer believed that the crisis that he experienced and theorised would ultimately bring about its own solution,<sup>232</sup> and critique, i.e. the self-consciousness of the critic, was supposed to draw out that which propelled the crisis in order to support the progressive forces that were immanent in it. On this basis, Tomba argues that Bauer was after all a good Hegelian, because he did not himself attempt to devise a new organisational principle that could help overcome increasing individualisation and atomisation, and bring about a new social synthesis in the future.<sup>233</sup> It shows that Bauer refrained from projecting an endpoint to the ongoing, and, in his view, necessary conflicts and contradictions in the time of the Vormärz, in which he continued to see an emancipatory force: the power of reason, located in man’s self-consciousness.

Self-consciousness and history are connected for Bauer on two levels. First of all, history as substance is for him the sum of man’s self-conscious achievements: the world spirit only has reality in human spirit, in man’s deed [*Tat*].<sup>234</sup> And, at the same time, history is the objective truth that exists outside the ‘I’, which orients the emancipatory activities of self-consciousness in a dialectical fusion and allows for the “self-transcendence of particularity”<sup>235</sup>. Emancipation is therefore an act of self-relating or self-production, by thinking the universal in history, which is what leads Moggach to call it “immanent critique”<sup>236</sup>.

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<sup>229</sup> Hegel 2003, 22 [26–27].

<sup>230</sup> See Tomba 2005, 35.

<sup>231</sup> Bauer 1968c, 122; my trans.

<sup>232</sup> See Tomba 2005, 124.

<sup>233</sup> See *ibid.*, 35, also 30–31.

<sup>234</sup> See Bauer 1985, 283, 290–291.

<sup>235</sup> Moggach 2002, 12, see also 48; see also Bauer 1985, 278, 283.

<sup>236</sup> Moggach 2002, 51.

Bauer's opposition of the Enlightenment to religion is thus not to be understood as a full, uncritical embrace of the former in opposition to the latter. It is precisely the Enlightenment's outright and entirely ahistorical opposition to religion that Bauer criticises, in the same breath as he acknowledges its historical contribution to the critique of religion.

The Enlightenment erected its kingdom on its universal principles, which it developed from its struggle with faith, on the basis that truth cannot contradict itself and on the postulate of moral conviction. To formulate it more resolutely: its entire kingdom is composed of nothing but these principles.<sup>237</sup>

The implicit adversary of this polemical rejection of the Enlightenment as a kingdom erected on ahistorical, moral principles, is undoubtedly Kant. Whilst we have so far made the case that Bauer's overcoming of religion is based on a historical and dialectical, critical application of self-consciousness, there is however a dimension to Bauer's reworked Hegelianism that appears to fall prey to the same ahistoricism that he rejects so vehemently in Kant.

This has to do with what counts as 'history', and what does not. Translated into the concrete political context of the French Revolution, Bauer argues for "the astounding energy and force of the concept" – which is the unity of concept and being in line with Hegel – "against existence", i.e. empirical existence.<sup>238</sup> He translates it as liberty and equality against servitude and paternalism.<sup>239</sup> But by ascribing such a Jacobin position to Hegel, he ignores the latter's critique of that conception of 'absolute freedom'. For Hegel, it implies a one-sided rejection of the state instead of its dialectical sublation, which can only lead to negative action and ultimately a fury of destruction.<sup>240</sup> Bauer reads dialectical mediation as self-transformation that is, even though historically open-ended, nevertheless able to achieve revolutionary ideas through a reconciliation between self-consciousness and history.<sup>241</sup> Breckman characterises Bauer's position, with regard to the amalgamation of crisis, critique, and self-consciousness as "self-consciousness ...revealed as the only power of the world and history"<sup>242</sup>.

Moggach helps us to identify here an emphasis on "individual self-determination",

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<sup>237</sup> Bauer 1968a, 21–22; my trans.

<sup>238</sup> Bauer 1985, 305; my trans.

<sup>239</sup> See *ibid.*, 301, 308.

<sup>240</sup> Hegel 2008a, pp.531 [III. Absolute Freedom and Terror]; see also Franco 2002, 10.

<sup>241</sup> See Bauer 1985, 278–279.

<sup>242</sup> Breckman 1999, 248; see also Tomba 2005, 128.

from which acts emerge, which are not directed at any fixed or substantial ends, but are instead free and “autotelic”.<sup>243</sup> I think it is an extremely interesting suggestion to read, as Tomba does, this concept of attaining freedom as also a polemical one, i.e. as the polemical assertion of an already existing universality – everyone is a thinking human being – against those religious and state forces that deny this universality.<sup>244</sup> The force that makes it possible exists in history that is, in Hegelian fashion, distinct from empirical actuality. But Bauer hypostatizes this difference in such a way that the affirmation of universality stands in opposition to everything that exists, especially all positive institutions. Which is why this universality becomes accessible to rational subjects regardless of the historico-political conditions and objective institutions in which they find themselves. Moggach describes this process as follows:

Self conscious subjects...free themselves from the grip of the positive, and dissociate themselves from the social relations that constitute the existing totality.<sup>245</sup>

But do they thereby not influence the subject’s self-consciousness in any lasting way that would complicate the possibility of casting them off? Bauer implies here a gap between substance – which implies a substantial definition of self-consciousness, as that which is affected by history – and self-consciousness as formal, and therefore able to oppose that which affects it on a substantial level. Whilst Moggach warns against such an interpretation, for which I used his own analysis, because, after all, the ends of self-conscious deeds remain immanent to the historically given material, it is also true that self-consciousness – as critique – is for Bauer the filtering instance for the identification of the difference between history and actuality, after he has abandoned the Hegelian state, Hegel’s own philosophical answer to closing that gap, as that which falsely fixes it and therefore avoids the continual challenge of subjective reason’s dialectical work.<sup>246</sup> It is time to conclude and ask, one last time, what remains of the Hegelian dialectic, in which objective spirit plays a vital part?

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<sup>243</sup> Moggach 2006, 120.

<sup>244</sup> See Tomba 2005, 139. Tomba draws here a parallel with Rancière’s conception of politics, which opens up an interesting research angle for a possible future extension of Section 2 of this thesis.

<sup>245</sup> Moggach 2002, 112.

<sup>246</sup> See *ibid.*, 115; Bauer 1968a, 32.

In relation to Hegel, Bauer has transposed the ‘deed’ that propels humanity towards concrete freedom, from the state to subjective consciousness, in the name of a more properly Hegelian interpretation of Hegel, saving him from his own error. This however places the duty of attaining emancipation entirely back onto the individual and his attention to his own subjectivity. Bauer’s subject can only struggle for freedom *against* the state – by becoming self-conscious of his generic quality as human being that leads him to transcend his particularity and demand from the state that it do the same. If we take it that the core of the republican principle for Hegel, like for Rousseau, who is regarded as a more classically Republican thinker, lies in the state’s active attainment of the unification of particular and universal, subjective and objective, in the name of a community of freedom, despite their disagreements on the specific form this would take, and on the content of those concepts, then Bauer fundamentally removes himself from this principle in the name of claiming a certain political autonomy of the subject that the state always denies. The subject that already possesses the objectivity of thought within himself can liberate himself from his particular, heteronomous interests that stand in the way of the principle of universality.

What does this rejection of liberal particularism, which Moggach calls Bauer’s “rigorism”<sup>247</sup>, however, have to do with Republicanism, to turn back to the end of the previous section? There is disagreement between different Bauer interpreters over whether Bauer renounces Republicanism altogether, which is Tomba’s position,<sup>248</sup> or whether he retains a certain “republican programme” despite “subjective one-sidedness” or ‘rigorism’, as Moggach suggests.<sup>249</sup> In order to come to a decision, we need to ask what remains in Bauer’s theory of the positive and transformative influence of the institution of citizenship on the citizens? Does it still function as a mediation, despite the subjectivist turn that it experienced between Hegel and Bauer? That Bauer speaks, especially in ‘The Christian State and Our Time’, of the true and finally spiritless state suggests that he holds on to the possibility of a true objectivity of spirit within the state, which is, however, different from the state’s objective existence as ethical life that we find in Hegel.<sup>250</sup> This is further

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<sup>247</sup> Moggach 2006, 116.

<sup>248</sup> See Tomba 2005, 123.

<sup>249</sup> See Moggach 2006, 132, 134–135.

<sup>250</sup> See Bauer 1968a, 28.

confirmed when Bauer introduces a difference between the Christian state's government, which he condemns for having allowed pietism to enter into the state's rationality, or the state as such, whose essence for Bauer is 'ethical self-consciousness'.<sup>251</sup> What shines through Bauer's words is then his conviction that the contradiction between a merely formal, spirit-less state that relates to the divine world only externally, and its inner religiosity in the post-Reformationist form of the Christian state, bears within it the true, atheist state that the Enlightenment promised – but is blocked by the absolutistic government of the time.

The problem, however, which suggests that citizenship as mediation has lost its power of mediation and integration, is that Bauer defines the true state as a creation of self-consciousness that frees itself from the veil of illusion, which can be cast onto it by religion or the Christian state or both. Whilst it seems that this critical gesture of self-consciousness is born out of its historical conditions, its assertion against them needs to originate within the thinking subject, or citizen, as a gesture of courageously ridding himself of his particularities and 'becoming himself' qua absolute negation.<sup>252</sup> That this is a politically problematic demand we will now see in Bauer's take on the 'Jewish question'. But moreover, it contains a belief in an individualised and autonomous self-consciousness that philosophy as critique can help to liberate from the debris of the objective crisis reality, which we should bear in mind when we discuss Marx's critique of political emancipation, because it will enable us to assess Marx's relationship to Bauer beyond what Marx tells us about their differences.

#### **2.4 The 'Jewish question' and Bauer's radical 'solution'**

The so called 'Jewish question'<sup>253</sup> developed in the context of the larger transition of Prussia towards modernity, and the debate about it has been going on for several decades when Bauer and Marx intervene into it. The Prime Minister of Prussia under Frederick

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<sup>251</sup> See *ibid.*, 19–20; Bauer 2002, 81.

<sup>252</sup> See Bauer 1968c, 142. In this regard I think Rosen's critique of Bauer as undialectical has its point, even if it needs more precision, as Kanda and Tomba rightly argue; see Rosen 1977, 74–75; Kanda 2003, 25–26; Tomba 2005, 41.

<sup>253</sup> For the history of the notion 'Jewish question', which had become a catch-phrase in Germany by 1842, see Carlebach 1978, 60. The notion emerged in England in 1753 as a dual 'question', namely regarding the religious and economic impact of the Jews and Jewish emancipation.

William III, Karl August von Hardenberg, is well known for his reform efforts, together with Baron vom Stein, to revolutionise Prussia from above, i.e. to introduce more political reason than the Enlightenment had brought, whilst following conservative goals. Part of these efforts was his development of an edict for Jewish emancipation<sup>254</sup> that was signed by the King with some amendments in 1812 and which granted Jews the status of “Prussian inhabitants and citizens”.<sup>255</sup> The King’s amendments, however, excluded the ability to hold public office or to be granted professional responsibility [*Standesrechte*] from their right to citizenship.<sup>256</sup> Thus, their formal equality was limited to the area of private law. But, the Jewish community nevertheless saw it as a major advancement of their freedom as Prussian citizens.<sup>257</sup> However, the advancement did not last long. With the occurrence of attacks on Jews all over Germany in 1819, known as the Hep Hep riots, the rights they had just gained were step-by-step revoked until 1840, the year in which the old King died and was replaced by Frederick William IV. With the new King, the opposition to any form of religious pluralism became even firmer, as it was now a matter of protecting restoration efforts towards the Christian state, which only allowed a nationalism that was at the same time Protestant.<sup>258</sup> It was not until 1869 that the conflict was resolved and Jews had achieved “complete *de jure* (if not *de facto*) emancipation”<sup>259</sup>.

Thus, the ‘Jewish question’ was reopened in the early 1840s by its Christian opponents.<sup>260</sup> The anti-emancipatory efforts of the state authorities manifested in a draft bill that was circulated in 1841, which argued for the re-instantiation of Jewish corporations.

Part of the text reads:

“The Government recognises a miraculous essence in the extra-ordinary historical development of the Jews...Legislation must allow this special essence to unfold from within without drawing it into the life of the Christian state;” without it “imping[ing] on the Christian state”.<sup>261</sup>

The aim was to introduce Jewish corporations and “to keep Jews and Judaism totally

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<sup>254</sup> Carlebach informs us in a footnote that “the term ‘emancipation’ did not...emerge among the Jews until the 1830s, i.e. half a century after the question had emerged in public debate.” (Ibid., 373 fn21.)

<sup>255</sup> See the full edict with all 39 paragraphs, Prussia [Kingdom] 1810.

<sup>256</sup> See Tomba 2005, 101.

<sup>257</sup> See Carlebach 1978, 58.

<sup>258</sup> See *ibid.*, 61.

<sup>259</sup> *Ibid.*, 15.

<sup>260</sup> See *ibid.*, 59.

<sup>261</sup> Cited in *ibid.*, 68.

outside the state”<sup>262</sup>, after the example of the Polish province Posen. The bill caused a large uproar in Jewish and non-Jewish liberal circles, as this was a law that tried to confine the Jews once again to the Middle Ages. Whilst the law itself was “quietly shelved”<sup>263</sup>, it was defended by “the apostle of the Christian-Germanic state”, Carl H. Hermes, which Carlebach suggests, we should understand as the most direct provocation of Bauer’s and Marx’s replies.<sup>264</sup> By analysing the background that had given rise to the bill in more detail than we can reproduce here,<sup>265</sup> Carlebach offers us his own comparison of the situation of the Jews in Europe at the time of Bauer’s and Marx’s intervention into the debate:

In England, Jews were not yet fully emancipated, but they were respected and accepted by both government and people. In France, the Jews were emancipated but ignored. In Germany, and especially in Prussia, ....the Jews were not emancipated, not respected, not accepted.<sup>266</sup>

According to Bauer and his interpreters, the defenders of Jewish emancipation that argued against the likes of Hermes had given it a specific liberal framing regarding representation and a new concept of nation, which is best summarised by the following position voiced by a politician at the time, Count Stanislaw de Clermont-Tonnerre: “The Jews as nation should be granted nothing, whereas as individuals, they should be granted everything.”<sup>267</sup> Following Tomba, this emancipatory stance is directed as much against the old order of estates as it is against the granting of religious privileges to any one group as a group, and embraces an idea of the nation as an association of individuals that are recognised as free and equal individuals by rights. In Wendy Brown’s view, this demand for individualisation and privatisation of the individual, who wants to belong to the nation state, is “the Protestantism of the Jew”<sup>268</sup>.

With Bauer’s text *The Jewish Question*, which was first published in November 1842, in the *Deutsche Jahrbücher für Wissenschaft und Kunst*,<sup>269</sup> as well as with the subsequent, shorter ‘The Ability of Present-Day Jews and Christians to Become Free’, Bauer intervenes into this debate with the intention of rejecting both sides of the argument, the liberal defence of

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<sup>262</sup> Cited in *ibid.*

<sup>263</sup> *Ibid.*, 69.

<sup>264</sup> See *ibid.*, 82–83.

<sup>265</sup> See Carlebach on the Damascus affair, *ibid.*, pp.69.

<sup>266</sup> *Ibid.*, 74.

<sup>267</sup> Cited in Tomba 2005, 102.

<sup>268</sup> Brown 2004, 4.

<sup>269</sup> See Carlebach 1978, 394.

Jewish emancipation, which he understood to assert particularism, and its conservative opposition, manifested especially in Hermes' text, who saw Jewish emancipation as a threat to the *Christian-Prussian* state.<sup>270</sup> That is why Bauer's position is commonly called 'radical'. Bauer's rejection of both positions is grounded in a fundamental conviction he holds: namely that he himself, and all of Prussia's citizens, are in fact just as much in need of emancipation as the Jews, because of the overarching two-fold oppressive entity: the Christian state and the liberal aim of subordinating the state to private interests and an economic rationale.<sup>271</sup>

Overall, the question of what it meant to defend the legacy of the French Revolution, in general, *and* with regard to emancipatory demands of oppressed groups of society such as the Jews, had not become any less contested in the early 1840s than it was immediately after 1789. From within the young Hegelian movement and one of its early precursors, Heinrich Heine,<sup>272</sup> the two levels of general emancipation, and emancipation of the Jews specifically, were understood to be linked under the aegis of the, yet to be fulfilled, revolutionary promises and overcoming of the Prussian "regime of general oppression"<sup>273</sup>. Already in 1828, Heinrich Heine had stated in his *Reisebilder* by means of a rhetorical question:

What is the great task of our time? It is (the) emancipation. Not simply the emancipation of the Irish, the Greeks, Frankfurt Jews, West Indian blacks, and all such oppressed peoples, but the emancipation of the whole world, and especially of Europe,<sup>274</sup> which has now come of age, and is tearing itself loose from the apron-strings of the privileged classes, the aristocracy. ... Every time has its task and only through its completion humanity can move further along.<sup>275</sup>

And, in 1842, which is the year in which Bauer wrote *The Jewish Question*, he affirms that the task is still the same and makes it into his prime objective:

The question of emancipation is a general question, the question of our time. Not only the Jews but also we want to be emancipated. [...] Not only the Jews, but also

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<sup>270</sup> See *ibid.*, 84.

<sup>271</sup> See Moggach 2002, 2.

<sup>272</sup> See Calvié 1989, 99–121; also Kouvelakis 2003, chap. 2.

<sup>273</sup> Marx 2010, 146 [347].

<sup>274</sup> As Kanda rightly notes, the visions of emancipation of the Young Hegelians during the Vormärz are centred on Europe, as they are grounded on the Western-European Enlightenment, the French Revolution and the development of Protestantism. It is thus a specific idea of emancipation based on a specific account of alienation or oppression (see Kanda 2003, 22). Kanda goes on to argue that this is not straight-forwardly to be accused as naïve Eurocentrism, because it is thought in a world-historical context.

<sup>275</sup> Heine 1972, 29; my trans.

we do not want to content ourselves anymore with the chimera; we also want to become a real people, real peoples.<sup>276</sup>

The vision that both Heine and Bauer formulate is a vision of emancipation as a universal task for humanity as a whole, whilst they acknowledge particular groups, needs and demands.

The question that arises from these statements, and that remains relevant for our subsequent interpretation of Marx's position, is whether these two levels are indeed reconcilable as Bauer affirms at the heart of his radical position without sacrificing one level for the other, and what kind of universalism – regarding the concept of emancipation and oppression - hides behind Bauer's claim that "not only the Jews but also we want to be emancipated". Another way of formulating this question would be to ask more specifically: how does Bauer construct and justify his equation of Jewish emancipation with the emancipation of humanity, what does it mean for the existing efforts of Jewish emancipation, and how can this convergence of Jewish and human emancipation be attained?

We already know one part of the answer from the previous section: Bauer's equation of the oppression experienced by Jews and by Christians is based on the affirmation of a universally shared oppressor: the Christian state and the absolutist, God-like monarch at the top, which together keep humanity bound to their illusion of freedom. However, from this equation Bauer deduces a violent rejection of any demands that Jews make to the state, in order to be relieved from their status as lesser or non-citizens of the Prussian state, and to reach the same recognition, access to public offices and military service, property rights, and so on as Christian Prussian citizens. Bauer's argument is two-fold: on the one hand, he argues that the Christian state is in no position to emancipate anyone, so the Jews should understand that their demands are futile and indeed "unconscionable" as Moggach paraphrases, because it implies legitimating the state power as it exists.<sup>277</sup> On the other hand, however, he argues that Jews are ultimately unable to be emancipated if they do not give up their religion once and for all.<sup>278</sup>

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<sup>276</sup> Bauer 1843, 61; my trans.

<sup>277</sup> Moggach 2002, 148.

<sup>278</sup> See Bauer 1843, 45.

We will direct our critique at both sides of the contradiction: it is the only way that it will find its resolution.<sup>279</sup>

This affirmation, in the introduction to the text, plays out in a curious way. Of the sixty-two pages that *The Jewish Question* comprises, it is only on page fifty-five that Bauer comes at all close to a general critique of the Christian state. The overwhelming part is instead dedicated to a critique of Judaism based on the argument that Jews are themselves responsible for their own oppression, ultimately unable to be emancipated by anyone, even a proper atheist state. This is because they hold on to a backward, particularistic religion, which, in comparison to Christianity, removes them much further from becoming emancipated than the Christians, for whom it is basically the logical next step.<sup>280</sup>

Bauer thus spends the most part of *The Jewish Question*, and the whole of ‘The Ability...’ essay, repeating the orthodox, anti-Jewish doctrine of the time, and affirming a hierarchical difference between Christianity and Judaism, which Hegel had developed before him, except that he did not go far enough. Christianity is the religion that has the most unlimited concept of humanity but, as we argued earlier, it projects its attainment into an otherworldly love. It thus drives inhumanity higher than any religion before it did, becomes pure religion.<sup>281</sup> It contains the most absolute freedom, i.e. it is the true religion of the Enlightenment, and at the same time the most absolute bondage, and is thus only one step away from humanity attaining full self-consciousness of freedom, and throwing off the illusion, i.e. the limit that is Protestantism.<sup>282</sup>

Judaism, on the other hand, remains tied to its own egoism<sup>283</sup> – an argument that had already been developed by Feuerbach in *The Essence of Christianity*.<sup>284</sup> There, Feuerbach writes:

Egoism strengthens cohesion, concentrates man in himself, gives him a consistent principle of life; but it makes him theoretically narrow, because indifferent to all which does not relate to the well-being of self.<sup>285</sup>

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<sup>279</sup> Ibid., 3; my trans.

<sup>280</sup> See Bauer 1968d, esp. 191–192.; see in English those parts cited by Marx in the second part of ‘On the Jewish Question’, (1975, 235–236 [371–372]).

<sup>281</sup> See Bauer 1968d, 183.

<sup>282</sup> See *ibid.*, 192; Bauer 1843, 47.

<sup>283</sup> In the second paragraph of ‘On the Jewish Question’, Marx paraphrases Bauer saying: “You Jews are *egoists*.” (1975, 212 [347]) See also Bauer 1968d, 179; my trans.: “The Jew was however far too preoccupied with the satisfaction of his still natural needs, which made his spiritual, religious activities, his washings, his religiously directed choice and preparation of his daily foods into duties.”

<sup>284</sup> See Carlebach 1978, 106.

<sup>285</sup> See Feuerbach 1989, 75.

This argument goes so far in Bauer that he denounces Judaism as not merely a religion as Christianity is a pure religion, but as a belief that follows its own divine law also on earth, i.e. that constitutes its own people, its own law, its own nation – all in absolute contradiction to any – Christian, atheist – state and thus to any other people.<sup>286</sup> The Jews practice their own exclusion, which is why they are themselves experiencing exclusion.<sup>287</sup> Christianity, also exclusionary, practices an exclusion that is not particularistic but universal. Thereby, it brings to an end that which is only nascent in Judaism, namely the exclusion of everything that contradicts its equation of true man with the believing, the baptized Christian: universal exclusion.<sup>288</sup> Judaism is guilty of denying Christianity as its proper consequence.<sup>289</sup>

My primary interest here is not in discussing Bauer's very clearly anti-Judaic image of Judaism, which repeats the anti-Jewish sentiment of his time instead of radically challenging it, as my study is not about the relation between religious and political discourse in general. This task is in any case much better realised by Carlebach, who offers an excellent study that places Bauer's critique in context with the intra-Jewish struggle for emancipation, and for different reforms of Judaism as doctrine, as well as with the Jewish responses to Bauer's critique.<sup>290</sup> I nevertheless cannot accept that Bauer's critique of Judaism is on an equal footing with his lengthy critique of Christianity written shortly after *The Jewish Question* (entitled *Christianity Exposed*), because the fact that they both have religion as such as their polemical target does not change in any way the hierarchical argument that Bauer makes about Judaism's inferiority to Christianity. Bauer does not redeem himself of the Hegelian dialectical hierarchy by adding atheism to the teleological progression. My contention is further that we cannot subordinate Bauer's critique of the Jews to his critique of the state that is also present in *The Jewish Question*, if much less prominent,<sup>291</sup> because his critique of the state precisely leads him to his anti-Judaic and 'rigorist' treatment of the Jews – which thereby is not a "purely religious" problem in

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<sup>286</sup> See Bauer 1843, 24,44, 46; also Carlebach 1978, 109.

<sup>287</sup> See Bauer 1843, 18.

<sup>288</sup> See *ibid.*, 46–47; also 17; Tomba 2005, 85, 109.

<sup>289</sup> See Bauer 1843, 16.

<sup>290</sup> See Carlebach 1978; also Rotenstreich 1959; Bensaïd 2006b; Rürup 1975.

<sup>291</sup> See Tomba 2005, 106–107.

Bauer's framework, as Marx tries to make us believe.<sup>292</sup>

Bauer's conclusion is that neither Jews nor Christians, with their, on different levels, exclusionary appeal to humanity, can ever reach true emancipation by only politicising their particular oppression against the oppressor, and holding on to their religion as their particular truth. Except that, Christians are closer to overcoming their particular exclusion than Jews, as their exclusion is already universal and thus their human spirit on a higher level of development.<sup>293</sup> But that does not imply, as one might easily assume, that Bauer saw conversion to Christianity as a solution to the problem. He denied that baptism was the right way for the Jews to solve their backwardness.<sup>294</sup> Only a radical renunciation of religion was the solution, the total abolition of all privileges – for Jews as well as for Christians.<sup>295</sup> What this means in practice is, however, once again different for Christians and Jews. Whereas Bauer has no problem with leaving the Christian religion alive as a “purely private matter”<sup>296</sup>, as he believed that this would mean its automatic disappearance,<sup>297</sup> the same was not the case for the Jews. Judaism, due to its history and law, cannot exist as a private matter because it contradicts the *political* Enlightenment goals that Bauer followed.<sup>298</sup> That does not mean that Bauer refuses the concessions that had been historically granted to the Jews. But he conceives of them not as progress towards true, human emancipation. Instead, that they permit religious particularities to persist means that they change nothing of the general limit, that they leave the ultimate barrier to emancipation intact. The backlashes in the Restoration period are only a specifically strong manifestation of this general limit.

We can conclude that whilst Bauer seemingly “de-theologises” the concept of the Jew, as Tomba argues,<sup>299</sup> he remains confined to an anti-Jewish critique that is based on an anti-Jewish interpretation of *Judaism as religion*. Carlebach is therefore right to reject Bauer's claim that criticising and hating Jews are two distinct views in his theory: after all, Bauer's

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<sup>292</sup> Marx 2010, 168 [371].

<sup>293</sup> Bauer 1843, 21.

<sup>294</sup> See Bauer 1968d, 175; Bauer 1843, 60; Carlebach 1978, 84.

<sup>295</sup> Bauer 1843, 60. Bauer differs here from Feuerbach's more historical-philosophical solution, for whom Jews would need to become Christian before they can truly be emancipated. See Tomba 2005, 110–111.

<sup>296</sup> Bauer 1843, 65; my trans.

<sup>297</sup> See Bauer 1968c, 121.

<sup>298</sup> See Bauer 1843, 80; also Tomba 2005, 102; Moggach 2002, 249 fn23.

<sup>299</sup> Tomba 2005, 15.

criticism not only “leads to a denial of the right of the Jew to exist as a Jew”<sup>300</sup>, but he confirms a hatred of Judaism – a hatred that he projects onto Hegel, by putting these words into his mouth.<sup>301</sup> Whilst we have already portrayed a quite different Hegelian position on the Jewish religion, which is not unproblematic either, what interests here is to ask why Judaism, and religious particularities more generally, have become so troublesome for Bauer’s concept of emancipation that they cannot be integrated by a rational state?

The only place where Bauer extends on the problematic role of the state in the quest for Jewish emancipation is in the appendix to *The Jewish Question*, where he critically discusses the *juste-milieu* politics of the French state vis-à-vis its religious groups on the issue of public holidays. Bauer’s focus lies in the formal universality of the law when he refers to the situation of the Jews in France, who were granted concessions towards civil and political rights in the context of the July Revolution.<sup>302</sup>

In France, universal freedom is not yet the law, the Jewish question too has *not* yet been solved, because legal freedom – the act that all citizens are equal – is restricted in actual life, which is still dominated and divided by religious privileges, and this lack of freedom in actual life reacts on law and compels the latter to sanction the division of the citizens, who as such are free, into oppressed and oppressors.<sup>303</sup>

Bauer refers here especially to the contradiction between the citizen’s formal equality before the law, which includes equality of religions, whilst this same law has legislated the Christian seventh day, the Sunday, to be the day of rest and thereby privileges the Christians over the Jews, who are only left with the choice of ignoring their Sabbath and assimilating themselves. Bauer’s conclusion seems to be that public law will always end up as a tool for the authority of the state to overrule minorities and their needs, rather than building a rational institution protecting individual particular interests, as Hegel thought it would.

In this paragraph, Bauer’s politicisation of his critique of religion appears to be less distinct from Marx’s own critique than it seems from reading Marx’s interpretation in ‘On the Jewish Question’. At this point, Bauer has transitioned from initially criticising the Prussian Christian state for standing in the way of properly political emancipation, i.e.

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<sup>300</sup> Carlebach 1978, 6.

<sup>301</sup> See Bauer 1985, 320; Farris 2014, 296.

<sup>302</sup> See Tomba 2005, 117.

<sup>303</sup> Bauer cited in Marx 2010, 148 [350]. See for original Bauer 1843, 65.

demanding from the state that it renounce its religion in order for it to retreat into private life and free politics from religious issues, towards making a claim much closer to the one Marx develops in his own answer, namely that there is a fundamental divergence between a properly constitutional state that has abolished the state religion (here the French state in 1830), with its abstract laws and actual life in civil society, in which the state nevertheless ends up using the law to realise interests of the majority that ignore and oppress the minorities.<sup>304</sup> Bauer's critique of the *juste-milieu* politics concludes: the majority principle can only lead to the oppression of minorities.<sup>305</sup> It suggests that even a non-Christian, constitutional state is unable to deal with religious particularities in a just way that ensures the freedom and equality of each citizen. This supports what Bauer had concluded before: that freedom of religion is only possible by means of freedom from religion and religious privilege.

Once again, Bauer's portrayal gives the impression that the state, even as an atheist state, is not really able to do much, as long as the minorities have not given up their claims on their religious privileges, which Bauer frames through the concept of finding the 'courage' to do so, as well as the consciousness of what it means to be truly free. It is a demand which Sara Farris rightly calls the enforcement of "political neutrality" in the public sphere, a demand for assimilation to a yet-to-be-realised truly secular state.<sup>306</sup> We thus witness, in the context of the 'Jewish question', an exacerbation of an anti-institutional account of emancipation. Bauer opposes Hegel's view on emancipation with a position, that, in Fischer's words, "assumed that gradual emancipation presupposed incremental assimilation as part of a *quid pro quo*"<sup>307</sup>: *only if* the Jews renounce their law that makes them into a privilege seeking, separate nation, will the state, if it will have itself renounced its Christianity, be able to grant them the rights they demand. In the end it appears as if Bauer helped Hegel out, with his theory of a strong state that was, however, nowhere to be seen, nor were the historical conditions that could bring it about.

The alternative allocation point of the emancipatory power or agency *in* the

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<sup>304</sup> See Bauer 1843, 64, 69; Tomba 2005, 117–119; Marx 2010, 150 [351].

<sup>305</sup> See Bauer 1843, pp.62, pp.98 regarding a discussion of France and Germany.

<sup>306</sup> Farris 2014, 296.

<sup>307</sup> Fischer 2006, 147.

individual subject that seeks to be emancipated, e.g. the Jew, does however not act as a theory of empowerment, but it comes, in Bauer's theory, at the expense of making the oppressed responsible for their oppression.

In *The Jewish Question*, Bauer asserts:

If they understood Christianity and the Christian state, they would themselves no longer want to be emancipated; they would work towards their true freedom.<sup>308</sup>

First become man, then citizen, and maybe keep your religion private, if it is Christian. In the name of wanting to theorise the elimination of the very possibility of domination or 'interference', Bauer seems to have, after all, fallen prey to misunderstanding the material conditions of domination in modern society, which can neither easily be cast aside by those who suffer under it, nor will the problem be necessarily solved once the dominating ideas are renounced. But this is something that we will need to discuss further in the following two chapters.

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<sup>308</sup> Bauer 1843, 87; my trans.

### 3 Marx's attempt to break with the (post-)Hegelian conception of emancipation: Re-reading 'On the Jewish Question'

We have sufficiently clarified Hegel's and Bauer's diverging positions on the 'Jewish question' and exposed their apparent as well as their less obvious disagreements and the continuations between their theoretical and political positions. Both derive their respective positions from the undeniably 'good reason' of wanting to realise modern freedom for the whole of humanity. This however does not prevent the problematic implications of their theories that we pinpointed. It is now time to let Marx speak. The aim of this chapter is to develop his theorisation of emancipation and delineate it from Bauer and Hegel. We are now well equipped for this task in terms of being able to cut through the heavy 'phraseology' that Marx's review of Bauer's texts contains and reaching the conceptual propositions that he makes in this rather short text, which have far reaching philosophical and political implications.

According to research conducted for the *Marx-Engels-Gesamtausgabe (MEGA)*, Marx had been occupied with the 'Jewish Question' since 1842, while he was still an editor for the *Rheinische Zeitung*. During the summer and early autumn of 1842 the *Rheinische Zeitung* published various articles that defended "absolute Jewish political equality".<sup>309</sup> Bauer's article, *The Jewish Question* could not be included at that point due to censorship and was instead published in November 1842 in the *Deutsche Jahrbücher*. The other context in which we need to understand Marx's text is that it was written in between the 'Kreuznach Manuscripts', also known as 'Critique of Hegel's Doctrine of the State'<sup>310</sup>, which remained unpublished in Marx's lifetime, and the 'Critique of Hegel's Philosophy of Right. Introduction'<sup>311</sup> that was published in the same volume of the *Deutsch-Französische Jahrbücher* as 'On the Jewish Question'. Daniel Bensaid therefore labels it a "threshold text" within Marx's early works, by which he implies that it stands on multiple thresholds at the same time, without definitively entering into the spaces that it breaks open – a hypothesis this chapter and the next will be examining.<sup>312</sup> Whereas the MEGA research has shown that the

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<sup>309</sup> Marx and Engels 1982, 648–649; my trans.

<sup>310</sup> Hereafter referred to as 'Critique'.

<sup>311</sup> Hereafter referred to as 'Introduction'.

<sup>312</sup> Bensaid 2006a, 13; my trans.

source material Marx used for ‘On the Jewish Question’ must have been more extensive than that which he consulted for the ‘Critique’ – information that is based on his Kreuznach Notebooks –, it is nevertheless not without relevance for a careful reading of ‘On the Jewish Question’ that Marx had been reading the main works of state theory by Montesquieu, Machiavelli, and Rousseau, alongside of various historical accounts of the French and American revolutions while he was at Kreuznach drafting the ‘Critique’.<sup>313</sup>

I am referring to the type of source material in order to sketch out the scope of my reading of ‘On the Jewish Question’; a reading that follows so many previous attempts that it might seem doubtful that it can add anything of relevance to the debate. What is primarily at stake is, on the one hand, Marx’s historically-specific analysis of the limits of any emancipatory project within the confines of the civil-bourgeois (or today we would say capitalist) society and, on the other hand, his attempt to elucidate a concept of emancipation that aims to overcome those confines. Only from this perspective, which will be developed in this and the next chapter, is it possible to explicate those issues that are often discussed separately from each other; namely how Marx diverts from Bauer and breaks with the Young Hegelian school; to what extent he nevertheless remains the *young*, Hegelian Marx; his anti-Judaic symbolism in the second part; the Feuerbachian anthropological and humanist language with which he hints at what he means by human emancipation; and finally his relationship to Rousseau’s concept of popular sovereignty. All these questions and problems appear within my reading, but as part and parcel of reaching a clear, comprehensive and critical delineation between political and human emancipation. It is this delineation that will allow for a purposeful investigation of the connections and shifts within the discourse that arises in the 1980s in France around the issues of secularism, citizenship and revolution and Marx’s problematisation.

We will therefore start by examining Marx’s direct confrontation of Bauer’s theorisation before we move on to the territory where Marx’s critique of the state and of civil society, or what he calls ‘modern man’, goes beyond Bauer in terms of the problematic as well as of the methodological conceptualisation of his objects of analysis. We will demonstrate that Marx moves beyond Bauer in a substantial way in this chapter, firstly by

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<sup>313</sup> See Marx and Engels 1981; Schmidtgal 1988.

clarifying Marx's account of the constitution of modern man as split between *bourgeois* and *citoyen* in 3.2, and secondly by defining the role of the republican-democratic state, or the 'state as such', as ideological, including its relationship to civil society, in 3.3. In the final section of the chapter, we will provide the background debate to these corner stones of Marx's analysis in 'On the Jewish Question' by detailing the extent to which it relies on Hegel's theorisation of the modern social form and by identifying where the fracture lines between both of their accounts open up. I argue that the conception and critique of 'political emancipation' is Marx's core achievement of the text and of his entire conceptualisation of emancipation, which is in no way reducible to Bauer's politicisation and universalisation of Jewish emancipation. However, this by no means implies that Marx moves beyond Bauer in a total, all-encompassing way, which will become apparent throughout this and the next chapter.

### **3.1 Marx's critique of Bauer and his framing of the 'Jewish question': from theological criticism to a secular, political critique of the state**

Moggach accuses Marx of "misconstruing" Bauer's concept of emancipation in that Marx immediately in the second sentence of 'On the Jewish Question' refers to it as 'civic' or 'political emancipation' in opposition to true, human emancipation; taking this accusation seriously can help us enormously to disentangle what actually happens in the text.<sup>314</sup> For, while Moggach is correct that Bauer himself sought to conceptualise 'human' emancipation based on transposing Hegel in his own way, Marx has good reason to make his, I would say, hyperbolic accusation, which he does not however spell out all that clearly. By distancing his own position from Bauer's in the name of human emancipation as opposed to political emancipation, Marx gives us the impression that his position is not only fundamentally different from that of Bauer, but also that it fundamentally surpasses the latter with regards to its radicalism, universality and properly political framing - despite his initial acknowledgement of Bauer's laudable achievements. It is this implicit presupposition of Marx's text that needs to be interrogated against the background of the previous chapter.

Marx summarises Bauer's solution to the 'Jewish Question' as follows: "We must

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<sup>314</sup> See Moggach 2006, 129.

emancipate ourselves before we can emancipate others.”<sup>315</sup> Thus he sees Bauer affirming the need to renounce any form of religion, Protestantism as the state religion of Prussia as well as Judaism and Christianity as private individual belief systems, in order for humanity to become emancipated: emancipation needs an atheist state and atheist subjects, also called citizens. However, by calling Bauer’s position “*political* emancipation” Marx frames it in a specific way, which I agree with Moggach, is problematic, in that, as I have shown in the previous section, Bauer himself is much less wedded to the idea of a secular state with the task of making the people into citizen subjects than Marx suggests in his reading, e.g. when he implies that the true state is just as much Bauer’s aim as is the atheist individual.<sup>316</sup> Bauer’s position on how a secular state should look remains however entirely obscured by his own emphasis on the subjective, individualist or ‘rigorist’ side of his approach to the ‘Jewish question’. Marx somewhat silences this by overlaying his critique of Bauer with that of the outcomes of the French and American revolutions and of Hegel’s theory of the state.

That does not mean that Marx does not seriously engage with Bauer’s position. He understands that an essential part of Bauer’s solution to the ‘Jewish question’ is his demand that man – either Jew or Christian – casts off his ‘snake skin’, i.e. renounces his religion, in order to appear as generic man (the sloughed snake) that can be emancipated through being granted citizenship rights by an equally atheist state. The work that leads man to become conscious of his genericity is the work of critique, or science [*Wissenschaft*].<sup>317</sup> But because, in Marx’s eyes, an atheist state is no guarantee at all for man’s emancipation, he does not believe that anyone should be asked to renounce their religion for this end. Individual religious beliefs are, in Marx’s view, not part of Bauer’s problem – the problem of political emancipation –, and to demand their renunciation is a condition, which is “not based on the nature of *political* emancipation itself”.<sup>318</sup> This means not only that an atheist state is no guarantee for man’s emancipation, but that the level of emancipation at which Bauer’s theory aims can be reached without his rigorist demands.

We can hear at this point Marx criticising Bauer for having chosen an ineffective

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<sup>315</sup> Marx 2010, 147 [348].

<sup>316</sup> See *ibid.*, 149 [350].

<sup>317</sup> See *ibid.*, 148 [349].

<sup>318</sup> *Ibid.*, 149 [350].

critique of political emancipation, because rather than pushing for its overcoming, he extends it with an anti-religious, and more specifically anti-Judaic rigorism. Marx objects that Bauer remains tied to an essential, but negative relationship between religion and emancipation and he regards this as not only theoretically questionable, but also as empirically disproven. Marx refers to the empirical example of the free states of North America, which already exist as a properly atheist, secular state. He thereby emphasises that the problem Bauer is primarily concerned with, namely the impossibility of Jews and Christians to be emancipated by either the Prussian-Christian state, the “theologian ex professo”<sup>319</sup>, or the French constitutional state with its *juste-milieu* politics, has already been solved behind Bauer’s back as it were. And yet, religion despite being no longer bound up with the state has not, as Bauer speculated, disappeared in the United States,<sup>320</sup> but instead is merely displaced into the private sphere where it “displays a fresh and vigorous vitality”<sup>321</sup>.

Thus, Bauer’s emancipatory aim, as Marx understands it, of the becoming atheist, generic and thereby political man, who is free and equal qua citizen rights has already taken place, just not in the two cases that Bauer examined (Prussia and France), and without the effects he prognosticated. That is why, Marx contends, the constitution of modern society with a truly secular state, i.e. that which is empirically visible in the US, still has fundamental, namely structural, disemancipatory effects that need to be criticised and overcome. The persistence of religion is for Marx at this point a symptom of “secular limitations”<sup>322</sup>, of a defect in society as a whole that needs to be addressed. But for this purpose, Bauer’s theory is only of very limited relevance, because on the one hand, it treats the problem of the state as secondary to the rigorist position and on the other, by giving this problem little attention, it does very much place itself within Hegel’s concept of civil society as a necessary opposition to the itself necessary political state.<sup>323</sup>

By proclaiming this alignment between Bauer and Hegel, Marx operates a crucial double shift inside his development of a critique of political emancipation. On the one

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<sup>319</sup> Ibid., 150 [351].

<sup>320</sup> See Bauer 1843, 66; Marx 2010, 149 [350].

<sup>321</sup> Marx 2010, 151 [352].

<sup>322</sup> Ibid.

<sup>323</sup> See *ibid.*, 155 [356]; this would also be Moggach’s position.

hand, he criticises Bauer for not treating the problem of emancipation at the height of its contemporary conditions. By remaining focused on the negation qua renunciation of religion, including the state's broader religious structure, as discussed in 2.3, his theorisation of the 'limits' of emancipation is not only not worthy of being called 'human emancipation', even though Moggach is right that Bauer did not conceive his endeavour limited in this way, but it even remains an impaired theorisation of the specificities and therefore also of the limits of the contemporary condition, which Marx refers to as 'political emancipation'. Bauer's theory of emancipation is not only limited to political emancipation as its outcome, but its theoretical analysis does not even grasp the crucial, structural elements of political emancipation. In the latter regard, it is precisely Hegel, who, with his theory of civil society and the state as two separated but dialectically united spheres of the modern social form, presents the superior theory of political emancipation, which needs to be confronted, because it captures most closely the practical, political reality, including the obstacles to true, human emancipation.<sup>324</sup> That Hegel thereby takes the theoretical position analogous to the empirical role of the US state is an idiosyncrasy of Marx's theorisation that will be clarified and discussed in more detail in the later parts of this chapter (3.3 and 3.4). Marx thereby moves from a critique of Bauer's position to his real problematic that is constituted by the outcomes of the bourgeois revolutions, by natural right theory and by Hegel's theory of the modern state.

That does not however mean that he has gone entirely beyond the Bauerian framing of the search for a solution for the 'Jewish question'. Marx concludes early on in the text:

Only the criticism of *political emancipation* itself would have been the conclusive criticism of the Jewish question and its real merging in the "*general question of the time*."<sup>325</sup>

Whilst the first section of the sentence confirms his move from Bauer back to Hegel - although to a Hegel that has a properly secular, atheist conception of the state with religion flourishing in the private sphere, and which certainly stands in a problematic and unresolved relation to our portrayal of the relationship between state and religion in Hegel in 2.2 -, Marx remains in agreement with Bauer in the latter half. The 'Jewish question' will

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<sup>324</sup> See also Isaac 1990, 471.

<sup>325</sup> Marx 2010, 149 [350].

be solved once universal, human emancipation, the ‘general question of the time’, has been reached. But we will return to this parallel in Chapter Four.

### **3.2 The creation of modern man: political emancipation qua bourgeois revolution**

Rather than reading the text chronologically, I want to suggest that the first step should be to reconstruct Marx’s understanding of the creation of modern man, before we enter into his critique of the modern state. Because it is ultimately his historically situated assessment of the conditions of emancipation on a global scale that positively distinguishes Marx’s critique from Bauer’s, who, to some extent, seems unable to abstract from his experience of the oppressive reality of the Prussian Christian state in order to reach a more general level of critique of that which Marx conceives to be the modern condition. It is further only by starting from Marx’s historical analysis, which becomes more pronounced in the latter part of the first section of the text, that we can disentangle his criticism of historical events from his critique of theoretical contributions, especially of Hegel’s theory of the modern state, which are the two levels of critique around which the text moves without always making its precise reference point explicit.<sup>326</sup>

Political emancipation for Marx is, first of all, a concept that he uses synonymously with “political revolution”<sup>327</sup> and bourgeois revolution, or, as he also phrases it, the revolution of bourgeois society. The concept is, in this regard, based on his historical analysis of the changes that were brought about by the French and the American Revolution. The Declarations of the two revolutions, which Marx does not discuss as distinct from each other,<sup>328</sup> attest to “the dissolution of the old society” that is feudalism.<sup>329</sup> The main characteristic of the feudal order was for Marx the directly political character of its elements, such as property, the family, or the mode of labour. Through the institutions of seniority, estates and corporations these elements were part of the state as a whole, and defined the relationship between individual and state. Examples that Marx gives are the

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<sup>326</sup> See also Kouvelakis 2003, 298.

<sup>327</sup> Marx 2010, 166 [367]. In the ‘Critical Notes’ written only slightly later than ‘On the Jewish Question’, Marx explicitly equates political emancipation with the emancipation of the Bourgeoisie. See Marx 1975a, 415 [405].

<sup>328</sup> Marx treats the American bills of rights and the French Declarations without fundamentally differentiating between the two or viewing one as the predecessor of the other, which other theorists have insisted to be necessary for their proper understanding. See for different approaches Jellinek 1927; Arendt 1965; Habermas 1988; and for a brief overview Maihofer 1992, 93, 257 fn6.

<sup>329</sup> Marx 2010, 165 [367].

property qualification [*Zensus*] for the right to elect or to be elected and other factors that influence the ability to participate in political life, such as birth, social rank, education, and occupation.<sup>330</sup> But just as the individual's political rights are in this sense bound to the particularity of their existence through which they are excluded from other parts of that same society, the feudal state, its general power that is in France prior to the revolution united in the power of the absolute monarch, appears particular and thereby dissociated from the people as a whole. The political revolution overthrew the absolute monarchy in the name of giving state affairs over to the people and thereby constituted the modern state concerned with man's universal, political issues rather than existing in a separated sphere in which the only relationship to the people takes place via estates, corporations, guilds and privileges; in other words at the largest possible distance to the people. At the same time the people themselves were supposed to be freed from their limited political influence which was bound to their static particular material and spiritual existence, by asserting the universal value of man's liberty and equality vis-à-vis the state.<sup>331</sup>

This development leads according to Marx's analysis,<sup>332</sup> to the abolition of the political character of civil society with the aim of finally constituting a united, universal political spirit.<sup>333</sup> The state "assert[s] itself as a state" by renouncing its particular attributes, such as a state religion, which are subsequently transferred to the private sphere.<sup>334</sup> That implies the *political* annulment, but not the annulment tout court, of the previously directly political elements of civil society. Of these Marx mostly emphasises religion, private property, and the freedom to engage in business.<sup>335</sup> Marx's historical basis for this argument is the example of the North American states. In turn, the state thereby becomes the space where man as species-being exists as political man. Thus, *Bauer's problem is solved for the first time* as such a post-revolutionary, atheist and democratic state, which Marx suggests, is the true essence of all post-revolutionary states despite their backward appearance, and can undoubtedly grant citizenship rights to anyone, regardless of their

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<sup>330</sup> See *ibid.*, 153 [354].

<sup>331</sup> See *ibid.*, 165-167 [367-369].

<sup>332</sup> Marx's analysis is based on reading accounts of the revolutions by Hamilton, Tocqueville and Beaumont as far as we can deduce from his explicit references.

<sup>333</sup> See Marx 2010, 165 [368].

<sup>334</sup> *Ibid.*, 152 [353].

<sup>335</sup> See *ibid.*, 153, 167 [354, 369].

religion.<sup>336</sup> The dominance of Christianity has been essential for the “sever[ing] of all species ties”<sup>337</sup>, but it thereby brought its own dominance to an end, handed it over to civil society and opened up the political space to universal man.

Marx qualifies his statement to say that of course there was a moment within the French Revolution which gave the impression that the birth of the modern political state from the existing civil society necessitated the progression of the state’s struggle towards the total annulment of confessional religion as well as of private property, confiscation and progressive taxation, even the ending of life under the guillotine. He refers here to the Jacobin reign. But, Marx argues, this attempt to violently unite individual and species life happened in direct contradiction to the very preconditions for the birth of the modern political state, and in fact lay in their separation. The Jacobins had in their revolutionary fervour misunderstood the theoretical and political implications of the revolutionary project as a whole.<sup>338</sup> Bauer, in his own attempt to demand the abolition of religion from Jews and Christians alike in order to be granted citizenship rights, might be accused of repeating a similar error.

In his analysis, Marx is therefore importantly not concerned with the unfolding of the French Revolution itself (which has undoubtedly caused plenty of disagreements ever since the first analyses were published in the early 19<sup>th</sup> century); he does e.g. not examine the class composition of the struggles at different points between 1789 until Napoleon Bonaparte’s declaration of the end of the revolutionary period in 1799.<sup>339</sup> Instead he attempts a broad reckoning of the revolutionary achievements from his temporally distanced position in 1843/44, as he is more concerned with what the events overall meant for his present – already in this sense his approach is similar to Hegel’s political-philosophical endeavour.<sup>340</sup> He finds the basis for his analysis therefore *not* in any particular French or North American state, even though these states offer him an entry point into his analysis, but he attempts to delineate a critical theory of the transhistorical outcomes, i.e.

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<sup>336</sup> See *ibid.*, 160–161 [362].

<sup>337</sup> *Ibid.*, 173 [376].

<sup>338</sup> See *ibid.*, 156 [357].

<sup>339</sup> See here Michelet 1847; Soboul 1974; Comninel 1987. Marx himself will go into that direction in his political texts on events that occur during the 19<sup>th</sup> century, such as *The 18<sup>th</sup> Brumaire*, *The Class Struggles in France*, or *The Civil War in France*.

<sup>340</sup> See Hegel 2003, 220–221 [339] (§182, Addition).

the political constitution that is characteristic of modernity as such and that he understands at this point to be the long-term outcome of what he refers to as the bourgeois revolutions.

This aim leads Marx to a second insight into the essence of political emancipation as brought about by the revolutions. He moves beyond the, as it seems for him, most obvious historical change that is the separation of political civil society and absolute monarchy into merely social, private civil society and public, universal state, in order to point our attention to an underlying, deeper separation, a separation within humanity itself. The starting point for his analyses are the documents that were drafted by the revolutionaries themselves regardless of their specific state of implementation: the different versions of the *Declaration* and the *Bill of Rights* that defined the universal rights of man “in their authentic form”<sup>341</sup>. Partly, Marx begins, those Declarations contain explicitly political rights – the *droits du citoyen* - whose content concerns the life within the political community, which he equates with the state. Regardless how these civil rights define political freedom, their effectivity is for Marx limited, because they stand in opposition to civil society, and to the *droits de l’homme*, the rights of man or human rights.

Marx argues that the reference to the rights of man *and* citizen, already in the title of the 1789 *Declaration*, implies not an equation but a division *within* the individual between man and citizen, as, on the one hand, a private and, on the other hand, a public individual. This is because the Declarations contain a very precise anthropological definition of one side of this split, namely of modern ‘man’, i.e. the member of civil society, within its definition of human *rights*. Marx finds this anthropological definition once he looks closer at the revolutionary statement from the Jacobin Declaration from 1793 that reads:

These rights, etc., (the natural and imprescriptible rights) are: *equality, liberty, security, property*.<sup>342</sup>

Looking at what hides behind the assertion of the imprescriptible right to liberty, Marx finds that its content focuses on liberty as the right “to do everything that does not harm the rights of others”<sup>343</sup>. He concludes that this ‘right’, rather than giving a positive definition of freedom as emanating from a human community, only succeeds in defining

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<sup>341</sup> Marx 2010, 160 [362].

<sup>342</sup> Ibid., 162 [364].

<sup>343</sup> Ibid.; 1793 Declaration.

man's freedom in isolation from another man's freedom: freedom as non-interference. The right of liberty is therefore in his eyes "the right of [...] separation, ...of the restricted individual"<sup>344</sup>. In this sense, the right of private property, which, Marx implies, one might imagine to oppose the right to liberty, because it is about enclosing and thus separating the common into privately owned sections, is merely its practical application. Where the separation of man from man is defined as essential to his liberty, "the right to enjoy one's property ... *à son gré*"<sup>345</sup>, i.e. based on one's self-interest rather than on the interest of other men, is its logical realisation<sup>346</sup>. The right to equality – "the law being the same for all"<sup>347</sup> – then merely means that everyone is from now on self-sufficient to an equal degree. And finally the right to security – "the protection afforded by society to each of its members for the preservation of his person, his rights, and his property", is, in Marx's eyes, nothing else than the concept of police: it is "the insurance" of civil society's egoism, of the existence of all of its members as self-sufficient and self-interested monads.<sup>348</sup> We will see in Chapter Five that the supposition of the modern, split man which Marx draws from his interpretation of the articles of the different versions of the Declarations, and which he reads as still part of natural law theory, is the main ground to which Balibar takes offence.

Marx's analysis leads him to several conclusions. On the one hand, he argues that he has solved Bauer's 'Jewish question' problematic a second time. The text of the various Declarations Marx reads leaves him in no doubt that what is for Bauer a "privilege of faith", contradicting the revolutionary project of abolishing privileges tout court, is already redefined as one of the rights of man, subsumed under the right of liberty.<sup>349</sup> To practice religion now falls under the 'freedom of conscience'. It is thereby transformed from a directly political attribute into a non-political, individual activity within the sphere of civil society. When Bauer argues that 'the Jew' specifically cannot receive human rights because in his particularity he isolates himself from other men and fails to affirm his generic being,

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<sup>344</sup> Ibid.

<sup>345</sup> Ibid.

<sup>346</sup> Maihofer is right to emphasise in her account of Marx's critique of human rights that many commentators have turned the causality of Marx's argumentation around at this point and ended up reducing bourgeois freedom and human rights to the freedom and protection of private property, which is an economic reduction of his reasoning. See Maihofer 1992, 94.

<sup>347</sup> Marx 2010, 163 [365].

<sup>348</sup> Ibid.

<sup>349</sup> Ibid., 162 [362].

Marx rather than refuting Bauer's anti-Judaic image, counters that human rights as a whole are in any case the rights of separation of man from man. In this sense they are for Marx extremely real with a worldly effect that has nothing to do with particularised privilege. Thus, 'the Jew' – in his isolated existence, which Bauer attributed to him and which Marx leaves unproblematised<sup>350</sup> – does not contain in himself a constraint to emancipation, he instead stands for a general constraint in which he takes part<sup>351</sup>: 'the Jew' has at this point become what Tomba calls a "synecdoche", in the way that he stands in for all modern citizens; they in turn jointly build Marx's and Bauer's subject of emancipation.<sup>352</sup> The general constraint is the intended inability of the natural rights formulated in the Declarations to give content to man as free and equal *in association* with other men.<sup>353</sup> In other words, the emptying out of particularity that Bauer demands from 'the Jew' and 'the Christian' in relation to the political sphere, in order for it to be possible for him to be emancipated, is already taking place if we take, as Marx suggests, the natural rights formulated in the Declarations, and its anthropological remaking of man, to be the essence of the revolutionary achievement.

The question that follows on from Marx's critical reading of the Declarations is, however, how the construction of the 'split man' translates into a more general assessment of the revolutionary outcome. Most fundamentally, he understands the French Revolution to be representative for the bourgeois revolutions more generally, defined and limited by the fact that it is grounded in the principles of natural law discussed above. Marx unmasks those principles as doing something other than they appear to be doing. They appear to affirm a radical liberty and equality of man based on nothing but human nature itself, i.e. liberty and equality are rights that are given to everyone at the moment of birth. In reality, however, these 'natural' rights *constitute* man as an egoistic being, an atomistic individual, who needs to be protected from the rest of society. That means that these natural law principles are identified by Marx as an active political act, which however presents itself as merely realising that to which man has always already been entitled due to his or her

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<sup>350</sup> We will return to this issue in 4.3.

<sup>351</sup> Marx 2010, 160 [361].

<sup>352</sup> See Tomba 2015, 161.

<sup>353</sup> Marx 2010, 162-163 [364].

'nature'. Consequently, 'man' as defined in natural law terms, perceived as the emancipatory act par excellence, turns out to be the truly enchaining category in the context of civil society, as "[i]t makes [*lässt*] every man see in other men not the *realisation* of his own freedom, but the *barrier* to it"<sup>354</sup>. We should note here Marx's usage of the German word "lässt" [from the infinitive "lassen" = to let] because, as Daniel Loick suggests, this description allows for a double definition of what precisely man's natural rights do: on the one hand, they create a subjectivity that focuses on 'bourgeois freedom' as defined by different articles of the Declarations. But in a second sense, "lassen" has a passive meaning of letting the egoisms that are already at work in civil society, having been carried over from feudalism, flourish in harmony with the political, and collective rights.<sup>355</sup> Marx identifies, what is called 'human nature' in the natural rights context, to be an actively instituted form of existence, the de-politicised and individualised, liberal modern human condition that builds the substance of post-revolutionary, political and economic life.<sup>356</sup>

In this sense, the realisation of political emancipation does, contrary to the impression that Marx's text conveys at times, imply a social revolution. After all, the French Revolution did dissolve "civil society into its component parts" and it did remove the social-political bonds that formed feudal society and replaced it with "natural necessity" as the "sole bond" that holds individuals together. It created, as Andrea Maihofer expresses very pointedly, a "hegemonic generalisation of the bourgeois idea of man and of society" and thereby "reduced concrete individuals to their abstract human existence".<sup>357</sup> Community itself, what Marx calls "species-life" is thereby reduced to an external and abstract framework.<sup>358</sup> That means, in Marx's eyes, that "civil society" as a concept is afflicted by the same problem pre-and post-revolution, which nevertheless does not contradict that social change has been reached, factors which Marx's portrayal makes hard to differentiate at times. But the social revolution that took place, did not go far enough. It failed in the emancipatory task Marx had seen historically emerging, and remained *merely a political revolution*.

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<sup>354</sup> Ibid., 163 [365].

<sup>355</sup> Loick 2013, 312.

<sup>356</sup> See Isaac 1990, 475.

<sup>357</sup> Maihofer 1992, 103.

<sup>358</sup> See Marx 2010, 164 [366].

The political revolution resolves civil life into its component parts, without revolutionising these components themselves or subjecting them to criticism. ... It regards civil society, the world of needs, labour, private interests, civil law, as the basis of its existence, as a precondition not requiring further substantiation and therefore as its natural basis.<sup>359</sup>

It ultimately merely continues the egoistic essence of man that had also been the foundation of feudalism, albeit in a purified form. That means it was progress, because at least one could see the contradiction between the abstract promise of political universality on the one hand, and the concrete, material existence of man as isolated individual on the other, as an “*unconcealed* contradiction”<sup>360</sup>. Bauer’s main critique of natural right focused on the implication that natural rights existed as a presupposition, whereas he believed that individuals had to actively conquer them.<sup>361</sup> Marx’s critique, however, targets the need to overcome the individuals’ entire horizon, namely the naturalisation of the liberal social form that is civil society, if the aim is supposed to be the realisation of human emancipation. Human emancipation is here implicitly defined as Marx’s mission to define an alternative social bond to the one that has been perpetuated from feudalism until the North American or (ideal) French democratic republic, and which is the supposedly natural bond, the association of liberal, individual men reduced to needs and private property.

### **3.3 Marx’s critique of the state = critique of republicanism as ideology**

We saw that Marx understands the Declarations as documents that are not only the expression of natural law, but also inscribe the ultimate aims and thus limits of the diremption of the state and civil society on the level of the individual. Marx’s argument that the *Bürger*, the *bourgeois*, constitutes the substance of political life further implies his or her domination over the political sphere. On the other hand, we need to follow Marx’s reading of the Declarations one more time, as it also contains and relates to a critique of the republican state form, which in turn follows on from his definition of the substance of modern civil society. This needs to be emphasised because the way that Marx presents his critique in ‘On the Jewish Question’ starts from the critique of the state and moves towards his critique of human rights, and thus arguably gives a misleading impression as to the construction of his argument, and makes it much harder to pin down Marx’s theory of the

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<sup>359</sup> Ibid., 167 [369–370].

<sup>360</sup> Kouvelakis 2003, 299; original emphasis. Cited from Marx’s ‘Critique’, 1975b, 141; amended trans.

<sup>361</sup> See Moggach 2002, 15.

state other than in contradistinction to Bauer's problematisation of the Christian state.

The starting point is a reading of two articles from two different versions of the French Declaration:

**Article 2 (1791):** "The aim of all political association is the preservation of the natural and imprescriptible rights of man."

**Article 1 (1793):** "Government is instituted in order to guarantee man the enjoyment of his natural and imprescriptible rights."<sup>362</sup>

Based on the split between man and citizen, Marx's strong interpretation of these two articles leads him to conclude that the state, and its government, i.e. the whole political sphere, is reduced qua natural right to the henchman of a liberal figure of man. Citizenship and the struggle for recognition within its confines cannot have a truly political, that is to say *revolutionary*, value precisely because they are dominated by the logic of civil society and its egoistic, property-owning man,<sup>363</sup> and would themselves be the necessary target of revolutionary politics.

Historically, Marx supports his argument by showing that this problematic precisely undermined the Jacobin republican project. On the one hand, as shown above via Marx's reading of the articles of the 1793 Declaration, even the Jacobins did not theoretically break with the demotion of the state (i.e. the political community as a whole, and more specifically of the government) to a mere means for the egoistic, individualist ends of civil society. And even Gracchus Babeuf, who was a more rigorous critic of private property, remained, like Robespierre, faithful to the possibility of reinterpreting the rights of man as the rights of the people. Both criticise the rights of man as they have been formulated in the pre-1793 Declarations – in particular the right to equality – as abstractions, which need to be factually realised, with positive results.<sup>364</sup> But this means that their criticism was directed against those political acts that did not sufficiently realise the rights as inscribed in the Declarations. Their own revolutionary political practice was built on the aim of "realising" the rights of man for all people, as the Declarations promised. Based on his previously elaborated critique of the rights of man, Marx however contends that their political practice, undertaken in the name of public liberty, stood "in flagrant

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<sup>362</sup> Both articles cited in Marx 2010, 164 [366–367].

<sup>363</sup> See *ibid.*, 163–164 [366].

<sup>364</sup> See Babeuf 2011, 90; Heyer 2007, 11; Binoche 1989, 99–100.

contradiction”<sup>365</sup> to the articles of their very own 1793 Declaration. This is not only visible through Marx’s own analysis but, as he points out, also by taking note of the Jacobins’ justification of invalidations of certain liberties. Marx therefore does not enthusiastically celebrate the Jacobins’ temporary contradiction of the domination of civil society by the state in the name of republicanism, but he exposes it as merely a “republican ideology”<sup>366</sup>. An ideology, or as Bertrand Binoche calls it, an ‘ideological subterfuge’, that never stood a chance, because it did not understand that its real enemy was inherent in its own revolutionary theory. When Marx later accuses Robespierre in the *18<sup>th</sup> Brumaire* for mistaking the revolutionary situation for antiquity, it is a critique based on the same analysis: Robespierre and the fellow Jacobins had disregarded the theoretical and historical force of the split between man and citizen, because they misunderstood the bourgeois nature of the French Revolution.<sup>367</sup>

From this historically-specific critique of the Jacobin republican ideology, Marx now extrapolates a general critique of “the idealism” of the democratic republican state, which is for him the state ideal that is necessarily implied in the reconstitution of the feudal state as the modern, “real state”.<sup>368</sup> Marx refers to this state throughout the text varying as state, political state, perfect [*vollendeter*] political state, atheist state and democratic state – an imprecision that does not make a rigorous analysis easy. Empirically, all these attributes seem to refer most closely, but not necessarily directly, to the North American states [*Freistaaten*].<sup>369</sup> Further, Marx introduces Hegelian references into his critical discussion of the state, which create another object of critique, but which he does not care to differentiate.

Marx’s critique of the state – the state as the product of the political revolution – focuses on its existence in a different sphere from that of civil society, i.e. external to man as bourgeois. Now that ‘man’ of civil society has been stripped of his feudal political attributes and privileges, the state constitutes a new political sphere, a universal sphere, or sphere of the community, outside of man. Whilst man, as we have seen at length, forms the

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<sup>365</sup> Marx 2010, 165 [367].

<sup>366</sup> Isaac 1990, 475.

<sup>367</sup> See Marx 2010, 164-165 [366-368]; Marx and Engels 2009, 115-116.

<sup>368</sup> Marx 2010, 166 [368-369].

<sup>369</sup> See *ibid.*, 150, 153-154 [351, 354-355].

precondition of this state, he will need to seek recognition in or from it in order to be recognised as ‘political man’ or *citoyen*. On one level, Marx recognises that the sphere of the state is precisely that sphere where man is no longer confined to his liberal existence, but where his freedom is defined as positive freedom, and in conjunction with other men, the community of ‘species-beings’. But that Marx defines this sphere as existing “outside” of man’s bourgeois existence has invoked many criticisms, which means that we need to try and examine very carefully how this externality is defined and what it implies.<sup>370</sup>

First of all, the state, which has freed itself from religion by displacing the latter into the private sphere of civil society, emancipates man *politically* from religion. But that means that man is only emancipated *through* the medium of the state, who acts as the emancipatory intermediary [*Mittler*].<sup>371</sup> The state is the intermediary that stands “between man and man’s freedom”<sup>372</sup>. This intermediary function of the state within the emancipatory process provokes Marx to draw a parallel between the state and Christ as the mediator between man and his divinity. Just as Christ bears the promise of man’s freedom in heaven, the state bears the promise of man’s freedom in the political sphere. Both of these two intermediaries impose a detour on man in order to reach his freedom, rather than founding man’s freedom directly in the application of his own powers, by himself.

When Althusser argues in *For Marx* that “[a]rticles like ‘On the Jewish Question’ ... cannot be understood outside of the Feuerbachian problematic” because, whilst “Marx’s themes go beyond Feuerbach’s immediate preoccupations, [...] the theoretical schemata and problematic<sup>373</sup> are *the same*”<sup>374</sup>, then his criticism is precisely levelled at this portrayal of externality between man and state: just as for Feuerbach the essence of religion is man as his free, self-directed existence, but in its alienated form, Marx frames the role of the state.<sup>375</sup> For Althusser this means that Feuerbach and Marx keep sharing the same problematic, however Marx transposes it into the sphere of politics by applying it to the

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<sup>370</sup> See *ibid.*, 153–154 [355–356].

<sup>371</sup> See *ibid.*, 152 [353].

<sup>372</sup> *Ibid.*

<sup>373</sup> Althusser defines ‘problematic’ as “the constitutive unity of the effective thoughts that make up the domain of the existing *ideological field* with which a particular author must settle accounts in his own thought.” (Althusser 2005, 66)

<sup>374</sup> Althusser 2005, 45.

<sup>375</sup> See Althusser 2003, 92–94.

state.<sup>376</sup> Thus, it is only a question of understanding that the status quo (religion or the state) is an illusion – which is the task of theory, or critique – and of shaking it off, in order to set man’s essence free. We should note in the background that despite Feuerbach’s and Bauer’s disagreement about the nature of the essence of man - whether generic/species being [*Gattungswesen*] or subjective self-consciousness - they share the identification of the Christian religion as the highest, most universal form of man’s alienation, and also as the last stage of alienation before it can be, once and for all, cast off as a “snake skin”<sup>377</sup>. The core assertion of Althusser’s critique of what is known as a critique of the ‘inversion thesis’ is that by merely inverting Hegel’s dialectic – i.e. by moving from positing the religion or the state as the present spirit of the Absolute, to positing the religion’s or the state’s predicate, man’s concrete life, as the real subject – Feuerbach and Marx keep the Hegelian dialectic intact.<sup>378</sup> As we have seen in our discussion of Bauer’s relationship to Hegel, this is not a straightforward argument, and even though we cannot offer a general interpretation of Althusser’s accusation, we need to discuss whether it is a justified criticism of Marx’s critique of the state in ‘On the Jewish Question’. Whether the problem lies in Marx’s continued Feuerbachianism or in his continued, but inverted Hegelianism (which we should not mistake for the same thing), the core problem for Althusser is here a purely theoretical identification of the ‘concrete’ as the ‘true’. This thereby implies that the concrete as well as the theory that claims knowledge of the concrete-real is uninfluenced by the “illusion”, and more generally by the material reality that gives rise to it. Further, the concrete and real is here pitched against the bad abstract, placing knowledge on the side of the former, while associating abstraction with false illusions. Here Althusser sees Marx as falling prey to empiricist ideology.<sup>379</sup> The rest of this section will go on to contend that Marx’s critique of the state in ‘On the Jewish Question’<sup>380</sup> continues beyond this first level of critique, which in retrospect even invalidates the critique Althusser levels against it. But we will return to this problem again in 3.4.3, and in Chapter Four, when we examine in more detail Marx’s critique of Hegel’s theory of the state in the ‘Critique’, which certainly

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<sup>376</sup> See Althusser 2005, 60.

<sup>377</sup> Marx 2010, 148 [348]; amended trans.

<sup>378</sup> See Althusser 2005, 48, 72 fn36, 90–91.

<sup>379</sup> See *ibid.*, 186–187, 190.

<sup>380</sup> See also Schrader 1985, 228–240.

supplies the more rightful object of Althusser's criticism with its subject – predicate inversion approach.

Penetrating Marx's critique of the state in 'On the Jewish Question' further, the political sphere, as with heaven in Christianity, contains a promise of freedom that is not only out of man's immediate reach, but is itself an abstraction, an "unreal universality"<sup>381</sup>. The state creates an illusion of the sovereignty of the people, in which everyone takes part regardless of their profane, everyday existence. This participation in turn makes the everyday existence appear unimportant, or 'fictitious' to political man. Where Bauer worried in his critique of Judaism that 'the Jews' recognise a different law to the state law, Marx shows how every citizen recognises the law of the state which forces him to exist with disregard to the real laws of life, the laws of civil society. It is, Marx concludes, "the same contradiction", whereas only its latter manifestation is the real problem of the time.<sup>382</sup> Life in the state, and its political implications, as they are imagined by the citizens, i.e. their unconditional participation in the political affairs [*Volkssoveränität*] of their nation through universal suffrage and representative state institutions, are an outright illusion for Marx – but an illusion that exists counter to, or one could say in tandem with, life in civil society, that being the reality that the illusion misrepresents. On this level, we could summarise Marx's critique as an exposure of a republican-democratic illusion that gives the citizen a wrong idea about his political powers, which are in fact determined very differently in a different sphere of his life. The state itself perpetuates the existence of the citizen *in contradiction* to the bourgeois, by only politically annulling the categories of feudal distinction. But the political annulment is not the only active achievement of the instantiation of the modern state. The other part of the state's work is the creation of "political man" as an abstraction, which it does precisely via the creation of its representative institutions. Confusingly, Marx defers in his theoretical explanation of this process to Rousseau's concept of *aliénation totale*: the state, which wants to establish "a people's institutions...has to take from man his own powers, and give him in exchange alien powers which he cannot employ without the help of other men"<sup>383</sup>. I refer to Marx's

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<sup>381</sup> Marx 2010, 154 [355].

<sup>382</sup> Ibid.

<sup>383</sup> Rousseau cited in *ibid.*, 167 [370].

deferral to Rousseau as ‘confusing’ because Rousseau’s argument is precisely not based on an insurmountable differentiation between man and citizen, but on the possibility of their reconciliation (but we will return to this issue at the end of 4.1). For Marx, the creation of ‘political man’ affirms rather than overcomes the contradiction between man and citizen, which is an essential and, for Marx, deeply problematic element of the revolutionary incarnation of ‘Enlightenment reason’. Political man in turn undermines the modern representative state’s ‘authentic rationality and universality’, its dedication to the *res publica* via its constitutive principle, or, in other words, its true sovereignty,<sup>384</sup> because vis-à-vis the reality of civil society, it is a merely abstract universality. But this also means that the state as the God-like mediator between man’s freedom and man is not the only force that separates ‘man’ from a concretely free life.

This is because there is a third dimension to Marx’s critique of the state as illusion. The state and its republican ideology is also the condition of a flourishing liberalism on the part of civil society. Moreover, the liberal principles of civil society *dominate* the state. They make the state’s universality [*Allgemeinheit*] not only into an illusion that deceives its citizens, but it disproves the entire idea of the rational state, as for example central to Hegel’s political philosophy. Hegel is correct in Marx’s eyes to define the modern state’s existence “above the particular elements” of civil society,<sup>385</sup> e.g. ‘above the particular churches’. But Marx’s strong emphasis on the ‘above’ leads him to dispute the state’s rationality qua its mediating powers as he finds it theorised in Hegel and other Young Hegelians (especially Ruge). It is ultimately only ‘above’, in the sense of fulfilling its ideological role without the ability to really influence what takes place in the reality of civil society. Marx expresses here a strong judgement about the inability of the political state form to have any transformative effect on the essentially liberal substance above which it exists. Wendy Brown rephrases this problematic very pointedly:

If civil society is striated by forms of social power that the state declares politically insignificant, and the state’s universality or “perfected secularism” is premised upon its transcendence of the particularism of civil society, then the state is premised upon that which it pretends to transcend....<sup>386</sup>

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<sup>384</sup> See *ibid.*, 219 [354]; Isaac 1990, 474.

<sup>385</sup> Marx 2010, 153 [354]. Marx directly refers here to §270, Addition of Hegel’s *Philosophy of Right*.

<sup>386</sup> Brown 1997, 100–101.

This means the state “having always to acknowledge it [civil society], to restore it, and allow itself to be dominated by it”<sup>387</sup>. For Marx, the, if we like, ‘republican’ state form,<sup>388</sup> thereby fulfils an important task in relation to the liberal substance. Due to its institutionalised sophistry, it helps to maintain and strengthen the liberal way of life, because, as Brown said, it is itself premised upon it. Democratic republicanism as “the language of civil virtue” and liberalism as “the language of individual rights” are thus by no means mutually exclusive,<sup>389</sup> despite existing in a contradictory tension with each other. Or, as Stathis Kouvelakis formulates it, “political emancipation [by which he refers only to the state-side of it] is no more an illusion than it is a strictly functional mechanism of bourgeois domination”<sup>390</sup>.

When Marx now asserts repeatedly that in the democratic state “the human basis of religion is realised in a secular manner”<sup>391</sup>, this means two things. On the one hand, he accuses humanity of perpetuating its religious spirit in a double sense: by subscribing to the political ideology that ties its freedom to an alien existence of itself, namely the existence as abstract, political man, and by perpetuating an apolitical religious and theological consciousness in their private lives.<sup>392</sup> On the other, the state functions along religious lines because it acts as a God-like mediator, and flourishes on this religious ideology that is its basis as well as its principle of operation, its reality, because it allows the state to uphold its abstract, fictitious universality. Meanwhile, *the real universalism*, that is the liberal particularism of civil society, can operate behind the ideological shield of the state, as “a principle of hidden exclusion” as André Tosel calls it.<sup>393</sup> The “political lion’s skin” is just as essential to the workings of the civil-bourgeois, or emerging capitalist, society as its liberal basis.<sup>394</sup> That Marx refers to all these different processes as ‘religiosity’ is certainly not helpful for a rigorous understanding of his critique.

Let us conclude by restating why the state’s republicanism should be regarded as an ‘ideology’ rather than a mere ‘illusion’. This is because republicanism, just as liberalism, is

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<sup>387</sup> Marx 2010, 154 [355].

<sup>388</sup> See Isaac 1990, 475.

<sup>389</sup> Ibid.

<sup>390</sup> Kouvelakis 2005, 717.

<sup>391</sup> Marx 2010, 157 [358]; see also 158-159.

<sup>392</sup> See *ibid.*, 159 [360–361].

<sup>393</sup> Cited in Kouvelakis 2005, 711.

<sup>394</sup> See Isaac 1990, 484, 487.

constitutive of the reality of civil-bourgeois society, in the sense that man's double existence as citizen and bourgeois is a practico-social reality in both dimensions that exists independent of man's consciousness. My use of 'ideology' is not the derogative use of the term as applied to the Jacobin politicism, because I am using it in a loosely Althusserian sense, who defines it at one point as the "imaginary 'representation' of individuals' imaginary relation to their real conditions of existence"<sup>395</sup>. To label the creation of illusions of the state ideological in this sense is to ascribe to the state's production of political abstractions, as Marx understood it, a reality of its own that has lasting effects in its own right, namely on the subjectivities and self-conceptions of men. But it also means that the domination of the real conditions of existence – which Marx refers to with the term civil society – do not directly determine the ideological representations, which Althusser expresses of course more precisely than Marx, when he defines the relationship as doubly imaginary.<sup>396</sup> But it is in this sense that we can productively read Marx's elaborations on the illusions that the state creates and its 'religiosity'. That however also implies that illusions and religiosity do not have the alienating circumstances of civil society as their unidirectional and transparent cause, which means that the contradictions Marx identifies are much further away from appearing in an 'unconcealed' manner to those subjected to the illusions (including the theorists) than Marx seems to be aware of.

That Marx understands 'illusion' more as 'ideology' in this Althusserian sense than as a mere reflection of the "real alienation" that people experience in civil society is also expressed by the imagery that Marx uses in 'On the Jewish Question', which marks a clear distance between him and Bauer (as well as Feuerbach). The citizen, or political man, wears a "lion skin"<sup>397</sup>, which makes him feel stronger and more politically potent than he is underneath. But it is not a snake skin, the metaphor Marx uses when he paraphrases Bauer's rigorist solution to emancipation, and which man can slough off by rejecting the illusions (political freedom, sovereignty or religious illusions in Bauer's case) that dominate him. The conclusion that Marx draws, which should be related to the conclusion of the previous section, is the need to push beyond the illusion of the political community. This

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<sup>395</sup> Althusser 2014, 256;

<sup>396</sup> We will return to the discussion of Althusser's conception of ideology in Chapter 6.

<sup>397</sup> Marx 2010, 154 [355].

was an aim, which the Jacobins attempted most radically, but with the wrong means as they themselves were victims of the illusion they tried to fight. Marx's alternative method will focus on meeting the contradictions at the height of their own operation, which will be discussed in 4.2.

There is however one remaining issue, which is Marx's identification of civil society with the political ideology of liberalism. This impacts decisively on how we can understand Marx as developing a more nuanced concept of ideology. Identifying civil society with the political ideology of liberalism appears at first dissonant with Marx's affirmation in the text that "the completion of the idealism of the state was at the same time the completion of the materialism of civil society"<sup>398</sup>. We need to note here that liberalism does not exhaust Marx's definition of civil society, which, he argues, consists of spiritual and material elements.<sup>399</sup> It is the spiritual elements that we call 'liberalism', the rights of man that bring about individualised self-interest. The material elements are specified throughout the text as private property, engaging in business, and in the second part, as huckstering, and wielding the power of money.<sup>400</sup> Marx utilises once again the concept of 'the everyday Jew' or 'the practical Jewish spirit' as a synecdoche, this time in order to deepen his description of the materiality of civil society,<sup>401</sup> which raises many of the same problems as those generated by Bauer's theoretical translation of his own anti-Judaic views.

This is not to say that Yoav Peled is wrong to emphasise that in both parts of the essay, "Marx's overall purpose" was "to demonstrate the absence of any difference between Jews and Christians which could justify denying Jews equal citizenship in the political state."<sup>402</sup> And in opposition to Bauer, Marx left the very German standpoint behind and realised that the French and American revolutions had achieved a structural dislocation of religion from the state into civil society and a political elevation of man over religion. Thus, Marx rejected Bauer's problem, which was not dissimilar to Rousseau's, where the latter argued for the need for a civil religion that could replace all particular religions, especially Catholicism, and thereby overcome the problem of having two heads,

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<sup>398</sup> Ibid., 166 [369].

<sup>399</sup> See *ibid.*, 166 [368].

<sup>400</sup> Ibid., 169-170 [372-373].

<sup>401</sup> Ibid., 169, 171 [372, 374].

<sup>402</sup> Peled 1992, 473; see also Draper 1977, 123-125.

God and the secular sovereign, to govern the people.<sup>403</sup> Marx especially criticised Bauer for having learned from Hegel “the art of changing real objective chains that exist outside me into mere ideal, mere subjective chains existing in me, and thus to change all exterior palpable struggles into pure struggles of thought.”<sup>404</sup> In Marx’s eyes, Judaism is not a subjective chain that each individual can cast aside once he subscribes himself to his generic humanity.<sup>405</sup>

Thereupon, Marx poses a different problem, namely the contradictory nature of the modern human condition that gives rise to religiosity everywhere, because it is a necessary compliment to the contradictory nature of modern man’s existence.<sup>406</sup> He at once makes religion into a material phenomenon and reduces it to a symptom of something else; it becomes the mechanism of real abstraction<sup>407</sup> that is given rise to by inner-societal contradictions and in turn fulfils a role of its own in reproducing that society. Only in that sense can we read phrases especially in the second part of ‘On the Jewish Question’, such as “the Jewish narrowness of society”, the need for society to “abolish the *empirical* essence of Judaism” or indeed the final sentence of the essay: “The *social* emancipation of the Jew is the *emancipation of society from Judaism*”.<sup>408</sup>

In all those claims, Judaism is seen no longer as a particular religion whose followers, the Jews, are an oppressed minority throughout Europe, struggling for political recognition. Instead, Judaism has become synonymous with any kind of religiosity that is the ‘waste-product’ and at the same time the material ‘architecture’ and spiritual ‘glue’ of the post-revolutionary, bourgeois, social form, which Marx wants to overcome by means of a social revolution.<sup>409</sup> Breckman criticises Marx in this regard in that he thereby “succumbs to a dubious ‘metaphoric identification of secular and theological phenomena’”.<sup>410</sup> This does

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<sup>403</sup> See Rousseau 2014a, 266–272 [287–313]. The page number in brackets always refers to the French/German edition, Rousseau 2010.

<sup>404</sup> Marx and Engels 1975, 111.

<sup>405</sup> Ibid., pp.117, 143–159.

<sup>406</sup> See Toscano 2010b, 10.

<sup>407</sup> I use the term ‘real abstraction’ here in the sense that Alberto Toscano uses it, namely as a process that is not reducible to conscious thought processes and the creation of concepts, but that goes on social life processes themselves. See Toscano 2014.

<sup>408</sup> Marx 2010, 174 [377].

<sup>409</sup> See also the corresponding passage in the ‘Introduction’: “This state, this society, produce religion, an inverted world consciousness, because they are an inverted world...the struggle against religion is, therefore, indirectly a struggle against that world whose spiritual aroma is religion.” (Marx 1975b, 244 [378])

<sup>410</sup> Breckman 1999, 294; as cited in Toscano 2010b, 24.

not just turn ‘theological questions into secular ones’, as Marx does in relation to Bauer’s problematisation; Marx is also criticised for having “metaphorically converted secular phenomena into theology”<sup>411</sup>. Breckman’s critique culminates in his ascription to Marx of the “last great act in the history of secularization”<sup>412</sup> instead of truly leaving it behind.

Secularizing zeal and hostility toward the intrusion of theology into human affairs lived on in his totalizing equation of social and political emancipation with human emancipation from all religious illusions.<sup>413</sup>

However, if we regard the material organisation of human affairs as giving rise to autonomous, religious phenomena,<sup>414</sup> then at least in this regard, we can redeem Marx from Breckman’s criticism by replacing his own terminology of ‘religiosity’ with ‘ideology’. We should further note – looking forward in Marx’s theoretical development – that his application of anti-Judaic imagery in relation to the material basis of civil society testifies first and foremost that his concept of materialism was not very far developed when he wrote ‘On the Jewish Question’. Marx had not reached a solid definition of the materialist basis of modern bourgeois society and its forms of ideological domination. This means that Marx at this point still fails to acknowledge that civil society is itself riven by contradictions, contradictions that penetrate the category of individual man based on his or her class position within the political economy<sup>415</sup> as he himself theorises later on, from *The German Ideology* over the *Grundrisse* to *Capital*.<sup>416</sup> Nevertheless, already in 1844, civil society has for Marx a material *and* spiritual existence that together make up its substance, which dominates the state, in the sense that it overdetermines its purpose, and gives rise to its own religiosity in the shape of republican ideology.

### **3.4 The relationship between Marx and Hegel implicit in ‘On the Jewish Question’**

We however cannot reach a complete understanding and assessment of Marx’s critique of the state and of civil society in ‘On the Jewish Question’ if we disregard the extent to which it is also a reworking of his critique of Hegel developed primarily in the ‘Critique’. We will

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<sup>411</sup> Breckman 1999, 295.

<sup>412</sup> Ibid.

<sup>413</sup> Ibid.

<sup>414</sup> See Toscano 2010b, 25.

<sup>415</sup> See Basso 2012, 63.

<sup>416</sup> See *ibid.*, 179–180.

therefore need to clarify their complex relationship in this final section of the chapter, before we move on to a comprehensive analysis of the continuities and breaks between the ‘Critique’ and ‘On the Jewish Question’ and Marx’s move from political to human emancipation in the context of the following chapter. But first, we need to assess the extent to which Marx’s supposition of a historical and political divide between state and civil society is based on an alignment with Hegel’s account. For this we will consider their respective critical positions especially regarding natural law and the political state. Our attention is thus aimed at the fracture lines between the Marx and Hegel that remain without explicit articulation in ‘On the Jewish Question’ but subtend Marx’s critique of political emancipation and his subsequent advocacy of the need for human emancipation.

### **3.4.1 On the French Revolution**

As we have seen, Marx argues that it was the historical achievement of the French Revolution as a ‘political revolution’ to constitute state and civil society [*Staat und bürgerliche Gesellschaft*] as two separate spheres, whereas the latter with its materialism dominates over the former’s idealism. Further, he contends that both, this separation and the hierarchical relationship, were not in any way unexpected outcomes of the revolution, because both, separation and hierarchy, were inscribed in the documents drafted by the revolutionaries themselves, specifically in the French Declarations, but also in the different versions of the American Bill of Rights. In his analysis, Marx merges his interpretation of the outcome of the French Revolution, its remaking of civil society as a depoliticised sphere that exists separate from the state, with his interpretation of the revolutionary documents, which for him unquestionably stand in a modern natural law tradition: the latter coincided with and perpetuates the empirical achievements of the former.

As Hegel’s theory of the modern state becomes the prime target of Marx’s criticism, it is essential to initially realise that Hegel’s theory and Marx’s critique are both based on a fundamental critique of the natural law tradition (as well as of its opposition by the German Historical School of Law) and also of the outcomes of the French Revolution. Hegel’s line of attack is twofold. On the one hand, he disagrees with the specific Enlightenment interpretation of natural law, which posits that which is rational, i.e. the

content of natural law, in absolute contradiction to everything that is; in other words, as something that thought could access independently from the rationality that is already embodied in the existing present.<sup>417</sup> When Hegel defines the task for speculative philosophy as “[t]o recognise reason as the rose in the cross of the present and thereby to delight in the present”<sup>418</sup> he directly rejects the concept of reason he sees incarnated in natural law, namely reason that turns against the present and merely gears itself towards an inexistent future. Whilst Hegel does not in turn advocate a mere justification of the present, i.e. of law as it exists, which he regards as the deeply problematic project of the Historical School of Law in relation to the Prussian state, he takes a third route. He argues for the possibility of speculatively rooting reason in the present, which in his view contains both the historical present as it appears (history) and History, history’s true rational incarnation, which it is philosophy’s task to help unearth and constitute.<sup>419</sup> Natural right, which we could according to Hegel also call philosophical right and which stands in opposition to the Historical School of Law’s rejection *and* to the Enlightenment interpretation of natural law, is to be based on the nature of the concept that is simultaneously rational and actual.

From this general critique follows Hegel’s ambiguous assessment of the French Revolution. On the one hand, very much in the spirit that Ritter ascribed to Hegel when he made him the philosopher of the revolution,<sup>420</sup> he lauds the revolutionary event as the first moment in history in which man tries to build the world based on his thought.

The thought, the concept of right asserted itself for the first time, and against it, the old system of injustice was powerless. In the thought of right there now arose a constitution, on whose foundation everything should be based from now on. For as long as the sun has stood in the firmament and planets have circled about it, this has not been seen, that man stands himself on his head, that is, on thought, and constructs actuality according to it. ... This was a magnificent sunrise...<sup>421</sup>

Just as Marx insists that, despite all his criticisms, the political revolution was “a big step forward” in the history of humanity,<sup>422</sup> Hegel fully embraces it as the moment where man finally tries to realise the philosophically sublated, Christian notion of freedom on earth.

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<sup>417</sup> See Hegel 2003, 15 [17–18].

<sup>418</sup> Ibid., 22 [26–27].

<sup>419</sup> See Binoche 1989, 88.

<sup>420</sup> See Ritter 1984.

<sup>421</sup> Hegel 2010, 529; my trans.

<sup>422</sup> Marx 2010, 155 [356]. See also Brown 1997, 107, where she emphasises Marx’s enthusiasm for political emancipation.

However, Hegel formulates concrete reservations as to the form that the revolution gave to freedom and it is to this critique that Ritter remains blind, when he reduces Hegel's philosophical endeavour to that of solving the problem of the *political realisation* of the freedom that the revolution had announced qua its natural law-based Declarations.<sup>423</sup> Instead, Hegel argues in the *Lectures on the Philosophy of History* that the Declarations only contain a formal principle of freedom.<sup>424</sup> Freedom and equality, he contends, in line with his critique of Enlightenment reason, are mere products of the abstract thought that understands itself to be opposed to everything speculative: abstract thought can only think in the categories of identity and contradiction.<sup>425</sup> It therefore perceives religion and any other concrete, historical content to be opposed to the autonomous application of pure reason; for Hegel, Kant is Germany's theoretician of abstract thought par excellence. As much as freedom and equality are products of this abstract thought, they necessarily have to remain abstract themselves, insufficient for any substantive realisation.<sup>426</sup> Hegel continues that the formality and abstraction of freedom is not only insufficient, but "they do not allow" any concrete organisation of substantive freedom to arise.<sup>427</sup> They stand in active opposition to a political realisation of freedom. Very close to Marx's critique and on a different basis from the liberal condemnations, Hegel criticises the Jacobin attempt to radicalise the revolution along these lines as 'terrorism of abstraction'<sup>428</sup>.

This limitation of the theoretical ground of the French Revolution gives rise to a more general problem for Hegel. On the basis of the abstract notions of freedom and equality in the Declarations, liberalism is given free reign to realise its own principle of freedom: the principle of atoms, of individual wills as the determination of the social bond.<sup>429</sup> Hegel expands on this problem in the *Philosophy of Right*:

If the state is represented as a unity of different persons, as a unity which is merely a community [of interests], this applies only to the determination of civil society. Many modern exponents of constitutional law have been unable to offer any view of the

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<sup>423</sup> See Ritter 1984, 47–48.

<sup>424</sup> See Hegel 2010, 525.

<sup>425</sup> See *ibid.*, 524.

<sup>426</sup> Hegel 1971, 237 [332].

<sup>427</sup> Hegel 2010, 534; my trans.

<sup>428</sup> Hegel 2003, 276–277 [400–401]; see also Binoche 1989, 92; Losurdo 2004a, 309–310.

<sup>429</sup> See Hegel 2010, 534.

state but this. In civil society, each individual is his own end, and all else means nothing to him.<sup>430</sup>

This means that Hegel – almost in diametrical opposition to Marx – argues that the Declarations as documents of modern natural law ultimately confuse the state with civil society due to the after-effects of classical natural law, instead of positing them as two radically different spheres, as Marx does in ‘On the Jewish Question’.<sup>431</sup> This view is also the foundation for Hegel’s critique of contractualism, especially of Rousseau’s social contract, which can serve as a critique of all post-contractual liberalisms in France and England that subordinate the state to civil society.

On the one hand, Hegel acknowledges what Rousseau had at length thematised before him, in the *Discourse on the Origins of Inequality*, *Emile*, and *The Social Contract*; the division between private man and public citizen as the constitutive challenge of modernity and modern man. And despite Hegel’s very pronounced criticism of Rousseau, namely that his general will was precisely not a universal will as Hegel understood it, they share the project that is commonly characterised as ‘republican’: they both try to find a means of reunification or, in Hegel’s case, mediation between particular and universal wills in view of the modern diremption of the two spheres of private and public life.<sup>432</sup> Breckman for example identifies the problematisation of this tension and the implicit aim “to liberate the citizenry from the narrowness of civil society through the creation of a genuine public life” a “classic republican theme”<sup>433</sup>.

For Rousseau, this project was driven by the realisation that a historical point had been reached where the state of nature [*l'état de nature*] was no longer conducive to the persistence of humanity and where natural freedom needed to be replaced by the creation of civil freedom [*liberté morale*].<sup>434</sup> For Rousseau that meant that man had left behind his primitive life, which was just as much governed by physical inequality as by natural equality. This was because primitive life had been devoid of the social bonds that placed men in relation to other men where they would have experienced their physical inequality as a lack. Modern man was in the process of becoming an intelligent being and a rational sovereign,

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<sup>430</sup> Hegel 2003, 220 [339] (§182).

<sup>431</sup> See Riedel 1975, 250–251.

<sup>432</sup> See Breuer 1983, 532.

<sup>433</sup> Breckman 1999, 236.

<sup>434</sup> Rousseau 2014a, 172 [31–33].

whose task was now to actively create equality within modern sociality by means of contract and right.<sup>435</sup> Rousseau therefore posits the need for a political body – the social contract – that subsumes the individuals and imparts a common, political existence: it “formerly took the name *city*, and now takes that of *republic* or of *body politic*.”<sup>436</sup> Within it, man exists as individual with his particular will *and* as citizen, embodying the general will, which makes the citizen as much into a sovereign – he is the source and the only source of the general will – as into a subject to the sovereignty of the state.<sup>437</sup> The state is then an artificial body, a work not of nature but of political art, whose flourishing depends on giving it the best possible constitution.<sup>438</sup>

I therefore call a republic any state ruled by laws, whatever the form of administration may be: for then alone does the public interest govern and does the commonwealth [*chose publique*] truly exist.<sup>439</sup>

Now, Hegel disagrees with Rousseau as to whether the social contract can really achieve a mediation between particular and universal will, which truly transcends the level of the particular. This is because, for Hegel, a contract is a form of mediation adequate to the sphere of abstract law and therefore a guardian of private interests,<sup>440</sup> but not to the sphere of the state. In Hegel’s view, the contract merely assembles singular ‘wills’ of individuals and their individual opinion into a ‘will of all’ in an arbitrary manner. It does not really matter for him that Rousseau explicitly states that the will of all is not the same as the general will<sup>441</sup> and that Rousseau spends large parts of the *Social Contract* outlining how the general will is to be created and secured against the influence of individual wills. The law with its different levels,<sup>442</sup> the prohibition of partial societies within the state, such as parties,<sup>443</sup> civil religion,<sup>444</sup> and education, are all means with which he tries to shield public affairs from the influence of private interests.<sup>445</sup> Whilst Hegel praises Rousseau for having

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<sup>435</sup> See *ibid.*, 176, 178 [45, 53].

<sup>436</sup> *Ibid.*, 173–174 [34–36].

<sup>437</sup> See *ibid.*, 174–175, 233 [39–41, 205].

<sup>438</sup> See *ibid.*, 173–174, 191, 231 [35, 87, 197].

<sup>439</sup> *Ibid.*, 189 [82–84].

<sup>440</sup> See Hegel’s delineation of the purpose of the contract in the sphere of abstract right and its limitations, where he also refers to Rousseau in the Addition, Hegel 2003, 1–5106 [157–159] (§75). See also *ibid.*, 279 [403] (§258, Addition).

<sup>441</sup> See Rousseau 2014a, 182–183 [63].

<sup>442</sup> See *ibid.*, 202–203, 210–211 [119–121, 139].

<sup>443</sup> See *ibid.*, 183, 245 [65, 233].

<sup>444</sup> See *ibid.*, 266–272 [297–313].

<sup>445</sup> *Ibid.*, 213 [147].

identified the rational ‘will’ as the principle of the modern state, he does not acknowledge his attempts at mediation.<sup>446</sup>

For this reason, Rousseau’s concept of the state is, in Hegel’s eyes, unable to realise the revolutionary promise and achieve substantive freedom, because it allows the atomism that reigns civil society to dominate the ultimate realisation of modern freedom.<sup>447</sup> The confusion of civil society with the state, which leads to the foundation of modern society based on liberal principles of freedom and equality in the natural law tradition, as contained in the Declarations of the French Revolution – is then the real collision, the knot or the problem of post-revolutionary history. From this viewpoint, Rousseau’s Republicanism is, whilst not to be conflated with the classical liberalism of the time, nevertheless a liberalism in disguise. Whilst the French Revolution was successful in destroying a state that was unable to realise freedom as consciously conceived by the spirit of the time, it did not manage to complete its second challenge, namely to find a new foundation for this new, modern freedom.<sup>448</sup> This is then the object of Hegel’s theory and his starting point for finding an alternative path for the realisation of substantive freedom.

Precisely from their diametrically opposed interpretation of natural law, Hegel and Marx nevertheless reach a certain agreement about this problematic outcome of the French Revolution. For both, the French Revolution has led to a form of community, in which civil society with its liberal principles of individual need and abstract freedom and equality, determines the social bond. This situation is for Hegel just as untenable as for Marx.

### **3.4.2 On ‘civil society’**

They also agree on another level, which concerns the empirical existence of civil society as a separate sphere, distinct from the state with the further diremption of man into social and political man as portrayed in ‘On the Jewish Question’. The explication of this agreement requires however a more differentiated argumentation because Marx has, especially in the ‘Critique’, often presented it as a point of fundamental disagreement between him and

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<sup>446</sup> See Hegel 2003, 277 [400–401] (§258). See also in the Encyclopaedia: “With regard to the theory of the state, Rousseau would have achieved something sounder if he had kept this distinction [of general will and will of all] in mind all the time.” (Hegel 1991, 241 (§163, Addition 1))

<sup>447</sup> See Binoche 1989, 89, 92.

<sup>448</sup> See Löwith 2011, 387.

Hegel, although I will try to show that his own presentation is already then pervaded by an oscillation between both sides. The problematic aspect is that in the ‘Critique’, Marx continually accuses Hegel of making the “real subject”, namely man, as he exists in the family and in civil society, into a mere phenomenon, a predicate of the subject,<sup>449</sup> which for Hegel is the self-conscious and willing spirit that takes the form of the state.<sup>450</sup> Marx argues:

If, for example, the analysis of the family, civil society and the state etc. leads us to regard these modes of man’s social existence as the realisation and objectification of his essence, then the family etc. will appear as qualities inhering in a subject. In that event man will remain the essence of all these realities, but these realities will also appear as man’s *real* universality and, therefore, as common to all men. If, on the other hand, the family, civil society and the state etc. are determinations of the Idea, of substance as subject, they must acquire an empirical reality and the mass of men in which the Idea of civil society is developed takes on the identity of ‘bourgeois’ [*Bürger*] of civil society, while that in which the Idea of the state is developed assumes the identity of citizens of the state.<sup>451</sup>

In Marx’s view of Hegel, whose method is described in the latter part of the citation, men are merely vessels in which the Idea will be inscribed, they do not exist in their own right. That means that the outcome and purpose of the imposition of the Idea is for Hegel to deny true universality to the individual. The split itself, including both its poles, becomes in this portrayal something Hegel posits merely as an Idea. We have here Marx’s utilisation of Feuerbach’s subject – predicate inversion thesis in a nutshell – and we will return to it for a more thorough explication in the next section.<sup>452</sup>

On the other hand, in the same text Marx acknowledges that for Hegel, the existence of civil society, as divided from its feudal, pre-revolutionary meaning, is undoubtedly real.

Summarising this definition we find that ‘*civil society* is the *class of private citizens*’, in other words the *class of private citizens* is the immediate, essential, concrete class of civil society. ... The new attribute thus acquired is a *particular* function; for its very character as a class of private citizens indicates its *antithesis* to political significance and efficacy, its absence of a political character: it expresses the idea that civil society is in and for itself *without* any political significance and efficacy.<sup>453</sup>

Subsequently, Marx only says that Hegel “proceeds from the assumption that ‘civil society’ is *separate* from the ‘*political state*’” in distinction from the fact that “this separation really does exist in the *modern state*”.<sup>454</sup> As he proceeds, he finally argues that Hegel’s idea of

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<sup>449</sup> See Marx 1975b, 63–65 [208–209].

<sup>450</sup> See *ibid.*, 72 [215]; amended trans.

<sup>451</sup> *Ibid.*, 99 [241]; amended trans.

<sup>452</sup> See Breckman 1999, 286.

<sup>453</sup> Marx 1975b, 141–142 [279]; see also Hegel 2003, 224–226 [343–345] (§187).

<sup>454</sup> Marx 1975b, 137 [275].

mediation between state and civil society and the different forms it takes is “just the idea of a *separation that actually exists*”.<sup>455</sup>

But if ‘being a member of a state’ is an ‘*abstraction*’ this is not the fault of thought, but of Hegel’s theory and the realities of the modern world, in which the separation of real life from political life is presupposed and political attributes are held to be ‘abstract’ determinations of the real member of the state.<sup>456</sup>

What Marx says here is an accusation that Hegel theoretically creates political abstractions that would otherwise not exist, an accusation that also contradicts what we believe to be Hegel’s view on the origin of political abstractions in 3.3.

Based on this critique, Marx denies that Hegel has an account of the real, specifically modern challenge of the separation between civil society and state because he interprets Hegel’s theory as the doomed attempt to ‘idealise it away’. Whereas in fact, Hegel would very much agree<sup>457</sup> with Marx’s assessment that the French Revolution was the final realisation of the conversion of political estates into merely private, individual, social differences, with no political significance that had already started under the absolute monarchy.<sup>458</sup> We might want to follow some strong defences of Hegel against this Marxian critique, made by commentators such as Manfred Riedel, Domenico Losurdo and Rose. We could then even go so far as to assert that Hegel, through his pronouncement of an irreversible split between ‘*status naturalis*’ and ‘*status civilis*’, following on from his critical interpretation of Rousseau and of the modern condition that he observed, broke with the entire preceding history of political philosophy; further, that he thereby affirmed the achievement of the emancipation of the state from civil society and vice versa without losing sight of the inherent contradictions and pitfalls that this split gave rise to.<sup>459</sup>

For Hegel, the political revolution had freed the pre-revolutionary Bürger, the *bourgeois*, from feudal political dependence and the general state of unfreedom, united him with man, and gave him the freedom of self-determination in the context of the already existing dependencies of civil society<sup>460</sup>: this was for him the new modern man or ‘*bourgeois*’.

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<sup>455</sup> Ibid., 146 [283].

<sup>456</sup> Ibid., 185 [321].

<sup>457</sup> See Behre 1997, 66; also Blechman and Breaugh 2011, xxvii.: “It is with Hegel, ..., that the concept of civil society shifts from the political to the economic, though preserving a political character...; on the other hand, Hegel historicises the concept of civil society: ‘civil society is bourgeois’. Civil society cannot be its own end.”

<sup>458</sup> See Marx 1975b, 147 [284–285].

<sup>459</sup> See Riedel 1975, 251–252, 262; Rose 2009, 85–89.

<sup>460</sup> See Riedel 1975, 257; also Hegel 2003, 228–229 [347–348] (§190).

“...the creation of civil society belongs to the modern world...”<sup>461</sup>

The question of what the political would become in relation to this new ‘man’ was for Hegel an open question, the question of philosophy as he defines it in the Preface to the *Philosophy of Right* – and the answer was for him not, as later for Marx, readily inscribed in the Declarations, neither negatively nor positively. But before Hegel even starts to conceptualise the political sphere in relation to the negative, disemancipatory tendencies of civil society and in relation to the positive aim of realising substantive freedom, he asserts what he understands to be the prime achievement of the political revolution as a universal of modernity: the individuation [Vereinzelung] of man within civil society. The right to particularity of the subject, or the right of subjective freedom, which was pronounced in Christianity, has become the real principle of the new form of the world,<sup>462</sup> and the principle of civil society where it is sublated into universality (if only, as we discussed already in the previous chapter, as an abstract universality).<sup>463</sup> It is the new historical ground for the development of the ethical totality [*totale Sittlichkeit*], which stands against any invocation of a state of nature. When Hegel affirms in relation to the ‘Jewish question’ that man is a universal person, because he is man, then, again, that universality is still abstract.<sup>464</sup> But, as Binoche points out, the individual is not merely the empirical individual with an abstract and indeterminate universality, as in the liberal interpretation of natural right, (e.g. in B. Constant), but he is also Jewish, Catholic, Protestant etc. The man of civil society is a determinate or concrete universal that as such enters into Hegel’s processes of mediation.<sup>465</sup>

Implied in this valuation of the particularity of man of civil society is a rejection of Rousseau’s concept of ‘alienation totale’. Rousseau believes in the possibility of creating “*the total alienation* of each associate [citizen] with all his rights to the whole community”<sup>466</sup>. For Rousseau it is thus possible to reconcile the citizen with the individual and his private interests, precisely because sovereignty is popular sovereignty.<sup>467</sup> But for Hegel this concept of Rousseau’s contract implies the return to a pre-revolutionary, pre-modern state, which

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<sup>461</sup> Hegel 2003, 220 [339] (§182, Addition).

<sup>462</sup> See *ibid.*, 151–153 [232–234] (§124); also Fine 2001, 7.

<sup>463</sup> See Hegel 2003, 222–223 [341–342] (§185).

<sup>464</sup> See *ibid.*, 239–240 [360–361] (§208–209).

<sup>465</sup> See Binoche 1989, 94.

<sup>466</sup> Rousseau 2014a, 172–173, see also 175 [33, 41–43].

<sup>467</sup> See *ibid.*, 239 [221].

for Hegel lacks the particularly modern promise of freedom. Löwith summarises Hegel's rejection of any too close association with the Greek polis on the one hand, and with natural law theory on the other, as follows: "The State of civil society is not a polis, and the man of this state is not a "zoon politikon" qua nature"<sup>468</sup>. I explored this disagreement between Hegel and Rousseau because in 'On the Jewish Question' Marx seems to conflate Hegel and Rousseau when he portrays the Rousseauian total alienation as the typically modern abstraction of political man,<sup>469</sup> a judgement that in Marx's text encompasses Hegel as the prime theoretician of this modern abstraction. As with Bauer earlier, Marx's conflation leads to the unresolved issue that the specificity of the Hegelian strong state gets lost when treated in one with Rousseau, even though confronting it on its own terms would have been needed.<sup>470</sup>

For Hegel, the achievement of political emancipation is precisely not the Rousseauian taking away of man's "own powers" in order to replace them with "alien powers" that then bind man directly to a larger whole in the sense of a fundamental political alienation. Instead, the political revolution has divided the bourgeois from the political sphere precisely because in the modern civil society, man is already constituted simultaneously by natural and spiritual needs, by outer and inner arbitrariness, by himself and by his relation with and his dependence on others.<sup>471</sup> Whilst Hegel agrees with Marx that political emancipation has failed to achieve substantive or concrete freedom once and for all, and that civil society is by itself unable to achieve it, Hegel perceives the modern constitution of civil society as the ground that makes its achievement possible and which therefore requires protection against its self-destructive tendencies. It is against this background that Hegel calls civil society also "the external state, the state of necessity and of the understanding": it is a system of "all-around interdependence",<sup>472</sup> where the selfish need of the individual is interwoven with the subsistence, well-being and the right of all, prior to any involvement of a political rationale. Marx's reference to Hegel's state of

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<sup>468</sup> See Löwith 2011, 381; Behre 2004, 119.

<sup>469</sup> See Marx 2010, 167 [370].

<sup>470</sup> Unfortunately, Marx postpones his comments on the Addition to §270 on the relation between church and state, as he tells us in the manuscript; but as far as I know, they don't exist as the manuscript remained unfinished. See Marx 1975b, 70 [214].

<sup>471</sup> Hegel 2003, 230–231 [350] (§194).

<sup>472</sup> Ibid., 221 [340] (§183).

necessity and understanding in relation to the Declaration's article on individual security in 'On the Jewish Question'<sup>473</sup>, which Marx regards as the epitome of the Declarations' effort to create the bourgeois as a possessive individual, is in that sense misleading. The protection of the individual in the Declaration refers, at least after directly confronting the natural law tradition with Hegel's account, to the abstract individual. However, Hegel's individual is the determined universal that already exists only in relation to other men, i.e. whose freedom, even in the sphere of civil society, is different from the abstract freedom of modern natural law.

### **3.4.3 On the political state**

It is only in light of a deeper 'disagreement' between Marx and Hegel vis-à-vis the natural law tradition and its pertinence to the interpretation of the French Revolution that we can fully judge Marx's critique of Hegel's notion of civil society. This disagreement is about the nature, function and existence of the state and its relation to civil society, in its constitutive moment as well as more generally. For Marx, as we previously saw, the Declarations posited the *problem* of the modern social constitution as it was realised by the French Revolution (separation and domination of civil society), but it did not contain even the slightest hint for its solution or overcoming, because, in Marx's view, it was wedded to the "hitherto existing world order"<sup>474</sup>. For Hegel, who is just as critical of the unconstrained reign of the liberal abstractions that are manifest in the modern civil society, the Declarations did not capture this specifically modern challenge, and in that sense the solution was not contained within them either. But, even though Hegel criticises the fundamental categories of the natural law tradition, he continues its attempt to comprehend and rationally justify a modern state.<sup>475</sup> In this sense, Hegel continues Rousseau's project despite his critique of Rousseau's conception of the state as contract. Hegel explicitly acknowledges Rousseau's achievement in this regard:

As far as the search for this concept [the philosophical concept of the state] is concerned, it was the achievement of Rousseau to put forward the will as the

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<sup>473</sup> Marx 2010, 163 [366].

<sup>474</sup> Ibid., 155 [356].

<sup>475</sup> See Bobbio 1975, 86; also 81: Bobbio calls it dissolution and accomplishment of natural law theory. See also Losurdo 2004a, 235–236.

principle of the state, a principle which has thought not only as its form (...) but also as its content, and which is in fact thinking itself.<sup>476</sup>

Regarding his subsequent critique of Rousseau and more generally of natural law, the problem for Hegel is the *lack* of a theory of the state as a distinct, and yet immanently necessary entity in relation to civil society, which, as rational state, is able to mediate the abstract universality of civil society in order to achieve ethical life [*Sittlichkeit*] – an aim that tries to circumvent a liberal as well as a counterrevolutionary solution.<sup>477</sup>

For Hegel, such a concept of the state would neither claim to be able to re-unite with civil society, which Hegel regards as problematic in Rousseau's account, nor to remain entirely external to civil society, which would make it into a formal abstraction, as it is the case with Kant. The fundamental characteristic of Hegel's concept of the state, which also forms the building block of Marx's critique in the 'Critique' and in 'On the Jewish Question' is that the Hegelian state as the whole comes before its parts.<sup>478</sup> Hegel develops and justifies it as follows:

Civil society is the [state of] difference [*Differenz*], which intervenes between the family and the state, even if its full development [*Ausbildung*] occurs later than that of the state; for as difference, it presupposes the state, which it must have before it as a self-sufficient entity in order to subsist [*bestehen*] itself.<sup>479</sup>

This development of real ethical life through the division of civil society and on to the state, which is shown to be its [civil society's] true ground... Since, in the course of the development of the scientific concept, the state appears as result, in that it turns out to be the true ground, the mediation and semblance already referred to are likewise superseded by immediacy. In actuality, therefore, the state in general is in fact the primary factor; only within the state does the family first develop into civil society, and it is the idea of the state itself, which divides into these two moments.<sup>480</sup>

This argument contains a historical as much as a philosophical claim – claims that for Hegel are both intertwined in the speculative concept. The historical claim is that Hegel, similarly to Marx, perceives the constitutional monarchy in France as the precondition for the development of modern civil society. That means he understands it to have helped to propel the development of political estates into the apolitical civil society without truly conforming to the concept of the state, to its Idea. The whole as concept comes before its parts, because the parts and their individual interests are unable to form anything other

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<sup>476</sup> Hegel 2003, 277 [400] (§258).

<sup>477</sup> See Binoche 1989, 93.

<sup>478</sup> See Bobbio 1975, 87.

<sup>479</sup> Hegel 2003, 220 [339] (§182, Addition).

<sup>480</sup> *Ibid.*, 273–274 [397–398] (§256); amended trans.

than an arbitrary “communality or totality”. On the other hand, the state, if it came after its parts, could exist in relation to them merely as an external abstract universality.<sup>481</sup> Only the state that exists historically and logically prior to its parts can be external necessity and immanent end at the same time. It is external necessity in as far as the well-being and private law of the bourgeois are dependent on the constitution, on being ensured as rights by the state; these rights imply of course the bourgeois’ duty towards the substantial, or, in other words, the subordination of his private interests under the universal. It is an immanent end as opposed to an external moral end, because duty and right, universal and particular will, necessity (in the name of substantive freedom) and freedom (in the name of the freedom of individuality, of the inner life of the bourgeois) become one in the speculative organic totality of the state. That means that my particular will is not suppressed by the universal, I do not, as we saw in Bauer, have to renounce it in the name of universal freedom, but it is harmonised with the universal, because the state’s concept of substantive freedom ensures the realisation of my particular will, whilst I acknowledge the goal of the state, “the universal cause” as my own cause.<sup>482</sup> This harmonisation is not seen by Hegel as once and for all realisable by the true state. The speculative concept of the rational state exists before its parts and yet in a complex differentiated organic totality of separate but complementary spheres that implies a multileveled stratification of right: person (abstract law), subject (morality), individual and state (ethical life) are all mediated with each other without either sphere being suppressed.

The state comes before its parts in yet another way. The ideal state form that Hegel envisions for this endeavour generally splits into the legislative and the executive whilst the crown, in the form of the constitutional monarchy unites the different powers within it.<sup>483</sup> Whereas readers have often taken this to justify the pre-revolutionary constitutional monarchies in France and Germany, Hegel does not give purely historical, but conceptual reasons for his definition, which we are interested in primarily from the negative perspective of what he tries to avoid. He starts the debate by affirming that the general issue as to which form is superior to another, monarchy or democracy, is somewhat a moot

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<sup>481</sup> See *ibid.*, 47–48 [75] (§24).

<sup>482</sup> See *ibid.*, 283–285 [407–410] (§261).

<sup>483</sup> See *ibid.*, 308–312 [435–440] (§273).

point, because “all forms of government are one-sided, and are unable to sustain within themselves the principle of free subjectivity (*the* principle of the modern world) or to conform to fully developed [*ausgebildet*] reason”<sup>484</sup>. Despite this general problem, Hegel’s prime goal is to mediate between particularity and universality in order to avoid by all means the arbitrary rule of particular wills, in other words, liberal individualism. That translates for Hegel directly into his mistrust and rejection of the democratic element as constitutional form.

The idea 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 highest concrete universality, involves separating civil and political life from each other and leaves political life hanging...in the air; for its basis is then merely the abstract individuality of arbitrary will and opinion, and is thus grounded only on contingency rather than on a foundation which is stable and legitimate [*berechtigt*] in and for itself.<sup>485</sup>

Democracy, giving the sovereignty over to the people who are nothing but an inorganic assemblage, a mass of irrational individuals that constitute civil society – the object of critique of both Marx and Hegel, but in very different ways – would reduce the rational state to a mere government.<sup>486</sup>

Without its monarch and that articulation of the whole, which is necessarily and immediately associated with monarchy, the people is a formless mass. ... It is only when moments such as these which refer to an organisation, to political life, emerge in a people that it ceases to be that indeterminate abstraction with the purely general idea of the people denotes.<sup>487</sup>

This “purely general idea of the people” occurs for Hegel in theories of popular sovereignty that are often referred to as ‘republic’ – an unsubtle dig at Rousseau. The democratic element in general lacks a rational form, because it allows everyone, purely by being a member of the state, to participate in the universal concerns of all, and this corrupts the state organism as a whole.<sup>488</sup>

Marx’s critique of this understanding of the state plays only a marginal role in ‘On the Jewish Question’ and is far more pronounced in the ‘Critique’. In the former, he fits it into what we could call a sideswipe against Hegel. When referring to Hegel’s definition of

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<sup>484</sup> Ibid., 312 [440] (§273, Addition); amended trans.

<sup>485</sup> Ibid., 344 [474] (§303).

<sup>486</sup> See Binoche 1989, 90.

<sup>487</sup> Hegel 2003, 319 [474] (§279).

<sup>488</sup> See *ibid.*, 346–348 [476–478] (§308).

the the state as universality of thought that exists “only above the particular churches”<sup>489</sup>, he sarcastically concludes:

Of course! Only in this way, *above* the *particular* elements, does the state constitute itself as universality [*Allgemeinheit*].<sup>490</sup>

We can understand this statement as referring back to the criticism that Marx spelled out in the ‘Critique’. There he firstly objects to Hegel that his state as simultaneous external necessity and immanent purpose of civil society and its particularities can only be thought as a single concept because Hegel reduces both, state and civil society, to logical entities of the Idea, that are neither given by historical-empirical reality, nor is their resolution qua mediation therefore conditioned by historical possibilities. The resolution process of the two contradictory dimensions happens for Marx entirely in the realm of the Idea, which he equates with idealism tout court. To posit the state as “the actuality of the ethical Idea”<sup>491</sup>, as ethical spirit whose essence is substantial freedom, is for Marx not only the false subjectivisation of the Idea, it also implies the reduction of real man – the individual, the bourgeois – into a predicate of the Idea. This deprives him of his reality, and accordingly, of his political effectiveness. Thus, Marx argues in response to Hegel’s justification of the monarch:

If Hegel had begun by positing real subjects as the basis of the state he would not have found it necessary to subjectivise the state in a mystical way [namely by installing a hereditary monarchy at its top]. ... Because Hegel starts not with an actual existent but with predicates of universal determination, and because a vehicle of these determinations must exist, the mystical Idea becomes that vehicle.<sup>492</sup>

That means that Marx reproaches Hegel for his ahistorical – idealist and mysticist – conception of the “dualism” and its resolution, which solves the problem of a liberal determination of the social bond of modern society far away from and against social reality with its abstract and imaginary subject of the state. This finds its most concrete embodiment in the figure of the person of the monarch.<sup>493</sup> For Marx, the relationship between state and civil society instead remains an “unresolved antinomy”<sup>494</sup>.

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<sup>489</sup> Marx 2010, 153 [354].

<sup>490</sup> Ibid., 153 [354]; amended trans.

<sup>491</sup> Hegel 2003, 275 [398] (§257). Marx’s commentary on this first paragraph of the “State” chapter is unfortunately missing.

<sup>492</sup> Marx 1975b, 80 [224].

<sup>493</sup> See *ibid.*, 192 [327]; also Breckman 1999, 286.

<sup>494</sup> Marx 1975b, 60 [204].

As we discussed earlier, Marx's criticism in the 'Critique' is not at all unproblematic, especially in light of the speculative nature of the concept in Hegel. Gillian Rose argues uncompromisingly that Marx's accusation of Hegel – which is in form very close to the criticism Feuerbach pronounces in the 'Preliminary Theses'<sup>495</sup> regarding Hegel's logic – namely that he mistakes the real subject, real men, for the predicate, is based on a misunderstanding on Marx's part of the speculative nature of the concept of the state itself. She argues that a speculative proposition, as Hegel advances, does precisely not allow for a mere "formal identity", i.e. it is to mistake something (the concrete) for something else (the abstract), whilst it really is the other, because they do not stand in a formal opposition to each other to begin with.<sup>496</sup> And specifically in the *Philosophy of Right*, "the derivations in th[e] text undermined the dominance of the concept"<sup>497</sup>. Marx's logic of inversion on which he bases his critique of Hegel, turns out to result in two limiting understandings on Marx's part that are often portrayed as directly impacting on his conceptualisation of emancipation. On the one hand, his understanding of Hegel's overall project is supposed to be blocked by framing it as a problem of inversion<sup>498</sup> and secondly, Marx's own inversion of the inversion supposedly remains limited by the natural law tradition that Hegel seeks to exit with his concept of the rational state. But is that indeed the case?

Marx and Hegel are both critics of the dominant models of political representation, whilst their starting points and their solutions fundamentally differ. Hegel's critique is aimed at the liberal and republican illusion that believes the representative government to realise the 'will of all', i.e. the real will of the people.<sup>499</sup> This, in Hegel's eyes, is not only a lie but also a misunderstanding of the function and power of the state in relation to civil society. For Hegel, civil society is one element that needs to be represented within the state besides other elements in order to ensure the rational quest for ethical life. Against that

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<sup>495</sup> In 'The Preliminary Theses on the Reform of Philosophy', Feuerbach accuses Hegel's speculative philosophy of maintaining 'theology' in the form of consciousness as divine essence as its secret truth. Because this consciousness is "only an idea without reality", i.e. distinct from real consciousness, Feuerbach posits that "[w]e need only turn the predicate into the subject and thus as subject into object and principle – that is, only reverse speculative philosophy" (Feuerbach 2013, 154).

<sup>496</sup> See Rose 2009, 52–53.

<sup>497</sup> Ibid., 89.

<sup>498</sup> Hyppolite affirms: "Marx's entire critique of Hegelian idealism is contained in the reversal of its inverted conception of the state." (Hyppolite 1969, 112).

<sup>499</sup> See Fine 2001, 65.

background, he neither regards it as helpful to fall prey to the illusion that this representation could really encompass the will of ‘all’, as it will never hold more than “the many as single individuals”<sup>500</sup>, nor will it follow the republican critique of representation à la Rousseau, which opposes the people and their will - popular sovereignty – to the executive, seen as the oppressive institution. The latter misunderstands the need to “respect *and* despise” popular opinion,<sup>501</sup> which is an expression of Hegel’s cautiousness vis-à-vis idealising one element of the state – here the legislature and the people – as rational in and of itself above the others. He is concerned that such an idealisation will lead to destruction, as it is only the interaction of all elements as the necessary and immanent building blocks of the organic whole, that produces rational knowledge able to realise ethical totality.<sup>502</sup>

Marx’s critique of representation instead focuses on the ways that Hegel tries to achieve mediation between state and civil society without taking the needs and desires of the people as his starting point. Marx develops this angle of his critique by discussing the specific forms of mediation that Hegel advocates. These are the prince, hereditary monarchy in the Crown, bureaucracy<sup>503</sup> in the executive and constitution based on Estates,<sup>504</sup> prolongation of primogeniture, and rejection of universal suffrage as the democratic element in the legislature. Without being able to go into too much detail at this point, Marx concludes that by either being too anarchic<sup>505</sup> or by taking the modern condition too much as a given (as e.g. private property in the institution of primogeniture),<sup>506</sup> these forms of mediation end up fixing or covering up the persistence of the contradiction of universality and particularity.<sup>507</sup>

Marx then rejects the Hegelian state because it remains uncritical towards the contemporary post-revolutionary situation, in that it does not and cannot achieve the mediation between particular and universal that it promises. But the reason for this is not

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<sup>500</sup> Hegel 2003, 344 [473] (§303).

<sup>501</sup> Ibid., 355 [485]; my italics.

<sup>502</sup> See Fine 2001, 66.

<sup>503</sup> See Marx 1975b, 111 [251–252], and Hyppolite’s criticism for a more detailed exegesis, Hyppolite 1969, pp.119.

<sup>504</sup> Hegel 2003, 339 [468] (§300).

<sup>505</sup> See Marx 1975b, 163 [300].

<sup>506</sup> See *ibid.*, 169–171 [305–308].

<sup>507</sup> See *ibid.*, 151 [288].

reducible to the failure of any single element of mediation that Hegel presupposes as part of his theory within the executive and the legislature, and which Marx thoroughly deconstructs in the largest part of the ‘Critique’. Instead, the source of the problem lies, as becomes obvious in ‘On the Jewish Question’ in case one remained doubtful in the ‘Critique’, with the underlying “idealism of the state” as such. But, against Rose’s and others all-encompassing criticism, I want to insist that it matters hugely how we understand what Marx means by this “idealism” in both texts in order to grasp the gap between them, even though they both undoubtedly express a fundamental disagreement with Hegel’s concept of the state.

Marx critiques Hegel’s forms of mediation as failing to realise what he argues they do, namely to overcome the arbitrary rule of the materialism of civil society. This critique is problematic in so far as it is always already based on the more abstract critique of the concept of the state as idealist. However, we should not overlook the fact that Marx’s text contains both those levels of critique. And, despite Rose’s criticism, any re-valuation of Hegel’s speculative concept of the state certainly needs to take the potential and historically manifested failure of his means of mediation seriously, which includes his solution for Jewish emancipation. Otherwise there is every reason to worry that the Hegelian state might end up manifesting “the religion of private property” in the name of “the reality of the ethical idea”.<sup>508</sup> Bloch comes to precisely this conclusion, when he contrasts Hegel’s general dialectical method, which he understands, just as does Rose, as positing a speculative non-identity between the rational and the actual, with his theory of the state. The latter for Bloch “turns dialectic into a movement in a closed house and leaves it standing still in the domain of law”, because it is so preoccupied with stabilising the rational away from possible interferences by the demos.<sup>509</sup> But this Blochian criticism is, as shown in Chapter Two, much closer to Bauer’s problematisation of the Hegelian state, than it is to the critique that Marx develops in ‘On the Jewish Question’, as we are about to explicate.

There is no doubt anymore about Marx’s account of the modern state’s emergence.

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<sup>508</sup> Ibid., 171 [307] (concerning §257 and §268).

<sup>509</sup> See Bloch 1996, 125.

The abstraction of the *state as such* was not born until the modern world because the abstraction of private life was not created until modern times. The abstraction of the *political state* is a modern product.<sup>510</sup>

The *establishment of the political state* and the dissolution of civil society into independent individuals...is accomplished by *one and the same act*.<sup>511</sup>

Not only do the modern state and civil society emerge together, but the abstraction of the state as such, or of the political state, implies for Marx also a coincidence between the modern state, born in the political revolution, and Hegel's *Philosophy of Right*: one is its practical, the other its theoretical birthplace. Whilst this supposition remains rather implicit in the few references to Hegel in 'On the Jewish Question', Marx explicates it at two places in the 'Critique':

In the modern state, as in Hegel's *Philosophy of Right*,...<sup>512</sup>

This *uncritical mysticism* is the key both to the riddle of modern constitutions (especially constitutions based on Estates) and also to the mystery of the Hegelian philosophy, above all the *Philosophy of Right* and the *Philosophy of Religion*.<sup>513</sup>

By affirming this double coincidence, Marx does not only set himself up with the theoretical tool which will allow him, if negatively, to grasp the contemporary social form. He also introduces the most fundamental problem that he has with the modern social form *and* with Hegel's philosophy and which, we could say, justifies his parallel treatment retroactively, into a more precise view. In turn this means that once his analysis of either part of this equation changes, the other changes too.

As we already discussed in 3.3, in 'On the Jewish Question' Marx rejects the state as exercising just another form of external, 'religious domination', because it only formally represents universal interest, while the 'real' interests are without political significance, suppressed and due to perish. This was as a result of the ideology that makes individuals believe the separation to have been overcome despite such an overcoming being impossible in Marx's eyes. Based on his conflation of the modern political state born in the revolution, and Hegel's theory of the state, Marx rejects both in one theoretical stroke: the effect of Hegel's theory is just as enslaving to the conditions of everyday life in civil society as are the effects of the really existing political state. Marx defends this conflation even

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<sup>510</sup> Marx 1975b, 90 [233].

<sup>511</sup> Marx 2010, 167 [369].

<sup>512</sup> Marx 1975b, 127 [266].

<sup>513</sup> *Ibid.*, 149 [287].

though he agrees with Hegel on the failure of the French Revolution to institute ‘human emancipation’ or ‘concrete freedom’ and on the reality of depoliticised civil society with its modern individualised subjects. But Hegel’s theory of mediation is no less ideological than the political state as the revolutionaries founded it, because ultimately, both take civil society – “the world of needs, labour, private interests, civil law” – as their basis of existence, “as a precondition not requiring further substantiation and therefore as its natural basis”,<sup>514</sup> whilst misunderstanding its material effects.

Whilst this is not unconditionally true for Hegel, he does indeed defend civil society, as we saw above, as an achievement of modern freedom that he wants to protect, without allowing it to become the sole ground for the state, i.e. he aims to correct and limit its impact. Marx does not acknowledge this difference, because, for him, the very fact that civil society is allowed to remain unchanged in Hegel’s, or any other possible theory of mediation, is enough for him to reject it.<sup>515</sup> We can thus conclude this section by first of all confirming that Marx persists in his conviction that Hegel’s strong ethical state cannot achieve the successful mediation as Hegel envisions it. It is however, and importantly, Marx’s analysis of why the Hegelian mediation necessarily fails, that changes. Only in ‘On the Jewish Question’ does it become clear that it is Hegel’s implicit acceptance of the social bond of civil society based on the modern, split man, and his liberal, hyper-individualised existence, that Marx primarily objects to in Hegel’s concept of the state. This is the reason why the social form as a whole necessarily, we could also say ‘structurally’, resists transformation qua mediation, because the state is premised on the material and spiritual logic of civil society whilst it is supposed to overcome it. That analysis however does not so much amount to a Bauerian and Blochian critique of the state as bringing the dialectic to a standstill, but it instead identifies one of the dialectic’s presuppositions as overdetermining its possible outcomes.

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<sup>514</sup> Marx 2010, 167 [369].

<sup>515</sup> See Behre 1997, 67. This changes slightly in the ‘Introduction’ (see Marx 1975b, 249–251 [383–385]) where Marx refers separately to the ideal state of the theory and the present conditions.

### 3.4.4 *On right*

Before we can enter into the details of Marx's positive theory of transcending the separated unity of state and civil society as a means to overcome the atomistic and egoistic existence of the 'bourgeois' that the political revolutions with their Declarations instituted as the hegemonic form of human existence, we need to pay attention to the implications of Marx's critique of right in this context. Marx does not only posit the co-constitution of the political state and the autonomous individuals of civil society, but, as previously shown, he includes a critique of what he regards as the new basis for their relation: law (analogous to privilege under feudalism).<sup>516</sup> Law only became a necessary tool of mediation between state and civil society due to the scission that was 'accomplished by one and the same act', the political revolution. More specifically, in the form of the rights of man, or human rights – which is the sole angle on law that Marx takes in 'On the Jewish Question' - it helped to proclaim the generalisation of human life into bourgeois, individualised life. As Marx rejects the state because it allows civil society to persist in a separate sphere, as the 'untruth' of man,<sup>517</sup> the only reasonable conclusion can be to include right into this criticism.<sup>518</sup> Because after all, to understand modern political ideology means to understand that the rights of man (as natural rights) ended up constituting and helping to secure the modern bourgeois, "man-as-property-owner", and his private existence, separate from his public, political existence; they were revolutionary acts, but of the bourgeois revolution.<sup>519</sup> Like the political state, right in general, in its very form, is a precondition and product of the separation that in the name of overcoming the separation once and for all, needs to be abolished, if the modern human condition –the product of this separation– is supposed to be truly revolutionised. Bloch captures Marx's insight very accurately:

[A]ll peoples only have and achieve the sort and degree of revolution that they are ready for on the basis of the human rights they have acquired and preserved.<sup>520</sup>

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<sup>516</sup> See Marx 2010, 166-167 [369].

<sup>517</sup> Calling civil society 'untruth' is clearly a critique of Hegel's 'true, rational state'; it does not imply that Marx denies civil society its actuality.

<sup>518</sup> See Binoche 1989, 110.

<sup>519</sup> See Kouvelakis 2005, 709; also Brown 1997, 101. And this critique is not reducible, as I have argued in 3.2., to a critique of the formalism of rights, or its limitation to property owners or the ruling classes, as many interpreters, e.g. Rancière in 'Who is the Subject of Human Rights?' understand it (see Rancière 2004, 297). We will return to this critique in 6.1.

<sup>520</sup> Bloch 1996, 65.

Marx's rejection of human rights is a radical step that encountered much resistance from interpreters of 'On the Jewish Question', as for example formulated by Claude Lefort, who cannot accept that Marx thereby denies rights in general, and human rights more specifically, a political value that could be utilised for human collectivisation *against* authoritarian or totalitarian state systems.<sup>521</sup> We will return to this specific objection in detail in 6.1, because of its conjunctural specificities. But it should be stated here that Marx definitively discusses the problem of right in the context of the 'state as such' in which the social-material basis functions in harmony with the rights of man, and not in opposition to it, as it was the case with the totalitarian state that led to the atrocities of the 20<sup>th</sup> century.

But apart from that difference, Lefort's and others' criticisms nevertheless cause us to ask the more general question whether Marx does indeed say that right and rights are without political value or impact? Not really. In so far as rights are a fundamental part of the achievements of the political revolution, they constitute, just as the political state does, progress regarding the alleviation of man's oppression within the context of the existing world order.<sup>522</sup> With regard to Kouvelakis' contemporary reinterpretation of this question in the context of social citizenship and to Hegel's earlier attempt to bridge the political – economic divide with material rights or what we would today call social rights, it is clear that it would not make sense on Marx's part to deny them political effectivity.

When Losurdo defends Hegel's state against Marx's critique, he focuses precisely on this point. Losurdo ascribes to Hegel a sensitivity for potential conflicts of freedom that can arise between the need for emancipation from the state as Marx has formulated it, and a need for emancipation within the sphere of civil society, for which one chooses the struggle against the hegemonic classes by appealing to the state for protection or emancipation through the granting of rights.<sup>523</sup> Losurdo argues that this conflict cannot simply be theoretically solved or rejected as a conflict between substantial and formal, or positive and negative freedom, a conflict in which one can easily pick sides, but that historical situations are more messy and that different solutions appear to be radical and

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<sup>521</sup>See Lefort 1986, 241; see also Chapter 5.1. for a more detailed analysis of his critique in the context of Balibar's re-interpretation of the Declaration.

<sup>522</sup> See Marx 2010, 155 [356]; also Bloch 1996, 123.

<sup>523</sup> See Losurdo 2004b, sec. 5.

effective in different situations.<sup>524</sup> Both demands for freedom are in Losurdo's eyes legitimate. That Hegel has fundamentally understood this, is according to Losurdo visible in his conception of the state, but more specifically, of right, namely of his notions of material rights and of "the right of extreme need"<sup>525</sup>: they allow the political dimension of the state to 'spill over' into the workings of civil society. Hegel understands that the state's task to guarantee inalienable rights to every citizen implies the insurance of their material content without entering into a sphere that is supposedly purely governed by individual needs, private law, contracts and the police.

Thus, even before Marx, Losurdo argues,

Hegel had the merit of justifying the existence of inalienable "material rights" (Berliner Schriften., 488): he highlighted the fact that, if pushed to a certain level, inequality annihilates even freedom itself, concrete freedom. A situation of extreme need "attacks the whole scope of the realization of freedom" (v.Rph., Iv, 342), it results in a "total lack of rights" (Rph., § 127).<sup>526</sup>

It is in this sense that Hegel addresses the social question, acknowledging that it can only be solved when economic and political questions are understood to overlap and influence each other, as is the case with economic inequalities between the working class and the owners of riches, the extent to which they lead to the creation of the rabble as a social underclass, and the need for redistribution.<sup>527</sup> Hegel did understand that violence was inherent to the social relations of civil society, i.e. "in the property relation, and in the absolutisation of the right to property"<sup>528</sup>, and that the unlimited reign of need would undoubtedly lead to increasing dependency, poverty and growing inequality.<sup>529</sup> His attempt was to counteract it by instituting material rights that allowed the state to intervene in the name of every individual's 'right to live'.<sup>530</sup>

Kouvelakis implicitly validates Hegel's justification of material or social rights, when he shows that, historically, the extension of citizenship through those social rights, ensuring the endurance of the community and its members *against* the primacy of private

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<sup>524</sup> The example Losurdo gives is the struggle against slavery during the American Civil War and Lincoln's "Jacobin methods".

<sup>525</sup> Hegel 2003, 154–155 [239–240] (§127).

<sup>526</sup> Losurdo 2004a, 115.

<sup>527</sup> See *ibid.*, 266–267 [389–391] (§243–245); Losurdo 2004a, 69; and also Moggach 2006, 118, who argues that it is in this respect that Hegel's theory of the state is compatible with "republican institutions and beliefs".

<sup>528</sup> Losurdo 2004a, 179.

<sup>529</sup> See Hegel 2003, 231, 233–234 [350–351, 353–354] (§195, §200).

<sup>530</sup> See Losurdo 2004b, sec. 4.

property, has not only become the prevalent form of our contemporary Western welfare states, but it thereby did in fact allow for a politicisation of ‘merely social differences’ with significant emancipatory effects.<sup>531</sup> Kouvelakis argues that they can contribute to a “disabstractification”<sup>532</sup>, which always involves a displacement of the border between public and private that can expose otherwise hidden, because depoliticised, exclusions. But whilst he thereby agrees with the political potential Losurdo sees in Hegel’s conception of material rights, he sides with Marx: social rights and the struggle for them are able to displace the border between public and private, but they thereby participate in the border’s prolongation and ultimately leave it intact.<sup>533</sup> Once again, now in the domain of right, we have hit the limit of political emancipation, its “structural limit” as Kouvelakis refers to it.<sup>534</sup> That does not mean that one needs to abandon or abolish the law and outrightly dismiss the struggles that are fought in the name of specific rights. These struggles might themselves, whilst being expressed in the language of rights, already speak of a world that only lies beyond what can be realised within the limits of granted rights claims. “Being regarded *as if* we were free and equal”<sup>535</sup> not only marks progress to the state of natural subjection in feudal society, it also implies, as Brown argues, the possibility of living in a community that has overcome the ‘as if’ mode and has realised universal freedom and equality within itself, in everyday life instead of placing it in another sphere. But this is no reason for closing one’s eyes to the double nature of right that persists as long as the separation of civil society and state persists, as they are premised on each other. And Brown is fully aware of this other side of right, when she argues:

The point is that rights converge with powers of social stratification and lines of social demarcation in ways that extend as often as attenuate these powers and lines. ... [just as] [h]istorically, rights emerged in modernity both as a vehicle of emancipation from political disenfranchisement or institutionalised servitude and as a means of privileging an emerging bourgeois class within a discourse of formal egalitarianism and universal citizenship.<sup>536</sup>

And whereas Losurdo lauds Hegel’s ability to understand and consciously navigate this conflict inherent in the modern form of sociation [*Vergesellschaftung*], the Marx, who writes

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<sup>531</sup> See Kouvelakis 2005, 715–716.

<sup>532</sup> Ibid., 714.

<sup>533</sup> See *ibid.*, 718.

<sup>534</sup> Ibid., 717.

<sup>535</sup> Brown 1997, 107.

<sup>536</sup> Ibid., 87–89.

‘On the Jewish Question’, is not content to give in and acknowledge that the structural functions of bourgeois domination at work within this conflict, are insurmountable, only ever to be alleviated momentarily.

In the ‘Critical Notes on the Article “The King of Prussia and Social Reform. By a Prussian”’<sup>537</sup> – Marx’s brisk reply to Ruge’s article where Ruge, in his Republican manner, belittles the Silesian Weavers for lacking political spirit in their merely industrial uprising – Marx underlines his reservations about a political, rights-based solution for “defects of society” [*soziale Gebrechen*], in this case concerning the extreme poverty of the factory districts. After having examined the political measures taken against pauperism in England, in France under Napoleon and in Prussia, Marx comes to the conclusion that “in their attempts to come to grips with pauperism every government has stuck fast at *charitable* and *administrative measures* or even regressed to a more primitive stage than that”<sup>538</sup>. The reason for this “impotence of its [the state’s] administration” lies for Marx, we will not be surprised to discover, in its enforcement of laws *against* the machinations of private life or “the world of modern business”, on which it however depends.<sup>539</sup> Marx thereby only confirms the impossibility of overcoming these specifically modern contradictions by purely political problematisations and means, something Hegel had himself implicitly acknowledged, when he grappled with the figure of the ‘rabble’ that kept haunting his aim of reaching a state of real recognition. This was because the rabble is excluded from the possibility of recognition based on political and non-political structures that however allow civil society to function.<sup>540</sup> The fact that the state depends on the socioeconomic presuppositions of civil society protects the latter from the attempts of human rights or material rights to undermine its violent implications. And these rights do not fail due to bad attempts of realisation, but because they are part and parcel of the constitution of the modern civil-bourgeois society with its bourgeois, isolated, individual.

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<sup>537</sup> From here on abbreviated as ‘Critical Notes’. Marx wrote the text for the *Vormwärts!* publication in August 1844.

<sup>538</sup> Marx 1975a, 411 [400–401].

<sup>539</sup> *Ibid.*, 412 [402].

<sup>540</sup> See Losurdo 2004a, 178–179.

## 4 Human emancipation as revolution

Now that we have thoroughly examined Marx's development of his critique of political emancipation, based on a close reading of 'On the Jewish Question', and on a more thorough inquiry into how this critique relates precisely to Hegel's theory of civil society and the state, it is time to move on to an examination of Marx's vision for overcoming the limitations of political emancipation, and realising universal, human emancipation. The core argument of this chapter is that Marx binds human emancipation to a concept of revolution, based on his identification of the absolute limit of political emancipation, which is grounded in an account of the civil-bourgeois social totality as defined in 3.3.

But before we can begin explicating this link, and the characteristics of the revolution that Marx envisions could uniquely lead to human emancipation, we need to engage with a conflicting strand of interpretation that tries to tie Marx's concept of human emancipation back to his earlier commitment to a Rousseauian notion of 'true democracy' in the 'Critique'. Afterwards, we will develop our counter-argument that elaborates the implications of understanding Marx's concept of human emancipation as revolution. In the last section of the chapter, we will return to the problem that underpins all these developments, namely the 'Jewish question'. As we did in relation to Bauer earlier, we will discuss to what extent Marx's concept of human emancipation solves the 'Jewish question', and what that solution would mean for the Jewish people and their relation to their religion. We will link this question to a brief inquiry into the figure of 'man himself', which is the end point of the revolution, and the starting point of a truly emancipated society.

### 4.1 Marx and Rousseau: one or two visions of emancipation?

When Marx accuses Hegel in the 'Critique' of inverting subject and predicate, and mistaking the real people for an Idea whilst taking the ideal state to be real, he rejects Hegel's idealist state mainly because it denies sovereignty to the people themselves, to 'really existing man'.<sup>541</sup> Marx writes:

Hegel proceeds from the state and conceives of man as the subjectivised state; democracy proceeds from man and conceives of the state as objectified man. ...the constitution does not make the people, but the people make the constitution. ... democracy is the essence of all political constitutions, socialised man as a particular

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<sup>541</sup> See also Della Volpe 1978, 82.

political constitution. ... In democracy, man does not exist for the sake of the law, but the law exists for the sake of man, it is *human existence*, whereas in other political systems man is a *legal existence*. ... In democracy the *formal* principle is identical with the *substantive* principle...it is the first true unity of the particular and the universal. ... all forms of state have democracy for their truth ... .<sup>542</sup>

Marx develops here a vision of democracy with which he wants to supersede Hegel's constitutional monarchy, in the name of giving priority to 'human existence' over man's 'legal existence'. As an overall aim, that sounds very similar to how Marx defines human emancipation at the end of the first part of 'On the Jewish Question', namely as the reunification of the individual man of civil society with the abstract citizen, or political man. In both cases, Marx's main concern is to reunite man with his own powers, so that his political powers are one with his social powers, and to make man as his own sovereign the starting and end point of the social organisation that he collectively gives himself.

Both texts, the 'Critique' and 'On the Jewish Question', are very clear on what these ideas of 'true democracy' and 'human emancipation' stand in opposition to: namely the so-called 'democratic republic' that Marx equates with the example of North America.<sup>543</sup> The democratic republic is for him just another state form, whose content "lies beyond" the state's constitution. 'Content' refers to the opposite of the political state, which Marx also calls "material state"<sup>544</sup>, i.e. the life of the people or civil society. Because the democratic republic, as we have discussed at length with regard to 'On the Jewish Question', is unable to abolish the gap between civil society and the political state, it is in principle no different from the Prussian monarchy: the only difference is that whilst "[t]he monarchy is the perfect expression of this estrangement, [t]he republic is the negation of that estrangement"<sup>545</sup>. But, as long as the constitution exists separate from "the real life of the people"<sup>546</sup>, as itself a 'particular reality' that ideologically dominates the material reality, it cannot be anything close to a democracy. Certainly, it is not the tool that will help the men of civil society to overturn their separation from politics, which implies that they do not regard their everyday struggles as in themselves political, because, as we showed in 3.3, the ideology of the republic is precisely there to conserve that separation. Lucio Colletti

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<sup>542</sup> Marx 1975b, 87–89 [230–232].

<sup>543</sup> See Marx 2010, 150 [351]; Marx 1975b, 89 [232].

<sup>544</sup> Marx 1975b, 89 [232].

<sup>545</sup> Ibid., 90 [233].

<sup>546</sup> Ibid., 91 [234].

emphasises this dimension, even though he is already talking about it in the context of the ‘class society’, a conception Marx had not developed when he wrote the ‘Critique’ or ‘On the Jewish Question’:

[T]he constitution of the bourgeois democratic republic is the résumé, the compendium of the contradictions between the classes in capitalist society. But [...] the republic is, for Marx, by no means the resolution or supersession of the basic antagonisms. On the contrary, it provides the best terrain for them to unfold and reach maturity.<sup>547</sup>

The real question is, however, *how precisely* Marx develops the positive contradiction and supersession of the democratic republic through ‘true democracy’ in the ‘Critique’, and through ‘human emancipation’ in ‘On the Jewish Question’. That implies two necessary specifications. We need to clarify how the aim of reducing man to himself, conceived as a reunification of him with his political and social powers, relates to the most prominent version of such a theory in the history of political philosophy, namely to Rousseau’s notion of popular sovereignty, which plays a role in both of Marx’s texts and should not be overlooked or treated ancillary to his relationship to Hegel. The second question is whether there exists a continuity or a discontinuity between Marx’s two texts and their concepts of emancipation.

In a fundamental way, both accounts – true democracy and human emancipation – appear to be steeped in typically Rousseauian language and concepts of popular sovereignty and direct democracy.<sup>548</sup> Does that mean that Marx’s critique of Hegel in the ‘Critique’ and in ‘On the Jewish Question’ – his rejection of taking the separation between civil society and state as constitutive of the modern social form, and his aim to overcome Hegel’s theory and contemporary socio-political reality and to institute a new social bond – is, after all, a full-fledged return to Rousseau? We will need several steps in order to answer this question satisfactorily.

In one way, Marx certainly ties in with Rousseau’s critique of representation and his defence and theorisation of the political self-organisation of the people.<sup>549</sup> It is on this level, the level of the definition of the overall aim of emancipation, that ‘On the Jewish Question’ continues the argumentative path of the ‘Critique’. When Marx rejects Hegel’s

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<sup>547</sup> Colletti 1974, 108.

<sup>548</sup> See Della Volpe 1970, 105; also Della Volpe 1978, 71.

<sup>549</sup> See also Scheidler 1973, 235–238.

problematization of representation, who regards the introduction of the democratic element into the state as lacking a “*rational form*”<sup>550</sup>, Marx rejects it as being itself born out of the separation between state and civil society that stands in the way of true democracy.<sup>551</sup> Implicit in Marx’s critique is a rejection of Hegel’s critique of Rousseau, which, as we saw earlier, is based on the same argumentative logic: Hegel accuses Rousseau of confusing the state with civil society when he allows the individual wills, ‘subjective freedom’, to immediately determine the state and its political matters in the name of the ‘general will’. Hegel portrays Rousseau’s conception of the general will here as much more one-dimensional than it appears in Rousseau’s text, where the unification of the individual wills into the general will is not an arbitrary lumping together, and Rousseau acknowledges that “[t]here is often a considerable difference between the will of all and the general will.”<sup>552</sup> But, more importantly, he also fails to recognise with this portrayal the primary concern for Rousseau that is shared by Marx. Their shared primary concern is, in fact, an affirmation that the essence of, for Rousseau, the republican form of government, for Marx, true democracy, lies in locating legislation in the hands of the people so that they make the law. Why? In order to guarantee the freedom and preservation of the individual that both Rousseau and Marx see endangered by the existing forms of association, at the moment of their respective theorising. To guarantee freedom of the individual in association, however, means, for Rousseau, that a form needs to be found “by means of which each, uniting with all, nonetheless obeys only himself and remains as free as before”<sup>553</sup>.

Whilst we will shortly move on to examine in more detail what it means for Rousseau that man should ‘remain free as before’ and ‘only obey himself’, and how that relates to Marx’s “reduction...to *man himself*”, at least we can affirm at this point that Marx follows Rousseau in committing himself to finding a form of association where man is not subordinated to an external power that annuls his own sovereignty over his social and political life. That this involves a difficult negotiation between individual wills, other,

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<sup>550</sup> Marx 1975b, 185 [321].

<sup>551</sup> See *ibid.*, 188 [323].

<sup>552</sup> Rousseau 2014a, 182 [62].

<sup>553</sup> *Ibid.*, 172 [32–33].

institutional, particular wills and the general will is clear to Rousseau,<sup>554</sup> but it is a secondary problem, similar to the question of the state form.<sup>555</sup> It is important that laws become a sort of register of the general will or the peoples' will,<sup>556</sup> and that their execution is never more than the administration of this will. The executive is the administrator of the sovereign, it has no sovereignty in itself.<sup>557</sup> Because sovereignty is "inalienable and indivisible"<sup>558</sup>, every formal exclusion endangers its universality: "the moment a people gives itself representatives, it is no longer free. It no longer exists."<sup>559</sup> In this sense, we can understand Marx's critique of Hegel's representation qua estates as "a people in miniature": it is "*the same abstraction* of the political state vis-à-vis civil society, as the executive is vis-à-vis the sovereign"<sup>560</sup>; just another expression of the falsity of the legislature in the political state, which is divorced from its true ground, the people. True democracy and human emancipation are, after all, both based on the withdrawal of the external state back into civil society, the closing of the gap between social and political man and a new unity that implies a double existence as sovereign and subject [*Untertan*] or subjectum and subiectus.<sup>561</sup> This double existence is then no longer the symptom of the domination of man by an external political force, but it is the very condition for the Rousseauian contract not to be a contract of subjugation [*Unterwerfungsvertrag*].<sup>562</sup>

Another element of Marx's conception of true democracy, which is continued in its transposition to human emancipation, *but in tension to Rousseau's theory of the state*, is the problematisation of private property or, in Rousseau's case, better called individual property. When Rousseau states, in *On the Social Contract*, that through the social contract man "gains...civil freedom and property in everything he possesses"<sup>563</sup>, then Rousseau ties the historical institution of individual property unmistakably to the newly instituted civil freedom.<sup>564</sup> That Rousseau subsequently warns that individual property can lead to growing

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<sup>554</sup> See *ibid.*, 179; see also the German/French version, Rousseau 2010, 319, fn3, my trans., where Rousseau clarifies: 'man as citizen is a paradoxical being'.

<sup>555</sup> See Rousseau 2014a, 189 note; also Rousseau 2010, 326, fn16–17.

<sup>556</sup> Rousseau 2014a, 189 [82–83].

<sup>557</sup> See *ibid.*, 236 [213].

<sup>558</sup> *Ibid.*, 180 [56–57].

<sup>559</sup> *Ibid.*, 237 [214–215].

<sup>560</sup> Marx 1975b, 150 [288].

<sup>561</sup> We will return to this distinction in 5.2.

<sup>562</sup> See Rousseau 2014a, 238 [217].

<sup>563</sup> *Ibid.*, 176 [44–45].

<sup>564</sup> See for Rousseau's account of the emergence of property, *Ibid.*, pp.98.

inequality, that laws often only support the propertied and not the propertyless, and that it is therefore important that everyone owns something, nobody nothing, and that the right of the individual to his property (e.g. ground) is always subordinated to the right of the community,<sup>565</sup> does not annul the ruling of the principle. His efforts to limit the reign of property fall into a similar category as Hegel's material rights: they are to ensure an egalitarian principle against a mechanism that tends to lead to social inequality.

For Marx, it is only with the realisation of political emancipation and 'man's right to *private property*'<sup>566</sup> that private property has reached its true power. When he argues that "[t]he property qualification for the suffrage is the last *political* form of giving recognition to private property"<sup>567</sup>, before it was *politically* annulled, which for Marx means that it was given properly free reign over man. "[M]an...was not freed from property, he received freedom to own property".<sup>568</sup> Whilst Rousseau accepts individual property as one of the historical conditions that brought about civil society, and thereby builds the foundation on which the social contract is entered, Marx understands true democracy and human emancipation to imply – besides the overcoming of the separation of political state and civil society – the proper abolition of the modern institution of private property.<sup>569</sup>

This tension between Rousseau and Marx regarding their respective stances on private property prefigures another fundamental difference, which concerns their respective notions of civil society and its present *and* future role in the social form as a whole. It is on this point where I want to argue that the inversion of the Hegelian inversion of subject and predicate from the 'Critique', and 'the reduction of the human world and relationships to man himself' from 'On the Jewish Question', stand in a significantly different relationship to Rousseau, which we should not overlook, and instead explicate as carefully as possible.

In the 'Critique', Marx shows how previous historical models of monarchy, democracy, and aristocracy in feudalism, the ancient Greek polis, or Asiatic despotism, all differed from the democratic republic, in that they presupposed a "substantive unity

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<sup>565</sup> See *ibid.*, 176–178 [45–53].

<sup>566</sup> Marx 2010, 163 [364].

<sup>567</sup> *Ibid.*, 153 [354].

<sup>568</sup> *Ibid.*, 167 [369].

<sup>569</sup> See also Behre 2004, 189.

between people and state<sup>570</sup>. Whilst Marx does not advocate returning to any of those state forms, his own notion of democracy as the ‘truth’ of all forms of state implies the overcoming of the existing ‘untruth’ of the abstract dualism between political state and civil society, through the institution of a new form of such a substantive unity and a transference of power from the state to the people.<sup>571</sup> That Marx calls democracy the ‘truth’, ‘essence’, or even “solution to the riddle of every constitution” is an indicator of the extent to which he remains dedicated to the aim of reversing Hegel’s affirmation of the ‘true’, rational state that equals the “existing untruth” of the anti-popular sovereignty of the God-like democratic constitutional state.<sup>572</sup>

The first step towards Marx’s vision of such a new unity as true democracy in the ‘Critique’ – or radical democracy, as it is often referred to – would be to reject the existence of the constitution separate from the people, ruling above them. Instead, he wants to make the fact that ‘democracy proceeds from man’ reality. That means that the people make the constitution themselves, as their own creation and establish popular sovereignty, and that civil society would be the real political society, making the legislature, as a special representative body, superfluous. The man of civil society, who was so far merely the object of the constitution, unconsciously subjected to its rule, thereby becomes the conscious enactor of political change and, potentially, progress. From then on, the rational, self-conscious will of the people is the source of the people’s self-determination, and it wholly intersects with the formally *and* materially determined species-will [*Gattungswille*]. The people are simultaneously the subject, that realises its species-will in the constitution, and the constitutions’ object that is ruled by it, subjected to its laws.<sup>573</sup>

In democracy no moment acquires a meaning other than what is proper to it. Each is really only a moment of the *demos* as a whole.<sup>574</sup>

Further, in the ‘Critique’ Marx advocates universal suffrage as a crucial demand that could achieve radical democracy, because it has the ability to force the political state, which is based on abstraction and thus on restricted suffrage, towards its dissolution [*Auflösung*]

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<sup>570</sup> Marx 1975b, 91 [234].

<sup>571</sup> See also Fine 2001, 77 fn3.

<sup>572</sup> Marx 1975b, 87 [230].

<sup>573</sup> See *ibid.*, 87, 119, 189 [230, 259, 325].

<sup>574</sup> *Ibid.*, 87 [230].

from within its own representative instruments.

What is crucial is the extension and the greatest possible universalization of the vote, i.e. of both active and passive suffrage. ... Only when civil society has achieved unrestricted active and passive suffrage has it really raised itself to the point of abstraction from itself, to the political existence, which constitutes its true, universal, essential existence. But the perfection of this abstraction is also its transcendence [*Aufhebung*].<sup>575</sup>

If suffrage becomes truly universal and the whole *demos* has entered the political state, its political existence is no longer its *illusory* authentic existence, but it has become fully realised and thereby marginalises the bourgeois existence into an inessentiality. The abstraction of the political state rests upon the people's exclusion from it, in the name of protecting its objective determination from a mere subjective determination by their opinions. Against that background, universal suffrage is at the same time the dissolution of the political state, in the sense that the people's invasion into it achieve its radical incompleteness, and the establishment of civil society's political existence that has as its consequence "the dissolution of civil society"<sup>576</sup> as it existed before.<sup>577</sup>

In his portrayal of Marx's concept of true democracy, Robert Fine is sceptical over whether Marx manages to avoid the trap of his own methodological approach. The problem here is that Marx's inversion critique of Hegel posits 'real man' or 'real civil society' against the state endowing him thereby with the ability to dissolve the entire modern political form, of which he himself is a product. Fine worries that Marx ends up "mirroring the unrealism of the society it seeks to overcome"<sup>578</sup>, implying that Hegel might have good reason for instituting an instance of objective knowledge above civil society, which we discussed in more detail in 3.4.2. But Fine himself wonders whether this inversion approach is indeed representative of the early Marx's method.<sup>579</sup> And in 'On the Jewish Question', Marx in turn admits that the man of civil society, instituted as the sovereign of political democracy, is the very problem of the democratic form.

Political democracy is Christian since in it man, not merely one man but every man, ranks as *sovereign*, as the highest being, but it is man in his uncivilised, unsocial form, man in his fortuitous existence, man just as he is, man as he has been corrupted by the whole organisation of our society, who has lost himself, been alienated, and

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<sup>575</sup> Ibid., 191 [326–327].

<sup>576</sup> Ibid., 191 [327].

<sup>577</sup> See also *ibid.*, 195–196 [330–331].

<sup>578</sup> Fine 2001, 75.

<sup>579</sup> See *ibid.*, 76.

handed over to the rule of inhuman conditions and elements – in short, man who is not yet a *real* species-being.<sup>580</sup>

Thus, there is a difference between the ‘Critique’ and ‘On the Jewish Question’ regarding the problematisation of civil society itself. Whereas in the ‘Critique’, ‘man’ of civil society can serve as the basis for instituting true democracy against the state, in ‘On the Jewish Question’, it is the force that itself dominates the state and that therefore needs to undergo a transformation as well. That does not mean that Marx renounces in the latter text his trust in the people’s constitutive power or popular sovereignty, but he is more careful not to set the man of civil society as the simple truth of the new order of human emancipation. Because man is just as much the product of the civil-bourgeois social structure as ‘political man’ or the citizen, and it is thus not enough for him to just rise above the state and dominate the latter as opposed to being dominated by it. On this basis, Marx drops the idea of universal suffrage as a revolutionary strategy in ‘On the Jewish Question’, and substantially distances himself from his theoretical and political position in the ‘Critique’. This is one way in which the shift between the two texts needs to be read, namely as the firming-up of Marx’s opposition to any form of politicism with a political revolution that revolves around the state – be it Jacobinism, or more relevant here, the invasion of popular sovereignty or ‘constitutive power’ into the state, which we could call Marx’s Rousseauism of the ‘Critique’.

It is in the ‘Critical Notes’ that Marx clarifies the fundamental difference between a political and a social revolution – defending the latter against Ruge’s criticism of the Silesian weavers’ uprising as lacking in political spirit. Against Ruge’s republican vision of emancipation, his demand for “a social revolution with a political soul”<sup>581</sup>, Marx holds that ‘will’ – the principle of politics – and the overturning of state forms might help to put an end to the “isolation from the state and from power” of “the classes with no political power”, but it cannot put an end to man’s “dehumanised life” [*das entmenschte Leben*].<sup>582</sup> Ruge’s phrase is therefore “either a composite piece of nonsense” or “nothing but a paraphrase of what is usually called a ‘political revolution’ or a ‘revolution pure and

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<sup>580</sup> Marx 2010, 159 [360].

<sup>581</sup> Marx 1975a, 419 [409].

<sup>582</sup> *Ibid.*, 419 [408].

simple”<sup>583</sup> Marx clarifies here something that he left ambiguous at times in ‘On the Jewish Question’: he concedes that “every revolution dissolves the old order of society; to that extent it is social. Every revolution brings down the old ruling power; to that extent it is political”<sup>584</sup>. But for a revolution to be truly social and leave the area of universalising pretension it ultimately needs to “throw its political mask aside”<sup>585</sup>. That does not mean that it does not need to act politically, but it means that its ultimate purpose, the purpose of its organising activity, needs to be directed at “the point of view of the particular, real individual”<sup>586</sup> that is nobody else than “man himself”<sup>587</sup>.

We can see this viewpoint manifest in the fact that in ‘On the Jewish Question’, Marx drops the differentiation between democratic republic and true democracy altogether. He explicitly equates the former with realised political emancipation, whilst true democracy is replaced by ‘human emancipation’. Marx enters into his brief attempt at defining what he means by ‘human emancipation’ by, first of all, affirming what is true for all forms of emancipation, namely religious, political and human emancipation:

All emancipation is the reduction of the human world and relationships to *man himself*.<sup>588</sup>

Bauer’s attempt to combine religious and political emancipation led to a rigorist reduction of man to himself, his self-determined emptying out of his particular religious beliefs, which, however, Marx argued, misunderstood the real conditions in which man already existed. In the case of political emancipation, “the reduction...to *man himself*” was “the [historical] reduction of man, on the one hand, to the member of civil society, the *egoistic, independent* individual, and, on the other, to the citizen, the moral person.”<sup>589</sup> Reduction is here separation, diremption, scission (and we could find many more words that Marx uses to describe this process) of man into the bourgeois and the citizen, social and political man, who lives simultaneously in earth and heaven, civil society and the state: whilst man’s material freedom and equality is determined on earth, his political freedom and equality is determined in heaven. The former is man’s depoliticised profane everyday life, the latter his

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<sup>583</sup> Ibid., 419 [409].

<sup>584</sup> Ibid., 419–420 [409].

<sup>585</sup> Ibid., 420 [409].

<sup>586</sup> Ibid., 419 [408].

<sup>587</sup> Marx 2010, 168 [370].

<sup>588</sup> Ibid.

<sup>589</sup> Ibid.

republican political fiction, but a lived fiction with very real effects on man's life as a whole (as opposed to purely illusory and supposed to be realised).<sup>590</sup> That means that the question of emancipation, as it is framed in 'On the Jewish Question', is primarily the question of *which* or *what kind of* man he is reduced to qua practico-historical, social determinations. 'Man', for which Marx also uses the Feuerbachian category of the species-being, is then, as he argues in a letter to Feuerbach from August 1844 as well as in the subsequently written 'Theses on Feuerbach', "nothing else than the concept of society"<sup>591</sup>. Society as a historically specific totality is the structure that makes 'man' into who he or she is.

The essence of 'human emancipation' is then given as the task of overcoming the reduction performed by political emancipation and the realisation of a different kind of reduction, namely to a different 'man' based on the creation of a new unity between man and citizen, i.e. on a new social bond. A task that differs substantially from having politically-emancipated man enter the state and assert himself as sovereign-subject in the name of the real (man, material existence) against the abstract illusion (state, constitution).

Marx defines human emancipation as follows:

Only when the real, individual man re-absorbs in himself the abstract citizen, and as an individual human being has become a *species-being* in his everyday life, in his particular work, and in his particular situation [*Verhältnissen*], only when man has recognised and organised his *forces propres* [own powers] as *social* powers, and consequently, no longer separates social power from himself in the shape of *political* power, only then will human emancipation have been accomplished.<sup>592</sup>

Before we enter into a more general interpretation of this definition, we need to return to the question – despite the previously identified differences between Marx and Rousseau and Marx's turn against 'true democracy' as the right emancipatory means in 'On the Jewish Question' – of whether human emancipation can or should nevertheless be read as a 'reversal' of the Hegelian separation of civil society and state into a Rousseauian, and thus pre-Hegelian, unity of the two, or whether the basis for defining human emancipation contains elements that resist such an interpretation? If Rousseau is not the key to interpreting Marx's emancipatory process, maybe it is nevertheless the key to the

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<sup>590</sup> See Maihofer 1992, 99.

<sup>591</sup> Pepperle and Pepperle 1985, 882; my trans.; See also Marx 1998, 570, Thesis 4: "Feuerbach resolves the religious essence into the human essence. But the human essence is no abstraction inherent in each single individual. In its reality it is the ensemble of the social relations."

<sup>592</sup> Marx 2010, 168 [370]; amended trans.

emancipatory goal?

One way to deal with this question, which we can find in Colletti, would be to refer back to Marx's alignment with Rousseau on the question of popular sovereignty from the 'Critique' that I sketched out above, and understand it thereby as settled: of course, for Marx the goal is the same unity that Rousseau advocated as part of the social contract.<sup>593</sup> Such a quick subsumption has been performed by well-meaning Marx interpreters as well as by those who were rather happy to be able to dismiss Marx's unification of individual man with his species-essence in the name of an organicist, totalitarian overriding of the individual by the whole, of which someone like Benjamin Constant had accused Rousseau already early on.<sup>594</sup> But the textual evidence that we find in 'On the Jewish Question' stands in the way of such an easy subsumption.

First of all, Marx ventures into an explicit critique, when he states that Rousseau "correctly describes the abstract idea of political man"<sup>595</sup>, immediately before he moves on to his own definition of human emancipation.<sup>596</sup> Marx cites Rousseau:

He who dares to undertake to establish a people's institution must feel that he is capable of changing, so to speak, human nature; of transforming each individual, who by himself is a complete and solitary whole, into a part of a great whole from which that individual receives as it were his life and his being; of weakening man's constitution in order to reinforce it; of substituting a partial and moral existence for the physical and independent existence we have all received from nature. In a word, it is necessary for him to take away man's own forces in order to give him forces which are foreign to him and of which he cannot make use without the help of others.<sup>597</sup>

By letting this long citation from one of the core chapters of *On the Social Contract* stand without any explicitly interpretative commentary, Marx leaves it entirely to us to spell out what he wants to say with it.

Meanwhile, the two interpreters who have seriously taken on the relationship between Marx and Rousseau, Colletti and Galvano Della Volpe, have both been quick to dismiss Marx's implied criticism of Rousseau. Colletti comments that Marx remained embarrassingly unaware of his debt to Rousseau, and instead even dared to "misinterpret...a fundamental passage from the contract", although 'On the Jewish

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<sup>593</sup> See Colletti 1974, 184–185.

<sup>594</sup> See also Rousseau 2008, 258 fn35, fn 43; 318 fn31; see also Maihofer 1992, 97–101.

<sup>595</sup> Marx 2010, 167 [369].

<sup>596</sup> See Maihofer 1992, 98.

<sup>597</sup> Rousseau 2014, 191 [89]; this is the passage cited in 'On the Jewish Question', Marx 2010, 167-168 [370].

Question' is "literally inconceivable without Rousseau"<sup>598</sup>. In Colletti's view, Hegel's very dominant reading of Rousseau is to blame for Marx's distorted view of Rousseau and of his own debt to him. Della Volpe basically agrees that Marx's hasty citation misses that the paragraph he cites contains much more than he gives Rousseau credit for. Della Volpe is thereby however no less critical of the social contract than Hegel, but he sees in Rousseau's *Second Discourse* "a specific anti-levelling egalitarianism" that he understands to build the crucial element of Marx's democratic socialism.<sup>599</sup>

In it, it is entirely clear that it is Rousseau's effort to integrate the *homme* naturel or the abstractly independent individual into the social body and to achieve this by making the individual as a whole, i.e. the singular natural individual...into the partial individual, that equals the Citoyen or the *Homme à l'état civil* or simply the *homme social*. ... This certainly does not stand opposed to the fact that Rousseau's democratic (egalitarian) spirit reappears in the antibourgeois and socialist concluding paragraph of *The Jewish Question*, whereby 'the social emancipation of the Jew is the emancipation of society from Judaism', i.e. from the Jew's class egoism.<sup>600</sup>

Della Volpe confirms here Colletti's criticism of Marx that he simply misread Rousseau (but a different Rousseau than the one Colletti refers to), even though, in Della Volpe's view, Rousseau implicitly said just what Marx put himself into different words a few sentences later. For Della Volpe, it is thus: Rousseau's democratic egalitarian spirit = Marx's social emancipation (which Marx uses interchangeably with human emancipation) = the emancipation of society from 'Judaism' (a synecdoche for the material and spiritual domination of civil society within the civil-bourgeois society, as argued in 3.2 and 3.3).

The problem is that neither Colletti nor Della Volpe have spent enough time on the analysis of the final section of the first part of 'On the Jewish Question' to take into account the whole complexity of Marx's critique of Rousseau, which in turn causes them to judge Marx's interpretation somewhat prematurely.<sup>601</sup> In a very obvious sense, which Colletti and Della Volpe however ignore, Marx's reference to Rousseau at this point in the text appears to be strikingly misplaced: because Rousseau's notion of civil society is fundamentally at odds with Marx's own use of the concept, which implies its specifically modern separation from the state and the doubling of man and citizen. It is true that Rousseau and Marx do agree on fundamental elements of modern civil society, namely that

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<sup>598</sup> Colletti 1974, 187–188.

<sup>599</sup> Della Volpe 1970, 109.

<sup>600</sup> Della Volpe 1978, 90–91; original emphases.

<sup>601</sup> See also Basso 2012, 66, fn151, with whom I agree here.

it is driven by justice and the ability to utilise reason, instead of acting merely on natural drives. They would also agree that this implies the gain of a new form of freedom, which Rousseau calls civil freedom and Marx would probably call bourgeois freedom, that is, however, a double-edged sword in the sense that this new form of freedom does not come without a price, i.e. it is only possible on the ground of giving up a former, different type of freedom.<sup>602</sup> Both Rousseau and Marx agree on a basic level that the new form of freedom that has been reached by civil society is progress or at least inevitable in order to preserve the existence of the species, or ‘genre-humain’ in Rousseau’s terminology, under new socio-political circumstances.<sup>603</sup>

But their conception of what civil society is, how it changed human existence vis-à-vis man’s previous existence, and how it relates to the state, is fundamentally discordant. First of all, for Rousseau, the man of civil society has replaced ‘natural man’. Natural man was the human individual that had no social bonds, and whose freedom was constituted via his absolute autarky and original, natural independence regarding his self-preservation.<sup>604</sup> Men, in that sense, are naturally or physically unequal, but because they do not have social bonds that bring these inequalities in relation and comparison with each other,<sup>605</sup> they do not suffer from inequality. Natural man is ‘naturally’ free because independent from other men. Man’s entrance into civil society, his acquisition of property and of rights and the becoming necessary of cooperative work and the division of labour,<sup>606</sup> was, in Rousseau’s view, his loss of this natural freedom, because man lost his independence and developed new needs. Thus, all the efforts to create a political institution, a state with sovereign power and laws, that could navigate man’s new social dependency, is, in Rousseau’s conception, dedicated to guaranteeing man’s freedom as it was naturally given to him, *despite* the new enchainning social circumstances. It is in this sense that Rousseau posits a ‘natural right’ as the critical instance or limit of positive right in the new *civil society*. Besides the natural right that he holds up, he, however, accedes that *civil society* and *savage society* are two

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<sup>602</sup> See Rousseau 2014a, 175–176 [43–45].

<sup>603</sup> See *ibid.*, 172 [30–33].

<sup>604</sup> See *ibid.*, 164 [11].

<sup>605</sup> See *ibid.*, 169 [23]; and Rousseau 2014b, 97, 99–100 [195, 205–207]. The page number in brackets for the *2nd Discourse* always refers to the German/French text, see Rousseau 2008.

<sup>606</sup> See Rousseau 2014b, 96–99 [191]; also Rousseau 2008, 222 fn270.

fundamentally different social forms, with two fundamentally different human species.<sup>607</sup> That, on the other hand, means that civil society, in Rousseau's use, is synonymous with political society. Civil society is the society of the *état civil* and the *homme civil* or citizen that is opposed to the previous *état de nature* and the savage.<sup>608</sup> The citizen is a paradoxical being, as we discussed earlier, in the sense that he comprises his particular will and the general will within himself, which bears the danger of degeneracy.<sup>609</sup> Further, the citizen is simultaneously subject (that has to obey the laws of the state) and sovereign.<sup>610</sup> All in all, that leads us to conclude that Rousseau's civil society, with the citizen as the single, but paradoxical unity, is not the one referred to by Hegel and Marx (see 3.4.2). For Hegel and Marx, civil society exists in separation and opposition to the state, and the bourgeois is separated from the citizen. Besides, Marx had already clarified at length in the 'Critique' that the example of the Greek polis with its unity of private and public man, which is very close to Rousseau's model, was not a viable solution to the modern problem of emancipation.<sup>611</sup>

Why, under these circumstances, does Marx nevertheless refer – critically – to Rousseau's notion of political man as the modern abstraction par excellence? Was it not obvious to him that the 'Rousseauian problem complex'<sup>612</sup> concerning civil society had been exhausted by the Declarations and the bourgeois revolutions, by the institution of the separation? In one sense, I do think that the lack of elaboration of the citation owes to the hasty, polemical style of the whole of 'On the Jewish Question'. But despite this unfortunate absence, we can discern a perfectly good reason for Marx to criticise Rousseau at this point, because it allows him to point to another dimension of the limit of political emancipation that Rousseau, with his extreme historical foresight, captured very accurately, thereby transcending the outcomes of the bourgeois revolutions. Marx cites Rousseau as saying:

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<sup>607</sup> Rousseau 2014b, 115–117 [264–271].

<sup>608</sup> See Rousseau 2008, 172 fn214.

<sup>609</sup> See Rousseau 2014a, 179 [55]; and Rousseau 2010, 319 fn3.

<sup>610</sup> See Rousseau 2014a, 233 [205]; also Rousseau 2010, 324 fn4.

<sup>611</sup> See Marx 1975b, 90–91 [233].

<sup>612</sup> Della Volpe 1978, 62.

Whoever dares undertake to establish a people's institutions...has to take from *man his powers* [forces propres], and give him in exchange alien powers which he cannot employ without the help of other men.<sup>613</sup>

We have already spent a great deal of time emphasising Marx's fundamental insight from 'On the Jewish Question' that the man of civil society has been created as an atomistic, self-interested egoistic individual, who is structurally cut off from the sphere of political universality and collective belonging.<sup>614</sup> In this context, Marx juxtaposes Rousseau's pre-revolutionary notion of citizen-man, who cannot employ his powers without the help of other men, to the post-revolutionary and Hegelian notion of the man that emerged from the political, bourgeois revolution, who is, on the one hand, properly individualized, i.e. *politically* reduced 'to man himself', whilst he simultaneously remains in the exact same position as Rousseau's political man: despite his individualization and emancipation from the feudal fetters, his powers have in fact not been returned to him, instead a political state holds them for him over him, in the form of an ideology. The citizen, who is separated from the bourgeois, receives the 'moral, partial existence' that Rousseau describes, but not because this guarantees the unity of man with his political powers adequate to the modern conditions, as Rousseau argued, but as an ideology that itself depends on and ensures the modern existence of man, as split into bourgeois and citizen. If we do not want to impute to Marx that he mistook Rousseau's notion of civil society for the Hegelian one with which he otherwise operates, and which I think is unlikely, then this is the only defensible interpretation.

We can, therefore, conclude this section by asserting that neither the process of overcoming political emancipation, nor the concept of human emancipation, as the formulation of a goal, can be identified as straight-forwardly Rousseauian, due to the many divergences that we identified between Marx's and Rousseau's theories. That does not mean that Marx was not influenced and inspired by Rousseau, which is undeniably the case in both texts, the 'Critique' and 'On the Jewish Question', but it is to affirm that ultimately, Marx's conception of emancipation leads beyond Rousseau. Most importantly, with the concept of human emancipation Marx ends up rejecting both Hegel's and Rousseau's theories of legitimising state power – whether in the name of the strong, ethical state,

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<sup>613</sup> Rousseau cited in Marx 2010, 167-168 [370], amended trans.

<sup>614</sup> See *ibid.*, 163-164 [366-367].

which mediates the aberrations of self-interest of modern, civil society, or in the name of the state that makes man into its subject and sovereign and thereby unifies individual and state, which can be regarded as the basis for Marx's notion of true democracy in the 'Critique'.

#### **4.2 From a materialist concept of social totality to human emancipation qua revolution: against Hegel and Rousseau**

In 'On the Jewish Question', Marx shifts to a different basis for his critique of political power, which leads him to conclude that the modern, bourgeois condition can only be overcome by a transformation of the entire social order, which needs a second revolution. The option of invading the state with the whole of the people in the name of what they really are and want has been replaced by advocacy for a social revolution that is to follow on from the French revolution, which for Marx completed the social form that he refers to as 'political emancipation'.

Political emancipation is, of course a big step forward. True, it is not the final form of human emancipation in general, but it is the final form of human emancipation *within* the hitherto existing world order. It goes without saying that we are speaking here of real, practical emancipation.<sup>615</sup>

Political emancipation is the final form of emancipation *within* the current world order. At the same time, it defines the constraints of Bauer's solution to the 'Jewish Question', to the extent that he believed in the possibility of a 'free humanity' once all religion had been renounced. The true human emancipation Marx aims for is, however, only possible by overcoming this world order. That is because the order itself, marked by the fictional sovereignty of political power and the real power of civil society – in the shape of egoistic individual interests or "the power of money", as Marx emphasises in the second part of 'On the Jewish Question' – has the ability to hamstring human emancipatory efforts, reducing them to mere political emancipation. It thereby stabilises political emancipation's disemancipatory tendencies.

That means we end up having to take absolutely seriously Marx's affirmation in 'On the Jewish Question' that the modern separation of state and civil society, as the core characteristic of political emancipation, is to be considered progress, but needs to be

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<sup>615</sup> Ibid., 155 [356].

overturned by a second revolution aiming at human emancipation. By ‘taking seriously’ I mean that we need to interrogate human emancipation as a revolutionary concept in its own right. Human emancipation can neither be reduced to Marx’s theorisations in the ‘Critique’ (or the writings that follow on from ‘On the Jewish Question’) nor to the conceptions of any of Marx’s predecessors or contemporaries, be it Rousseau, Bauer or Feuerbach, even though Marx shares several theoretical elements with them. It is in this regard that Della Volpe’s argument about the continuity between Marx and Rousseau in the name of a shared “egalitarian and anti-levelling democratic conception of the person”<sup>616</sup> – from which he extrapolates a more general continuity between existing democracies and democratic socialism – is ultimately unpersuasive. The problem is not that Marx is not doing justice to the profound inspiration he received from Rousseau, as Della Volpe contends, because, in the Italian philosopher’s view, this inspiration got drowned in Marx’s “obsession with social revolution”. In his mind it causes Marx to ignore that political and social freedom need to go together.<sup>617</sup> And whilst Della Volpe even acknowledges Rousseau’s limited (because ultimately bourgeois) conception of the relation between the individual and the general will or the ‘whole’, he sees the problem only in Rousseau’s treatment of the individual as superior to the whole (just like Hegel), thereby failing to see that Marx is just as concerned with the political domination of the whole over the individual. The latter is not merely a totalitarian problem, but just as much a condition of a political democracy, be it socialist or otherwise.

The question that we therefore need to answer now, and which, as we will see in the second part of this thesis, has today become almost impossible to ask because of immense historical-ideological blockages, is what Marx’s concept of human emancipation qua revolution implies in terms of the characteristics it devises for this revolution. The more common reaction to this identification is indeed the one expressed by Koselleck and Grass, when they dismissively acknowledge that Marx “repeatedly supplanted the use of emancipation in favour of revolution”<sup>618</sup>. But the argument of this thesis is that Marx did not only do so repeatedly, but conclusively and decidedly, and that he had good reasons to

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<sup>616</sup> Della Volpe 1970, 105.

<sup>617</sup> Della Volpe 1978, 105–106, 116.

<sup>618</sup> Grass and Koselleck 1997, 176; my trans.

do so, which we need to understand. So, what does Marx tell us about this second, social revolution?

First of all, in ‘On the Jewish Question’, Marx does not tell us very much; but that does not mean that we cannot infer elements of his understanding of this social revolution, even if that might mean that we just take seriously what he does *not* say.<sup>619</sup> We can first of all infer from his definition of ‘human emancipation’ that it refers to a profound social transformation, which is most likely going to be the outcome of a long-term process. That means, we can read human emancipation in parallel to how Marx conceives of the French Revolution, with which he refers to the entire process that led to ‘political emancipation’ – a process which, as Hobsbawm puts it, is “measured in centuries”<sup>620</sup> – rather than confining it to the immediate events of 1789 and the following years (see 3.2). It is in the same way that political emancipation replaced feudalism<sup>621</sup> that human emancipation will replace political emancipation. In this regard, Marx relies on a universal concept of history as world history that mirrors the accounts of Hegel and Bauer. As the emergence and global assertion of political emancipation was *the* event of their most immediate history, the criticism of political emancipation and its transformation into human emancipation was for Marx “the general question of the time” in the sense of the necessary next step.<sup>622</sup> As for Hegel and Bauer, also for Marx the progression to political and then to human emancipation would affect humanity as a whole, and was felt as urgent, as unavoidable, due to the miserable situation they all lived in.<sup>623</sup>

Secondly, Marx grounds the necessity of human emancipation carefully on his identification of the ‘limit point’ [referred to as *Grenze* and *Schranke* by Marx] of political

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<sup>619</sup> This is important to emphasise, as several interpreters including Koselleck and Grass are quick to conflate various elements of Marx’s later theory with his identification of human emancipation = revolution.

<sup>620</sup> Hobsbawm 1985, 559, see also 558.

<sup>621</sup> As implied in the previous chapter, Marx’s understanding of the regime that replaces feudalism will change later in his life, when he understands it to be determined by the political-economical introduction of the capital-labour antagonism (which we today refer to as ‘capitalism’), rather than by new forms of political representation. However, as shown in Chapter Three, political emancipation itself is not a purely political concept for Marx. It is in this regard that I simultaneously agree and disagree with Balakrishnan’s major re-evaluation of the difference between the young and the later Marx: whilst he is certainly right to distinguish Marx’s earlier concept of politics to his later understanding of political economy, his understanding of the early Marx and of ‘political emancipation’ is too indebted to the Althusserian reading. See Balakrishnan 2014, esp. p.121; Balakrishnan 2015.

<sup>622</sup> Marx 2010, 149 [350]; see also Grass and Koselleck 1997, pp.169.

<sup>623</sup> See also Scheidler 1973 [1840], whose dictionary entry on ‘Emancipation’ from 1840 shows a very strong historical-philosophical dimension, but who is much more Kantian in his definition of emancipation than either Bauer or Marx. See also Mäder 2010, 28.

emancipation. He leaves no doubt that he has identified this limit-point when he argues that political emancipation ‘is the final form of human emancipation *within* the hitherto existing world order’. His identification of a limit-point of political emancipation means nothing else than that Marx thinks he has arrived at a structural account of civil-bourgeois society as a totality. You cannot define limits if you do not know what constitutes the inside of those limits, even if that whole works in a contingent, rather than fully determined, way. And this is the second, fundamental element of my argument about Marx’s concept of human emancipation as revolution: for Marx, you cannot identify the process that should bring about human emancipation without precisely defining the different elements that make up the social totality that require to be overcome. In other words, the concept of emancipation as revolution depends on a careful identification of the key structural elements and their ways of taking effect on the social form as a whole that need to be overcome, which makes it worthwhile to summarise the key terms of these elements as identified at length in Chapter Three here, before developing the implications for human emancipation.

One element that makes up the civil-bourgeois social structure is the historically specific mediation of the republican-democratic state – also defined as *the state as such*. It is the entire state-centred political power complex that erects the very ideology that covers up the existence of the social individual, which is then put to work for the principles of civil society, by giving it an illusory existence in the political sphere, and depoliticising man’s everyday life. The political state presupposes the separation that is constitutive of the limit of political emancipation because it can either subordinate or elevate the individual over his social existence, but it cannot unite them.<sup>624</sup> Marx thereby cuts himself off from the history of political philosophy that aims to legitimise political power (e.g. in the name of the chains in which Rousseau finds the modern individual, or of Hegel’s objective knowledge that sits in the rational state), in that he “questions political power as a historically specific form of the organisation of society”<sup>625</sup>, thereby opening up the possibility of putting an end to its

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<sup>624</sup> See Maihofer 1992, 100.

<sup>625</sup> Ibid., 102; my trans. This is absolutely congruent with Marx’s affirmations in the 6<sup>th</sup> and 7<sup>th</sup> Theses on Feuerbach: “that the abstract individual...belongs to a particular social form”; and therefore man is in its reality “the ensemble of the social relations”. (Marx 1998, 570–571.)

modern form – which, we should note in anticipation of Balibar’s critique that will be explicated in Chapter Six, is not the same as putting an end to politics altogether. The state is not only an illusory sovereignty, the heaven to which the man of civil society prays for his political emancipation, but it is thereby a very real, material institution that manifests as “an irreducible relation of domination”<sup>626</sup> in the post-revolutionary social form.

The other element that Marx identifies as needing to be overcome is the spiritual and material constitution of man’s life within civil society. Marx develops this element on the one hand through his critique of the Declarations and Bills of Right, but also in the entire second part of ‘On the Jewish Question’, unfortunately reproducing the anti-Judaic language that Bauer and many other commentators on the ‘Jewish Question’ at the time had used before him.<sup>627</sup> The mediations of human life in civil society are material (practical need, self-interest, huckstering, and money)<sup>628</sup> as well as spiritual or ideological (the liberalism that grounds the ‘rights of man’). In civil society and in his everyday activity, man participates in his own self-alienation “by putting his products, and his activity, under the domination of an alien being, and bestowing the significance of an alien entity – money – on them”<sup>629</sup>. What Marx points to here is something that is not subsumed by the inversion thesis that he applied to criticise Hegel in the ‘Critique’: it is now no longer a false subject, namely the ideal state, that dominates real man, but it is real man himself who engages in practices that distance him from being the social individual Marx argues he should be (we will return to this in 4.3). Thus, Marx understands at this point that the material and spiritual practice man engages in has its own universalising effects that are not independent from the existence of the political state, but certainly autonomous from it, in the sense that they depend on their own mediations, or abstractions, that are not reducible to the ones emerging from the political state. Marx concludes thus:

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<sup>626</sup> Blechman and Breaugh 2011, xvii.

<sup>627</sup> See Fine 2006, where he argues that this rhetoric was Marx’s way of ironising Bauer’s anti-Judaic rhetoric rather than meant seriously. I am however not content to redeem Marx as easily as Fine does, because, after all, his supposedly ironising speech is all too purposefully following a goal that implies the abolition of Judaism. Instead, I want to refer to Wendy Brown’s in my eyes extremely pertinent comment on how to deal with Marx’s anti-Judaic speech (which she equates with anti-Semitism, which is in my eyes the only problem of her comment). See Brown 1997, 91–92, fn10. But we will return to this issue in 4.3.

<sup>628</sup> See Marx 2010, 169–170 [372]. Carlebach refers to the slightly unclear influence of Moses Hess’ essay *On the Essence of Money* on Marx’s second part of ‘On the Jewish Question’. He states that it remains unclear whether Marx has indeed seen the essay before he wrote ‘On the Jewish Question’. See Carlebach 1978, 110–111.

<sup>629</sup> Marx 2010, 174 [376–377].

Emancipation from huckstering and money, consequently from practical, real Judaism, would be the self-emancipation of our time. [...] Once society has succeeded in abolishing the empirical essence of Judaism – huckstering and its preconditions – the Jew will have become impossible, because his consciousness no longer has an object, because the subjective basis of Judaism, practical need, has been humanised, and because the conflict between man’s individual-sensuous existence and his species-existence has been abolished. The social emancipation of the Jew is the emancipation of society from Judaism.<sup>630</sup>

Contrasted to the first part of ‘On the Jewish Question’, there seems to be an oscillation between Marx’s state-centred concept of society and of emancipation – whose prime object of critique is the state that gives rise to bourgeois ideology: “[Bauer’s] mistake lies in the fact that he subjects to criticism *only* the ‘Christian state’, not the ‘state as such’”<sup>631</sup> – and an understanding in which civil society itself is the bearer of man’s self-alienation, and thus also the locus of his self-emancipation. Hyppolite voices his reservations about a lack of rigour in Marx’s critique of 1843 and 1844 when he wonders if the contradiction between state and civil society is not only an expression of the contradictions inherent in civil society, as becomes apparent in *The Communist Manifesto*.<sup>632</sup> That would mean that Marx’s critique of the socio-economic mediations of civil society would ultimately replace his critique of the political mediations, and the second part of ‘On the Jewish Question’ would take precedence over the first. Alberto Toscano makes a similar (whilst more thoroughly spelled-out) suggestion when he argues that Marx’s overall aim, which he concisely formulates in the 4<sup>th</sup> Thesis on Feuerbach as the explanation of humanity’s self-alienation through “the inner strife and intrinsic contradictoriness of [its] secular basis”<sup>633</sup>, is “to be conceived not in terms of the state but rather in those of ‘the entire hitherto existing mode of production and intercourse’.”<sup>634</sup>

Although I agree with Toscano that, at the point of his early writings, Marx’s historical-materialist method has not been developed to the point that it could have captured the extent to which man’s social relations gave rise to religious phenomena,<sup>635</sup> I want to emphasise the irreducible importance of ‘On the Jewish Question’: if we take the

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<sup>630</sup> Ibid., 170, 174 [372, 377].

<sup>631</sup> Ibid., 149 [350]; amended trans.

<sup>632</sup> See Hyppolite 1969, 123.

<sup>633</sup> Marx 1998, 573.

<sup>634</sup> Toscano 2010b, 13.

<sup>635</sup> See *ibid.*, 14, 25. Toscano further argues: “it is also true that the ‘secular basis’ will increasingly come to signify the mode of production and social intercourse, and only secondarily the state-form.” (*Ibid.*, 24–25.)

first and second part of the text together, it argues for a dialectical double determination of man's life as simultaneously political and social. It posits a specificity of the post-revolutionary social form that as much determines human life and the conditions of possibility of social change, as the on-going human existence determines the reproduction of the social form. Within the social form, the political state plays a role that is not reducible to the 'economic base', or that is entirely conditioned by the functioning of 'commodity fetishism', even though the state exists as "a mere *means*, whose purpose is the life of civil society"<sup>636</sup>.

Now, in the context of seeking a definition of Marx's concept of human emancipation qua revolution, the decisive next step would be to ask about a more precise, namely positive definition of the relationship between state and civil society that can help us to think of a strategy for how to overcome this double determination of civil-bourgeois society. But Marx does not give us a definitive answer. Of course, we learned that illusions (or more generally religiosity) are always an expression of a secular limit [*weltliche Schranke*], which means in turn that they need to be combatted by confronting the elements of the secular limit itself, rather than trying to rid oneself of the illusions in a direct sense. The secular limit is further constituted, as we just discussed, by "the nature of the state itself"<sup>637</sup>, whereas this same state is, later on in the text, defined as dominated by civil society. Does that now mean that one first needs to confront and abolish the state, as the institution that gives rise to illusions in the form of the republican ideology, or the nexus of liberalism and material individualised activity as found in civil society? The text, and here Hyppolite is right, does not give us a conclusive answer, because it does not at all engage with the strategic question of how to go about implementing the revolutionary processes that could lead to human emancipation. And this is certainly a blind spot that would need to be filled in order to reach a more specific concept of revolution; only a more precise and definitive conception of the interrelation of economic and political abstractions can allow a powerful strategy for their overcoming. But what is entirely clear from the lengthy treatment of political emancipation in 'On the Jewish Question' is that the definition of the social form

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<sup>636</sup> Marx 2010, 164 [367].

<sup>637</sup> Ibid., 151 [352].

as a totality is the decisive condition in order to arrive at the process of its overcoming qua revolution. Even if Marx leaves the former slightly ambiguous, and if he does not provide us with a definitive definition of the latter (because he is more interested in revolution as long-term historical transformation, than in revolution as short-term political event at this point), he leaves us with a potentially productive starting point. We recognise here, in a positively defined sense, what transpired already in the previous section on Rousseau, namely that the definition of the social structure and its overcoming are intertwined in such a way that if Marx's definition of the former diverges from Rousseau's, then the latter must as well.

That leaves us to conclude, regarding the second characteristic of human emancipation qua revolution, that the revolutionary process is a historical concept, in so far as it depends on the correct identification of the existing historical conditions, which are nothing else than the totality of the social structure. This brings out an interesting relation between Marx and Bauer's respective conceptions. Whilst Marx disagrees uncompromisingly with Bauer on the definition of the structural elements of the social form that makes up 'political emancipation', which is of primary importance, they nevertheless both insist on the possibility and necessity of rationally discerning and defining the social structure, which gives thought (or critique, as especially Bauer refers to it) a crucial role in the revolutionary process.<sup>638</sup> Because history, whilst a necessary condition for the revolution in terms of its definition and, as we will see in a moment, in terms of its emergence, does not automatically give rise to the revolutionary process, nor does it automatically define this process as break or progress. History holds the revolution's elements, i.e. the possibility of a revolution depends on the historical conditions, but history does not necessarily give rise to any specific revolutionary goals or to a specific process of revolutionary events; it is not responsible for the revolution. For both Marx and Bauer the rational is no longer given by objective history, but instead it will need to be developed and posited *against* history's actualisation in political emancipation, by breaking with it in the name of a different, truer aspect of that same history, called human

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<sup>638</sup> See Moggach 2015, 179–181, who inscribes this alignment to a Fichtean Hegelianism as opposed to Feuerbach's Spinozist Hegelianism, which emphasises substance as opposed to the intentional actions of a rationally thinking subject.

emancipation. Marx's concept of revolution is conditioned by history, but it is not teleologically directed or indeed guaranteed in any way<sup>639</sup> – because its conceptualisation is the task of the rational agents of the revolution, as we can see from the importance Marx confers onto the correct concept of political emancipation (which he argues Bauer is lacking) as the basis for even identifying human emancipation, let alone realising it.

When we objected to Bauer earlier that he made self-consciousness into the instance that had to decide on the difference between history as actuality and history as the truth that needs to be actualised in the name of human emancipation (2.3), then we stand here at the same crossroad with Marx. Except that Marx does not talk about any agents or actors in 'On the Jewish Question', at least not directly.<sup>640</sup> But we can once again infer some insights. On the one hand, philosophy or theory is indispensable as the instance of rationally conceiving of the secular limits of the current social form. But, in opposition to Bauer, Marx at this point does not demand from the individual with his rational capacity to affirm his universality against his particularities (e.g. religious beliefs), against the state, or against objective history more generally. Instead Marx understands the individuals themselves to be subjectivised into their individualised existences, which they cannot easily renounce, precisely because their existence is not a mere particularity, but itself part of a universality. That means that the revolution needs to replace one universal with another. The individuals need to rise up against the universal to which they are subjected and by which they are subjectivised – namely the civil-bourgeois social form – and initiate a revolution against it, whilst they themselves will be (self-)transformed as part of the revolution. Whilst philosophy lays the rational ground for the revolution, "real, practical

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<sup>639</sup> See Mäder 2010, 28–29; Lehmann 2011, 402–403. The only point in 'On the Jewish Question', where Marx gives the impression that human emancipation is the *necessary* continuation of political emancipation, is when he writes: "We recognise in Judaism, therefore, a general *anti-social* element of the *present time*, an element which through historical development - ... - has been brought to its present high level, at which it must necessarily begin to disintegrate." (2010, 170) In light of the final paragraph of the entire text, where Marx says "as soon as society succeeds to abolish..." (ibid., 174; amended trans.), we should read this "necessary" more as a political demand that will need to be realised by rational actors, rather than as an automatic development inscribed in history itself.

<sup>640</sup> Koselleck and Grass are not the only ones that jump quickly to the 'Introduction' and fill in the proletariat, which is certainly not wrong, as Marx still uses the concepts of political and universal, human emancipation in that text (see Grass and Koselleck 1997, 175). But it introduces a new problem into the discussion, which should not too quickly overlay the discussion in 'On the Jewish Question'. See for a pronounced relation of the two texts the dictionary entry 'Emancipation' by Bensussan in the *Dictionnaire critique du Vocabulaire du marxisme*, Bensussan 2001, 382–384, and on the problem of the figure of the proletariat in the 'Introduction' Balibar's essay in *Citoyen Sujet*, 'Le moment messianique du Marx', Balibar 2011, pp.243.

emancipation”<sup>641</sup> is the real movement that realises it – and the two do not exist in a determinative relationship to each other. This is Marx’s indeterminate unity of theory and practice, in which the question of the political agents or revolutionaries remains a lacuna – which we keep purposefully open, instead of jumping to Marx’s subsequent texts in order to fill it with the figure of the ‘proletariat’.<sup>642</sup>

Finally, we come to discuss the last element of human emancipation as revolution, namely that it serves not only as a referent for the revolutionary process, but also, and crucially, as its goal.<sup>643</sup> It is, at last, time to define positively what Marx might mean by ‘the reduction of man to himself’, beyond the superficial idea of returning sovereignty to man that Marx already discussed in the ‘Critique’. It certainly means the abolition of the civil-bourgeois political and economic abstractions, which, however, does not mean that there cannot arise any new forms of political and economic mediation within the social form that Marx calls human emancipation. To define human emancipation as revolution certainly means primarily that such new forms of mediation will not be reached by radicalising the existing ones. Human emancipation as goal is the end point of civil-bourgeois society and the starting point of a new social form, which Marx at no point says will not have its own mediations and political conflicts, as many interpreters try to convince us, when they equate human emancipation with a state of perfect harmony, or total transparency,<sup>644</sup> captured by the religious notion of salvation.<sup>645</sup> Instead, I would like to insist on paying attention to the text, in which the constitution of the new social form is not thematised – which also means that it is, whether intentionally or not, left open for the revolutionary movement to work out. What is, however, thematised is the goal *of* this social form: and that is the creation of the conditions in which man can exist as a ‘social individual’.

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<sup>641</sup> Marx 2010, 155 [356].

<sup>642</sup> See for such an attempt Lehmann’s definition of the revolutionary in Marx as the contingent double identity of man – philistine, in Lehmann 2011, 403–408.

<sup>643</sup> Koselleck argues that this is a common characteristic of modern political concepts, see Koselleck 2006, 141.

<sup>644</sup> See e.g. Castoriadis 1998, 110.

<sup>645</sup> See Grass and Koselleck 1997, 174; Basso 2012, 181; I agree here with Kouvelakis 2005, 710.

### 4.3 From man as social individual to solving the ‘Jewish question’?

Interpreting what Marx said, positively as well as critically, about the social individual in ‘On the Jewish Question’<sup>646</sup> will be the last interpretative step of this chapter before we will be able to conclude Section One. We already made the first steps in this direction in 4.1 when we showed that the reduction that is the goal of human emancipation is framed as the negation of the prior, historical reductions of man, namely the feudal and the civil-bourgeois one. That means that the task is to define an alternative social bond that implies a different ‘reduction’ or, we could say, a different definition of ‘man’ as the man of the future who has not yet existed. This is, if we will, the frequently invoked, but often overstated, ‘utopian’ element in Marx’s concept of human emancipation.<sup>647</sup> It is however only in a very limited sense utopian because, even though man never existed in history in this new form, history holds it within itself – in this very limited sense, Marx, as well as Bauer, are still Hegelians. That is the case because, as argued above, the way Marx frames the final emancipatory reduction, it is thought as a re-opening of the closures that the civil-bourgeois social form has performed on the revolutionary promise of freedom, or on man’s “capacity to become free”, as Bauer phrased it in his second text under Marx’s review. Man’s social and individual existence has been realised, but unfortunately in an antinomical form. But that means, once again, that the identification and politicisation of this limitation and of its overcoming are not a naturally or historically given, but they are a political act.

I want to follow Moggach here and argue that Marx’s defence of a different type of freedom, in which man has his social and political powers united within himself and exists as an individual in harmony with his species, which I would like to call ‘social freedom’, is an “implicit ethic”<sup>648</sup>. Man’s existence should not be dominated by “alien abstractions”<sup>649</sup> implying that his individuation should not be generalised by a hegemonic socio-political form, man’s concrete individuality should not be reduced to some generic ‘man’ in order

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<sup>646</sup> I am adopting the term ‘social individual’, which is not a term Marx uses in ‘On the Jewish Question’, from Jason Read and Luca Basso.

<sup>647</sup> See Koselleck 2006, 252, 261.

<sup>648</sup> Moggach 2015, 182.

<sup>649</sup> Toscano 2010b, 24.

for him to be able to become the subject of rights, and man should not be depoliticised.<sup>650</sup> Because all these different elements of domination give rise to alien abstractions – man’s religiosity – that tie humanity deeper into its domination, because it reproduces it in thought and in material life. Marx takes here an ethical stance, which, in the *Holy Family*, he calls “real humanism”<sup>651</sup>. Real humanism means, for Marx, self-determination, but self-determination as non-autonomous, social individuals that are as much individuals as members of a species. That is only possible if man is fully conscious of his social and political powers, and can rationally decide how he exerts them in congruence with his fellow humans or in the context of “the networks that make up the life of the people”<sup>652</sup>. Human emancipation is the becoming re-united of real, individual man and abstract citizen, or of man’s social being with man’s political being; it means not to take away man’s own powers [*forces propres*] from him, as Rousseau and Hegel conceived of it in different ways, but to give them back to him, in a material sense, and with regard to man becoming conscious of his powers and how they are actually distributed in society (as opposed to what the Constitution says).

But how should we exactly understand the becoming species-being of individual man, in the sense that it does seem to refer to an anthropological kernel of man? First of all, I agree with Luca Basso, when he outrightly rejects all interpretations that try to read organicism, the subsumption of the individual under the community, into this account of human emancipation. If anything is clear from the whole first part of ‘On the Jewish Question’, then it is Marx’s rejection of a force that subjects individual man to external domination and the overriding of his particular characteristics, beliefs, abilities and needs, a force that he mostly identifies with the state, but that I am confident to extend to any notion of community.<sup>653</sup> Instead, Marx precisely posits human emancipation as a way of ending the individual’s illusory relationship to politics and the individual subsumption under the reign of civil society’s principles such as self-interest, private property, money.

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<sup>650</sup> See Maihofer 1992, 96–97.

<sup>651</sup> Marx and Engels 1975, 15.

<sup>652</sup> Blechman and Breaugh 2011, xiii.

<sup>653</sup> See Basso 2012, 1, 28.

It is important to note in this context what Marx's concept of 'man's own powers' is. We already saw that he does not share Rousseau's understanding of natural man as independent, self-sufficient and living in autarky. Instead man is a species-being – a concept Marx takes from Feuerbach and embeds into an explicitly historico-political context.<sup>654</sup> And even though Marx's species-being has conceptually very little to do with Feuerbach in terms of its derivation and definition, as I will discuss shortly, Marx nevertheless uses Feuerbachian language in a few places in 'On the Jewish Question', when he defines man's existence in civil society as "sensuous, individual and immediate [*nächsten*]"<sup>655</sup>, which can give the impression that this might be his 'true' existence. But his life within the context of the modern civil society is not true either, because it has divorced him from his species existence, and made him live *as if* he was an atomistic individual. And this atomistic individual is, for Marx, the Christian notion of man that he wants to combat. We need to refer once again to this section from the text:

Political democracy is Christian since in it man, not merely one man but every man, ranks as *sovereign*, as the highest being, but it is man in his uncivilised, unsocial form, man in his fortuitous existence, man just as he is, man as he has been corrupted by the whole organisation of our society, who has lost himself, been alienated, and handed over to the rule of inhuman conditions and elements – in short, man who is not yet a *real* species-being.<sup>656</sup>

Species-being therefore could refer to a transhistorical, metaphysical structure of man that implies certain "qualities, dispositions and characteristics"<sup>657</sup>, which are precisely denied or actively eliminated by the structure of civil society as emerged out of Christianity: Brown calls it an "ontological sociality"<sup>658</sup>. In the *Holy Family* Marx finds correcting words for what is implied when he speaks in 'On the Jewish Question' of the atomistic individual of civil society:

Speaking exactly and in the prosaic sense, the members of civil society are not atoms. The specific property of the atom is that it has no properties and is therefore not connected with beings outside it by any relations determined by its own natural necessity. The atom has no needs, it is self-sufficient; the world outside it is absolute vacuum, i.e., it is contentless, senseless, meaningless, just because the atom has all its fullness in itself. The egotistic individual in civil society may in his non-sensuous imagination and life-less abstraction inflate himself to the size of an atom, i.e., to an

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<sup>654</sup> See *ibid.*, 27, 33.

<sup>655</sup> Marx 2010, 167 [370]; amended trans.

<sup>656</sup> *Ibid.*, 159 [360].

<sup>657</sup> Basso 2012, 26.

<sup>658</sup> Brown 1997, 105; see also Gould 1980, 105 on Marx's social ontology.

unrelated, self-sufficient, wantless, absolutely full, blessed being. ...It is ... not the state that holds the atoms of civil society together, but the fact that they are atoms only in imagination, in the heaven of their fancy, but in reality beings tremendously different from atoms, in other words, not divine egoists, but egotistic *human beings*. Only political superstition today imagines that social life must be held together by the state whereas in reality the state, is held together by civil life.<sup>659</sup>

On the one hand, Marx repeats here what he has affirmed time and time again in ‘On the Jewish Question’: that the primacy of politics and the rule of the state and its republican principles is a very effective ideology of the modern democratic republic, whilst it is really dominated by the profane life of civil society. But, Marx refers to a second contradiction, namely between man’s supposedly atomistic existence in civil society, where one man perceives every other man as a barrier, and his fundamental dependency on the other members of civil society on the level of “natural necessity ... and interest”<sup>660</sup>, which is denied by the bourgeois way of life and by man’s image of himself. That means that the species-existence, i.e. an ontological relationality between human beings, is no less historically real than the atomistic existence, but in the structure of civil society the latter overrides the former. The outcome or “product” of the French Revolution is modern man who is ruled by the spiritual (ideological) and material power of atomism whilst he really depends on his fellow men: the man of civil society, the bourgeois, the man of democracy and of the secular principle has become ‘human nature’,<sup>661</sup> but his ontological sociality rests within it in the form of a trace.

Thus, even if Marx in the early writings, including ‘On the Jewish Question’, only conceives of man on the basis of his abstract human nature, and not on the basis of the practices that materialise and ‘class’ him, as Basso points out,<sup>662</sup> his account of the French Revolution as the social transformation that successfully instituted the very structure of modern, split man – or of the ‘Bourgeois[ie]’ as Marx frames it in the ‘Critical Notes’<sup>663</sup> – that allows for the subsequent capitalist subsumption of the individual, goes a long way. It should be rather regarded as lacking in specificity in attempting to define man’s historical

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<sup>659</sup> Marx and Engels 1975, 162–163; my italics.

<sup>660</sup> Ibid., 162.

<sup>661</sup> See Marx 2010, 159 [360–361]; also Basso 2012, 36, fn47. Marx follows here Rousseau in strictly historicising human nature as we discussed earlier, when we referred to the *Discourse*, where Rousseau writes “the human race of one age is not the human race of another age, the reason why Diogenes did not find a man is that he was looking among his contemporaries for the man of a time that no longer was” (Rousseau 2014b, 115–116 [264–271]).

<sup>662</sup> See Basso 2012, 22.

<sup>663</sup> Marx 1975a, 415 [405]; see also Bloch 1996, 175.

determination or ‘materialisation’ through his practices, instead of lacking this level of theorisation altogether. The aim of human emancipation is then to create socio-political conditions where man can return to his ‘essence’, i.e. to his ontological relationality that already exists as a condition for the ‘modern condition’ that is based on its ideological (=material) denial; in Basso’s words, in the post-revolutionary civil society “sociality and isolation mutually implicate one another”<sup>664</sup>. Marx has then simultaneously posited man’s species-being as constituting an ontological and thus transhistorical, as well as a historically concrete, reality of man, which he needs to be allowed to realise for himself instead of as a capacity that fuels man’s exploitation, as much as it is denied to man by his capitalist ‘isolation’.<sup>665</sup> Changing the socio-political conditions equals changing human nature, but in a way that recomposes man as the species-being, or “social individual” that he already is, albeit only in an unconscious, suppressed, and exploited form.

The path between the two moments can only be opened up by a revolutionary transformation that is as all-encompassing of economic and political conditions, and in that sense repeats what Marx refers to under the label of the French Revolution, but with a different goal and starting from different conditions. That means – and this is significant, especially in light of a contemporary return to political anthropology, as we will for example see in Balibar in the next section – that Marx’s recourse to anthropology is not a relationship of merely unveiling or disclosing man’s hidden reality to him on the level of consciousness, in the way that Althusser describes Feuerbach’s method of inversion.<sup>666</sup> Neither does Marx believe in man’s anthropological essence, his species-existence, to be able to resist man’s civil-bourgeois individuation as some kind of resistant force. Nor is the Marx who writes ‘On the Jewish Question’ concerned with affirming man’s species existence over and against man’s particularities, such as his religious beliefs, or indeed, over and against his differences such as sexual difference.<sup>667</sup> Man does not, as Bauer argues, need

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<sup>664</sup> Basso 2012, 18.

<sup>665</sup> See Read 2011, pp.4. Read shows how Marx further deepens the historical dimension of his definition of individuation in civil-bourgeois society as isolation in the ‘Economic and Philosophical Manuscripts’, in relation to labour, through to the practices of production and exchange in *Capital*.

<sup>666</sup> See Althusser 2003, 94–112.

<sup>667</sup> It is on this issue that I firmly disagree with the content that Balakrishnan gives to his characterisation of the early Marx as ‘abolitionist’. See Balakrishnan 2014, 106.

to overcome his alienated existence by means of emptying himself and becoming the man without properties who affirms his true genericity or universality.

That, in turn, does not mean that Frank Ruda is wrong when he emphasises through his Badiouian reading of Marx's notion of the proletariat that Marx's concept of emancipation includes the need for dissolving, or losing, man [*Ent-Wesung*] in order to reconstitute him based on a new social bond. But Marx's aim is not to reconstitute man in the name of genericity and equality as Badiou and Ruda argue.<sup>668</sup> Instead, Marx is concerned with replacing man's existence within one universal social form, namely civil-bourgeois society, with another, following the aim of allowing man simultaneously an individual and social existence, without either side being dominated by the other. Marx's ethical aim is the constitution of a different form of man's existence in the name of human emancipation or social freedom – which depends on the determinate negation of the historically existing universalism that Marx called political emancipation. The recourse to Feuerbach's category of species-being allows Marx to, on the one hand, reject the naturalised image of a liberal constitution of man as primarily individualised and expose it as historically determined,<sup>669</sup> and, on the other, allows him to counter this image with that of the social individual, which he regards as a way for man to live a truly free life.<sup>670</sup>

Has this idea of freedom thereby left behind its Hegelian, and thus Christian, origins? Which implies the further question of whether it is still inscribed in a teleology that regards the Christian or, in Bauer's case, a truly atheist freedom, superior to the idea of freedom inscribed in Judaism? I would argue yes and no. It has transcended its Christian origins in the sense that it rejects the ultimate recourse to the individual, which is predominant in Hegel, and in Bauer. But it does so by framing this new form of freedom as the final overcoming of the Judaism that returned in the figure of civil society, after Christianity had once before overcome it.<sup>671</sup> When Breckman insists that Marx is more

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<sup>668</sup> See Ruda 2010, 281.

<sup>669</sup> See Kouvelakis 2005, 709.

<sup>670</sup> Undoubtedly the definition of the new social form as well as that of the 'social individual' remain rather vague in Marx's writings, which is something to be addressed and developed further in a future research project.

<sup>671</sup> See Marx 2010, 173 [376].

bound up with the critique of Christianity than immediately apparent,<sup>672</sup> it certainly speaks to this point.

What does this, however, mean for Marx's solution for the 'Jewish Question'? He argues early on in the text that "[o]nly the critique of *political emancipation* itself was the conclusive criticism of the Jewish question and its real merging in the 'general question of the age'<sup>673</sup>, by which he, however, refers to his own theoretical framing, which he deems necessary in order to properly grasp what this general question is. That means that Marx thinks it is possible to reach a conclusion, or solution to the 'Jewish question' that falls together with solving the 'general question of the age' by means of realising human emancipation.

On the one hand, this approach seems to contain a certain naivety or even wilful ignorance, because his subsumption of the confessional religions under a more general religiosity of civil-bourgeois society implies that confessional religions will be dissolved together with the other types of religiosity or illusions, once the social revolution has been successful. Marx's commitment is, after all, to end humanity's domination from religion in all its forms.<sup>674</sup>

He writes:

Therefore, we explain the religious limitations [*Befangenheit*] of the free citizen by their secular limitations. We do not assert that they must overcome their religious narrowness [*Beschränktheit*] in order to get rid of their secular restrictions [*Schranken*], we assert that they will overcome their religious narrowness once they get rid of their secular restrictions.<sup>675</sup>

That the religious conflict can be reduced to the secular conflict means, in turn, that Marx makes Judaism, and all other confessional religions, into a historical attribute of civil-bourgeois society, which has been banned to the private sphere. This, however, seems immediately questionable on several levels. On the one hand, the confessional religions he discusses existed prior to the particular social form of civil-bourgeois society, and it is not clear why they should not continue beyond a second revolution aiming at human emancipation. The other question is whether Marx is actually correct that they are confined

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<sup>672</sup> See Breckman 1999, 19.

<sup>673</sup> Marx 2010, 149 [350]; amended trans.

<sup>674</sup> See Bensäid 2006a, 29.

<sup>675</sup> Marx 2010, 151 [352].

to the private sphere, and thus stopped exerting political influence in the realm of the state.<sup>676</sup> Sara Farris points us to the contemporary situation in France in the context of the ‘Muslim question’, which seems to resist Marx’s refutation of Bauer’s problematisation of religious identity as a non-existent ‘political’ problem. Whereas Marx argues that religious identity has already been fully privatised, i.e. depoliticised, in the context of the democratic republic, Farris argues the following:

Ultimately, not only does the lack of social, economic and cultural rights prevent Muslim girls from entering the promised land of emancipation and equality in the public sphere, but also it reveals the contradictions at the heart of the political universalism of the state whereby religion is a mark of individual identity (or a particularity) that the French state politicizes, whereas social class and poverty are defined at the outset as non-political distinctions which can therefore continue to operate and divide.<sup>677</sup>

The second part of the quote makes clear that Marx was wrong when he portrayed the French Republic as merely a not yet properly secularised antecedent stage to the American Democratic Republic. France’s radical secularism, in the name of *laïcité*, today seems to pose similar problems to those of Bauer’s and Marx’s time, where the minority religions become political targets by being accused of not living and behaving in a truly secular way. This was a blind spot in Marx’s analysis.

The first part of Farris’s quote, however, explicates the sense in which we need to understand what Marx means by solving the ‘Jewish question’. Religious narrowness is understood by Marx, and in opposition to Bauer and to Feuerbach, as a “socio-historical necessity”<sup>678</sup> as long as the secularised social world is riven by the spiritual and material contradictions Marx has identified, which makes secularism, and all forms of secular humanism, an absolutely limited and ideological political goal. Viewed from this position, Marx’s reduction of Judaism to a historically specific attribute of civil-bourgeois society can be seen as a powerful theoretical move against Hegel and Bauer. He thereby implies that Judaism as religion is, and should not at all be, the central object of the debate on emancipation in the sense that the ‘Jewish question’ and, more generally, the specific oppressive conditions in which the European Jews live are a product of the post-revolutionary social form.

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<sup>676</sup> See also Binoche 1989, 110.

<sup>677</sup> Farris 2014, 302.

<sup>678</sup> Toscano 2010b, 15.

It is therefore this particular social form that needs to be problematised as the barrier to emancipation, and once it will be overcome, the 'Jewish question' will also be solved, whereas it otherwise persists. That does not mean that Jewish emancipation would be solved in its entirety for all of history, or that Judaism would be abolished. But, it means that the problem of the 'Jewish question' will no longer appear in its current form, because it will no longer face the obstacles it faces within civil-bourgeois society. No more and no less. When Marx then identifies the Jewish struggle for emancipation with the struggle for the whole of humanity, that does not necessarily mean that he ignores the particular history of oppression, struggle and identities of the Jewish community that fuels their fight for emancipation and for citizenship. His personal support for the Jewish struggle by signing petitions and participating in the debate shows that he does not think that it is the wrong front to fight on. But he does urge an orientation of any struggle for emancipation towards the abolition of the civil-bourgeois social form.

We can, however, conclusively assert at this point that it is no longer fruitful to criticise Marx's concept of human emancipation as remaining Hegelian, Feuerbachian, or Bauerian, when used in their derogatory meanings, even though we have found traits of all three in Marx's refutation of Bauer's approach to Jewish emancipation and human emancipation. Is 'On the Jewish Question', under these circumstances, still appropriately characterised as a "threshold text"<sup>679</sup>? I want to end by saying, once again, yes and no. It is, because it remains dubitable whether Marx actually realised the full implications of his analyses, in the sense that he did certainly not follow it up in any stringent sense in his subsequent writings.<sup>680</sup> It is however a conclusive step over the threshold that exists between the 'Critique' and 'On the Jewish Question' with regard to Marx's allocation of human emancipation on the side of revolution and not on the side of citizenship, even in a radically democratic sense.

Of course, there is more work to be done in order to develop the concept of human emancipation as revolution into a timely and potent concept, employing Marx's

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<sup>679</sup> Bensaid 2006a, 13; my trans.

<sup>680</sup> And it is in this sense that Balakrishnan's analysis develops a pertinent problematisation.

later works as well as the best of Marxism's elaborations in order to reach more definite conclusions how such a concept can be applied in the contemporary conjuncture. But, whilst the following chapters will clarify some more decisive angles of development, we need to postpone that work to a future project.

We will now move on to Section Two of the thesis, where we will explore what happens to the distinction between political and human emancipation in the 1980s with the return of the problems that Marx formulated in 'On the Jewish Question'.

## Section 2: Complicating, reducing or rejecting Marxian emancipation?

The political and philosophical debate in France in the 1980s returns to the Marxian and, more broadly, Young Hegelian problems of the 1840s that we discussed above, with a startlingly large overlap. At stake in this debate are, once again, the political and philosophical meaning and importance of the French revolution, of democracy, citizenship, and human rights; and those Post-Marxists who are widely regarded as most faithful to Marx's oeuvre and legacy are deeply entangled within it. To someone who wasn't aware of the historico-political and theoretical developments that occurred between 1840 and 1980, and who looked at the 1980s (post-)Marxist debates, the situation could almost appear as if not much had actually happened in between. Except that Marx's conception of human as opposed to political emancipation was suddenly treated with widespread disapproval, even by those closely familiar with and generally sympathetic to the German thinker's work.

This raises two questions that are crucial if a conceptualisation of a Marxian notion of emancipation is to be relevant in today's conjuncture: a) what happened in the 1980s and before that led the debate to return to those early Marxian problems, from which it had significantly departed in the meantime?; b) what can we learn from the largely critical revaluations of Marx's distinction between political and human emancipation for our overall project? Whilst this introduction focuses on the first part, the subsequent analysis, which primarily focuses on Balibar's theorisation of emancipation as equaliberty, concentrates on illuminating the latter.

In the 1980s, the French Fifth Republic and its citizens found themselves confronted with several crises. For the Left it was very much the moment of the aftermath of 1968, including the subsequent 'red decade'<sup>681</sup>, and of the failure of 'real socialism' in the USSR, which in turn led to the decline and disintegration of classically 'left' pillars (working class struggle, the role of the trade unions, etc.) and the crystallisation of new political orientations.<sup>682</sup> Marxism and the institutions most closely aligned with it were certainly on the losing end, thrown into a deep crisis by their association – whether warranted or

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<sup>681</sup> See Power and Toscano 2009.

<sup>682</sup> See Bourg 2007b, 230, 303.

otherwise – with the Soviet Union. On the other hand, a new institutional Left arose in France under François Mitterrand, who came into power in May 1981 backed by the *Union of the Left*, a union of three French Left parties – Mitterrand’s Parti Socialiste, the PCF, and the Radical Party of the Left – which had been formed in 1972.<sup>683</sup> But the PCF, which had already played a much more minor role than it initially envisioned, resigned from the Union in 1984 – mainly due to its own internal disintegration in the wake of internal criticism of their popular-frontist strategy,<sup>684</sup> the anti-institutional sentiment that spread through the radical or militant Left after ’68, and the PCF’s misguided position on Soviet Communism.<sup>685</sup> The latter again came into focus when Alexander Solzhenitsyn’s publication of the *Gulag Archipelago* led to a second wave of revelations about the atrocities committed in the Soviet Union.<sup>686</sup> Mitterrand’s election and subsequent leadership was also – despite being, in one sense, the biggest institutional success of the Left in the Fifth Republic – disputed from the very moment he came to power by a large part of the Left. For the part of the party that had supported Michel Rocard, his political approach to the Soviet Union was not de-Marxified enough<sup>687</sup> and, for the more radical Left, it was too pragmatically Liberal-Republican. For both, he embodied the renunciation of what was left from ’68, in terms of the atmosphere of departure from, and reinvention of, what Left politics can be and can achieve.

The critics would soon be satisfied to see the French Republican state enter into a rather severe identity crisis in the midst of the economic after-effects of the mid-1970s global recession, the rise of globalised and neoliberal economic and power structures, and intensified flows of migration, especially from the former French colonies, just a couple of years after Mitterrand had become President. After an initial attempt by the new socialist government to implement a Keynesian economic policy, by 1983 it already had to backpedal from it to the disappointment of its voters, and adopt the *tournant de la rigueur*:

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<sup>683</sup> See *ibid.*, 4; Christofferson 2004, 90; Bernstein 2011, 85–86.

<sup>684</sup> See in this regard specifically Althusser’s and Balibar’s contribution to the 1976 Twenty-Second Congress of the PCF, where they defended the concept of the “dictatorship of the proletariat” against a retreat from class, which the alignment with the popular front initiated. (See Farris 2013, 193; Balibar 1977) It is shortly after Balibar’s contribution that he retreats from his endorsement as we will see in more detail in the following chapters.

<sup>685</sup> See Farris 2013, 192.

<sup>686</sup> See Bourg 2007a, 141; Christofferson 2004, 89; Solzhenitsyn 1997.

<sup>687</sup> See Jainchill and Moyn 2004, 112; Balibar 1992, 7–16.

austerity measures in order to alleviate the growing budget deficit, trade deficit and, primarily, inflation.<sup>688</sup> France had to face the fact that it could not master the end of the exceptional period of growth that followed World War II, and also swim against the international economic current of neoliberalisation.<sup>689</sup> Moreover, the ability of the mass of French citizens to participate in democratic politics, to exercise full citizenship, was limited by the fact that politics had become the exclusive domain of a professional class.<sup>690</sup> They did not feel adequately represented by professionalised and, moreover, corrupt politicians, and went as far as to question the limitation of their political involvement to the existing, exclusive institutions of representation.<sup>691</sup>

In this tense political and economic climate, a sense of needing to protect France – its national identity, its institutions, and the right to citizenship with the political and social rights that come with it – especially from the increasing numbers of non-European migrants – spread throughout the Right and parts of the nationalist Left, fuelled by the rising popularity of the Front National.<sup>692</sup> The focus of these tensions – which were immediately critically confronted by several groupings on the Left, as, for example, by the “Malgré Tout Collective” in which Balibar, Badiou, and Michael Löwy among others took part and which worked over a long period in support of undocumented migrants’ [*sans papiers*] struggles – became a contestation over *citizenship* or *civic rights*.<sup>693</sup>

The more general question arose as to whether the image of citizenship that was initially part of the revolutionary principles of 1789, and was then shaped more concretely into the welfare state model under the Third Republic, was still adequate to the realisation of its function or ‘promise’ in the late 20<sup>th</sup> century.<sup>694</sup> The contestation took many forms, but most notable was a centrist neo-humanism, or secular humanism that rose in defence of the Republic. It emphasised the need to resolve the tension between citizenship as egalitarian universalism and nationality, which had been simmering for some decades, with new integrative mechanisms in relation to the *laïque* school system and the final separation

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<sup>688</sup> See Behrent 2004, 334.

<sup>689</sup> See Berstein 2011, 88.

<sup>690</sup> See Balibar 1992, 65–66.

<sup>691</sup> See Scott 2005, 12, pp.31; also Alliès 2007.

<sup>692</sup> See Scott 2005, 8; also Gastaut 2000, esp. pp.11–12.

<sup>693</sup> See Balibar 1992, pp.67; Malgré Tout Collective 1995.

<sup>694</sup> See Artous 2010, 105.

of church and state, known as *laïcité*, that were instituted by the Third Republic and now turned out to be insufficient.<sup>695</sup> Thus, the debate became not only one over territorial borders, namely over who will be granted the “*droit de cité*”<sup>696</sup> [right of residence] including rights to work and to access social services, but also over cultural borders: how to integrate or assimilate the presence of growing numbers of so-called North African “immigrants” – none other than France’s former colonial subjects - and their “difference” within France.

Many critical commentators of this renewed French Republicanism have identified the first occurrence of the ‘headscarf debate’ [*affaire du foulard islamique*] in 1989 as a moment of the crystallisation of that neo-Republicanism, which is not entirely coincidentally also the year of the bicentennial of the French revolution. What has also been referred to as the return of the earlier ‘Jewish question’, but this time as the ‘Muslim question’<sup>697</sup> is the problem of a certain incompatibility between the religious identity of primarily Muslim migrants and the French *laïque* Republic. The main concern was how to defend French secularism and the in-divisibility of the unity of the French nation, through new integrative measures, without giving in to an American multicultural model of liberal Republicanism, which was regarded as handing the Republican principles over to pure individualism and the ‘right to difference’.<sup>698</sup> Just as in the Bauer–Marx debate, the question of which state-form embodies true secularism has returned, which seems to prove Marx wrong in assuming that the French model would ultimately progress into an American-type secular Republicanism.<sup>699</sup> The preferred French option was a properly neutral nation in whose name women could be demanded to take off their headscarf in certain public institutions in the name of abstracting from their particular attributes in the public sphere and becoming a properly abstract and free individual. If a certain group was deemed unable or “not susceptible to abstraction”<sup>700</sup>, it could legitimately be excluded from citizenship. As Joan

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<sup>695</sup> See Jennings 2011, 517; Furet 1978, 21.

<sup>696</sup> See also Balibar’s collection of influential essays with the same title, Balibar 1998.

<sup>697</sup> See the so-entitled publication by Anne Norton (2013) and the paper by Sara Farris (2014). See also Anidjar 2013; Anidjar 2012.

<sup>698</sup> See Scott 2005, 8; Behrent 2004, 334–335; Jennings 2011, 520.

<sup>699</sup> See Marx 2010, 150–151 [351–352]. On the difference between the two models, see Laborde 2008, 3, 8; Schwarzmantel 2003, 42; see also Asad 2003, 7: “America has...a model secular constitution.” Nevertheless, this constitution, Asad goes on to elaborate, is entirely co..mpatible with the outbursts of intolerance against religious minorities.

<sup>700</sup> Scott 2005, 15; see also Balibar 2012a; and Jennings on Schnapper in Jennings 2011, 522–523.

Scott makes perfectly clear, this question over representation and difference not only concerned Muslim women, but also relates to similar struggles over gender and racial differences.<sup>701</sup>

Even the ‘Jewish question’ returned in, as Badiou puts it, “countless discussions about the status to be accorded to the word ‘Jew’”<sup>702</sup>, which were led by the previously mostly Maoist *Nouveaux Philosophes*, especially by Jean-Claude Milner, but also Bernard-Henri Lévy, and Alain Finkielkraut. What Badiou identifies as remarkable in these debates is not the absolutely necessary identification and repudiation of continued anti-Semitism alongside other forms of racial discrimination. Instead, Badiou argues, Milner and the others treat the community that identifies with the signifier “Jew” as a particular, “sacralised” victim, who stands above all others based on its atrocious fate in Nazi Europe. Badiou sees in this usage of the word “Jew” a moralisation of a particular attribute, which inverts the denial of Jewish citizenship in the later stages of the Enlightenment, based on a Jewish communitarianism that was seen as resisting abstraction, into a special moral duty towards the “Jew” as the victim of the very idea of Europe that emerged in those same Enlightenment and idealist moments, and culminated in the Nazi extermination.<sup>703</sup> These are the two sides of ‘identity politics’ that counter a universalist and egalitarian understanding of politics.

All these debates over the politics of the Republic, which are dominated by a self-proclaimed ‘centrist’ viewpoint, incorporating tendencies of the Left and the Right, are thereby more or less explicitly engaged in a critical re-examination of the revolutionary heritage as such. This re-examination is famously led by François Furet, who titled the first chapter of his book *Penser la Révolution française* (1978) – immediately disclosing his revisionist political agenda, “La révolution française est terminée”<sup>704</sup>. It signals his attempt to re-write its history in a way that frees the current moment from what Furet identifies as the ‘French exception’, which, he argues, has finally, nearly two hundred years later, come to an end. The primary exception, or new element, that the revolution brought to French

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<sup>701</sup> See Scott 2005, 17–20.

<sup>702</sup> Badiou 2006, 157.

<sup>703</sup> See *ibid.*, 160–161; also Bourq 2007b, chaps 20–24; Cusset 2006, pp.26.

<sup>704</sup> Furet 1978, 11; see also Bourq 2007b, 309–310; Dosse 1989, pp.21.

society, which Furet identifies with the help of Augustin Cochin, is a “democratic culture”.<sup>705</sup> It is the idea of egalitarian sovereignty – which merely replaced the figure of the King and his divine power with the people’s self-institution qua general will, embodied by the Jacobin radicalisation and Rousseau as its master thinker – that is a thorn in Furet’s side.<sup>706</sup> Furet’s fear of democracy is a fear of the excess of the demos, which he regards as potentially totalitarian and which Rancière therefore even labels “Hatred of Democracy”, by treating him together with other more moralist, liberal-Republican identifications of democracy with totalitarianism, of the kind that, for example, is to be found in Milner.<sup>707</sup> It was, then, the liberal rights of individuals, as much as the collectivist Terror, which contained a threat that needed to be contained and administered by Republican public institutions in the name of pluralism.<sup>708</sup> The 1980s was the time of the proper end of the extremes: the disintegration of the French communist party, the near end of the communist regime, and of the Jacobin tradition. Whilst they were not all the same for Furet, they nevertheless suffered, in his eyes, from the shared political principle of revolutionary election in the name of historical progress and a new beginning that relies on “a linear history of human emancipation”.<sup>709</sup>

An important part of Furet’s approach is a rejection of economic determinism or what he perceived as the realist fury of the Marxist historiography of the French revolution, often referred to as Marxist science of history or scientific Marxism. He wanted to return to thinking the revolution as a *political event*, in the very sense that encompasses both terms of the expression, namely as deserving an autonomously political analysis, and as requiring interpretation and reflection due to its eventual and thus contingent character.<sup>710</sup> This insistence on *thinking politics again* was not only taken up by Furet’s colleagues, such as Claude Lefort, and their students at the time, most prominently Marcel Gauchet and Pierre Rosanvallon. But this emphasis on thinking politics strongly resonated with the whole of post-Marxist and radically democratic Left thought, which needed to free itself from the

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<sup>705</sup> See Furet 1978, 47.

<sup>706</sup> See *ibid.*, 128. It is especially remarkable that Furet develops this criticism by staging his agreement with the early Marxian critique of the “abstraction of political man” in Rousseau. See *ibid.*, 50.

<sup>707</sup> See Rancière 2007, 13–15, 63–65.

<sup>708</sup> See Furet 1978, 18, 130; also Furet, Julliard, and Rosanvallon 1989; Jainchill and Moyn 2004, 126.

<sup>709</sup> Furet 1978, 19; see also 28; and Lefort 1991, 95.

<sup>710</sup> See Furet 1978, 52; also Lefort 1991, 90–91.

eclipse of political thought or political philosophy in favour of social scientific analysis that took place in the pre- and post-war period.<sup>711</sup> The latter group was certainly also provoked to counter Furet's and others allegedly consensual new image of the French Republic that tried to eliminate a radically democratic understanding of France's revolutionary legacy and potential angles to rethink the French society or community.<sup>712</sup>

The return of political thought took place most forcefully and visibly as a renewed fervour for thinking human rights against the totalitarianisms of the 'short 20<sup>th</sup> century', as Hobsbawm called it, which was, as Moyn emphasises, "nowhere...more startling in [its] rise to prominence than in French political culture and theory"<sup>713</sup>. Human rights had undoubtedly been part of the political debate since the end of World War II, through the 1946 Declaration on Human Rights, and subsequent philosophical works such as those of Arendt and Lefort. Especially Lefort insisted, in his work from the 1970s onwards, on the importance of reflecting on the failures of the liberal understanding of the rights of man in the face of the two state totalitarianisms, Nazism and real socialism.<sup>714</sup> Their approaches were notably different from Marx's much earlier critique of the rights of man in that a) they dealt with the very real issue of the need to limit the monopoly of state violence after it had been misused and b) because they remained faithful to a solution that could or had to itself be 'humanist', but not in any naïve sense of presupposing a "foundationalist concept of man"<sup>715</sup>.

Whilst by the 1980s, the Republican neo-humanist and moralist camp of, for example, the Nouveaux Philosophes<sup>716</sup> had taken up the human rights discourse in order to promote a politics that would transcend political and ideological differences, and put an end to the revolutionary fervour once and for all, a different kind of humanism (some call it minimal<sup>717</sup>) gathered broad support from those radical democratic and post-Marxist thinkers who, like Balibar, Badiou, and others, wanted to defend a politics that positions

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<sup>711</sup> See Breaugh et al. 2015, 8–12; also Heil and Hetzel 2006, 7–16.

<sup>712</sup> See Vogl 1994, 7–27; also Balibar, Bensaïd, and Löwy 1989, a publication that aimed to contest Furet's staging of the revisionist consensus in 1989.

<sup>713</sup> Moyn 2012, 293.

<sup>714</sup> See Geroulanos 2010, 23.

<sup>715</sup> Ibid., 14.

<sup>716</sup> See Bourg 2007b, 16–17.

<sup>717</sup> See Geroulanos 2010; Power 2015.

itself within the revolutionary legacy, and did so, however critically, on the terrain of “humanist” notions such as human rights, universalism, emancipation, equality and liberty. This is surprising, especially with regard to those who were Althusser’s students, because it was Althusser who had prominently defended a radical anti-humanism, and the rejection of the young Marx’s ‘humanist’ problematisation of liberal-republican politics, as the only way to counter bourgeois individualism and the various totalitarianism’s misuse of humanist ideas, or their exposure of their insufficiencies. However, the returns to Marx’s and Marxism’s critique of human rights, which we can find not only in Balibar and in Lefort – who we focus on in the following chapter in more detail – but also in Rancière,<sup>718</sup> in Žižek,<sup>719</sup> and in several other Post-Marxists of the same generation, are across the board no less critical of Marx than Althusser was, whilst their criticisms rest on different theoretical premises.

More generally, the totalitarian events of the 20<sup>th</sup> century, the ’68 movement and other political and theoretical developments that I have discussed in this section have led, within the group of French radical and post-Marxist philosophers and political theorists, to a rethinking of the constitution of modern societies with heightened attention to their inherent aporias, limits, internal difference and contestations.<sup>720</sup> A concern they all share in different ways is how to think a radically democratic constitution of society after what Oliver Marchart defines as “the crisis of the foundationalist paradigm”, i.e. of concepts such as “totality, universality, essence and ground”<sup>721</sup> that are seen to be at the heart of economic determinism (embodied by the notions of proletariat and revolution<sup>722</sup>), humanism, and, to a degree, communism. It is in the name of thinking “the political” against “politics” that a lot of this work happens in the 80s, in the vicinity of the *Centre de recherches philosophiques sur le politique*<sup>723</sup>, which was initiated by Jacques Derrida and run by Jean-Luc Nancy and Philippe Lacoue-Labarthe during its short-lived existence of four years. The political was here primarily used as a concept that emphasised its own specificity

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<sup>718</sup> See Rancière 1999, esp. pp.82; Rancière 2004.

<sup>719</sup> See Žižek 2005.

<sup>720</sup> See Vogl 1994, 10; also Demirović 1992.

<sup>721</sup> Marchart 2007, 5, 2.

<sup>722</sup> See also Geroulanos 2010, 25.

<sup>723</sup> See Balibar 1985; Badiou 2008a. Both publications were contributions to the Centre’s seminars.

and autonomy, including its primacy over the social, in the sense that it serves to theorise its “moment of institution/destitution”<sup>724</sup> – something that all of the Centre’s affiliates saw to be in need of assertion against a climate of depoliticisation that came from scientific Marxism and Marxist party politics on the one side, and a moralist centre-Left on the other.<sup>725</sup> Via Derrida’s deconstructive reading of Heidegger, especially in the famous essay ‘The Ends of Man’<sup>726</sup> – which led Marchart to call this strand of political-philosophical thought ‘Left Heideggerianism’<sup>727</sup> – the political is widely understood and investigated as existing in difference to the ontic practices through which everyday politics manifest; not in any absolute difference, as if the political existed as an external alternative to politics that would allow to break with the status quo, but in an ‘ontico-ological’ relationship that Heidegger developed with regard to the relationship of Being and man, in which the proper of man, of his being, can only be understood by working through “the sense or the truth of Being”. Searching for the “truth” of the political in this way means to capture and express what escapes in the everyday manifestations of politics, and that is, however, a necessary part of the political constitution of society, of its ‘political’, and gives rise to society’s contingent, evental and limitless character.

This picture of the political and philosophical conjuncture of the 1980s undoubtedly complicates the very question of where the dividing line between citizenship or democracy and revolution actually runs, and how it can be theoretically re-drawn – even though, in another way, this introduction has also shown us how much the theorisations in this moment in France seem to directly return to the problems that the early Marx brings into view by erecting this very dividing line.<sup>728</sup> It is necessary to understand how this

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<sup>724</sup> Marchart 2007, 48.

<sup>725</sup> We should note in anticipation of the subsequent analysis of Balibar’s understanding of politics that this deconstructive emphasis on thinking the political coincided with an impulse that came from within Western Marxism in the 1970s. Amongst Althusser, Balibar, and André Tosel in France and Mario Tronti and Cesare Luporini in Italy a shared understanding developed that the crisis of Marxism needed to be understood as primarily grounded in the absence of a Marxist theory of the state and of politics more generally. See Farris 2013, 185–187.

<sup>726</sup> See Derrida 1984.

<sup>727</sup> See Marchart 2007, 2, 10. He uses the term, following Dominique Janicaud, to point to a progressive politicisation of Heidegger’s thought in the context of French poststructuralism.

<sup>728</sup> Badiou makes sense of this parallel in that both moments are ‘beginnings’ of Marxism: it began once before in the 1840s, and it needs to begin again now (See Badiou 2008a, 56). This beginning refers in Badiou’s associative framing to the absence of a revolutionary movement as well as to increasingly deregulated Western states that slowly started to dismantle what the workers’ movements had achieved at the end of the 19<sup>th</sup> and early 20<sup>th</sup> century in terms of welfare provisions and civic rights.

simultaneous complication and proximity relates more concretely to the Marxian conception of emancipation, if we want to develop something that responds to a contemporary philosophical and political problem or need.

Both, Balibar and Badiou, confirm their continued commitment to remain immanent, or at least in close proximity, to the crisis-ridden or as Badiou says “destroyed” Marxism.<sup>729</sup> An interrogation of their theoretical developments would therefore uniquely allow us a better understanding of how these complications can weigh – of course, differently in each case – on re-reading the Marxian differentiation between political and human emancipation in the late 20<sup>th</sup> and early 21<sup>st</sup> century. Due to the scope of this thesis, I will focus on Balibar alone, because he engages most closely and directly with the Marxian problem complex around ‘emancipation’, whilst he explicitly defends ‘citizenship’ over revolution. A later extension of the project should however undoubtedly include Badiou’s position, who embraces Marx’s notion of ‘human emancipation’, including its universalist and revolutionary implications, more emphatically than Balibar,<sup>730</sup> but he thereby also embeds it rather quickly into his own theoretical framework.

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<sup>729</sup> See *ibid.*, 51; Balibar 1994a, 88.

<sup>730</sup> See Badiou 2004; Badiou 2008b, 97–98.

## 5 Equaliberty instead of political emancipation

“After the subject comes the citizen.”<sup>731</sup> This is the answer that Balibar gives to Nancy in a text first published in French in 1989, responding to Nancy’s question *Who comes after the subject?*<sup>732</sup>. Balibar explicates further:

This answer does not have to be (fictively) discovered, or proposed as an eschatological wager (supposing that the subject is in decline, what can be said of his future successor?). It is already given and in all our memories. We can even give it a date: 1789, even if we know that this date and the place it indicates are too simple to enclose the entire process of the substitution of the citizen for the subject. The fact remains that 1789 marks the irreversibility of this process, the effect of a rupture.<sup>733</sup>

Balibar’s statement is thus much more than a simple answer to a question posed to him. The replacement of the ancient subject with the modern citizen, in the wake of the bourgeois revolutions, becomes not only “the crucial event” for a renewed problematisation of the notion of the subject from within philosophy for Balibar.<sup>734</sup> Importantly for this thesis, it also serves as the very basis for his theory of the modern political constitution, in the sense that Balibar will later designate citizenship as the modern “institution of the universal as truth”<sup>735</sup>. He thereby implicitly agrees with Marx on the fundamental importance of 1789 for our understanding of the creation of modern man, and its continued relevance for our historical moment, ‘our’ contemporary social formations and their possibilities and limits regarding any joint project of liberation and equalisation (the meaning of which will be subsequently clarified). Even though the ‘our’ in this regard primarily reflects a Western-European subject position, it is for Balibar inextricably linked with global dynamics of domination, subjectivation, and exploitation that cannot – as was to some extent the case with Marx and Hegel - be reduced to an undifferentiated universal, and therefore world-historical, genericity, as we will see throughout the chapter. Overall, Balibar nevertheless confirms the relevance of Marx’s problematisation of the outcome of the ‘bourgeois revolutions’ at the end of the 20<sup>th</sup>

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<sup>731</sup> Balibar 1991, 38.

<sup>732</sup> See Cadava et al, 1991.

<sup>733</sup> Balibar 1991, 39.

<sup>734</sup> See for a brief contextualisation of his contribution Balibar 2012c, 1–2; and also Balibar 2011, 67–84.

<sup>735</sup> Balibar 2007a.

century, immediately clarifying that they were of course “made jointly by the bourgeoisie and the people”<sup>736</sup>.

But, as we will see his argument unfold throughout this and the following chapter, the affirmation “[a]fter the subject comes the citizen” also contains the most fundamental rebuttal of Marx’s advocacy of the concept of human emancipation, in order to overcome the limitations of political emancipation. For Balibar, the citizen is simultaneously the total possibility and unsurpassable limit of a contemporary political “*movement* of universal emancipation”<sup>737</sup>. Whilst the specific emancipatory possibilities and limits are in constant need of theoretical and political assessment, and of being acted upon, Marx is, and we would be, wrong to reject the horizon of citizenship for our emancipatory aims: because we are unable to determine where its absolute limit resides.<sup>738</sup>

A few pages later in his ‘Citizen Subject’ essay, Balibar adds to our opening quotation: “The declaration...from 1789 produces a truth effect, which marks a rupture”<sup>739</sup>. He thereby becomes more specific in his analysis. 1789, or the bourgeois revolutions more generally, do not only mark an irreversible rupture, and produce an effect that is fundamental for our contemporary understanding of the possibilities and limits of thinking and practicing emancipatory politics. But the *1789 Declaration* plays an important role within the larger revolutionary context. It ‘produces a truth effect’. And it is this truth effect that, in Balibar’s eyes, Marx misunderstood, because Marx misinterpreted “the materiality of the statements”<sup>740</sup>.

This is undoubtedly a nutshell presentation of Balibar’s position, in order to orient our inquiry, the task of which will be to develop the meaning and argumentation that hide behind this position. But it already shows how directly a confrontation with Marx’s argument from ‘On the Jewish Question’ can be distilled from Balibar’s work. On the one hand, it anchors its political-philosophical analysis of the present to the same historical

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<sup>736</sup> Balibar 2013a, 43. This qualification seems at first sight superfluous, as neither Marx, nor Marxist theorists of the bourgeois revolutions would deny this characteristic and nevertheless they keep the conceptual ascription of “bourgeois revolution”. But we will see in the subsequent discussion why it makes sense for Balibar to stress at this point the role of the people, because he thereby subtly introduces a disagreement with Marx that we are about to unfold.

<sup>737</sup> Balibar 2004, 62; my emphasis.

<sup>738</sup> See Balibar 2012c, 19.

<sup>739</sup> Balibar 1991, 44.

<sup>740</sup> Balibar 2013a, 46.

moment as Marx, and yet it comes to reject Marx's conclusions regarding the limits of the 'rights of man and of the citizen' in the context of the modern social constitution. For Marx, as we saw in the previous section, the Declarations contain the inscription of minimalist social ties, and an idea of man as the split subject of rights who has an individualist or bourgeois and a politically abstract nature that together build the ideological foundation of bourgeois-civil society. In contrast, Balibar's reading of the *1789 Declaration* centres on his identification of the proposition of 'equaliberty', which implies the parallel unity of man = citizen, and his elaboration of the (textual or however else we will come to define it) materiality of this double unity.

The purpose of this chapter is then to elaborate Balibar's reading of the *Declaration* and the implied disagreement with Marx's critical assessment. We will begin by introducing Lefort's critique of Marx from 1978, which, I argue, we can understand as a precursor to Balibar's position: on the one hand, because they both insist on the necessity to go *through* Marx's critique of rights in order to reach beyond it, and, on the other, because they both contend that it is by taking seriously the *political* meaning of the rights of man or human rights in Lefort's case, and the rights of man and the citizen in Balibar's, that Marx's critique can and needs to be left behind. For both thinkers, this political meaning has to do with a certain indeterminacy or groundlessness at its heart, which this chapter will explicate, whilst remaining sensitive to the differences between Balibar's and Lefort's positions. The central part of the analysis in this chapter, which focuses on Balibar's writings since 1989, which is the year that he first introduces his idea of equaliberty, is dedicated to clarifying how he develops the different elements of the proposition of equaliberty, thereby reaching a position that is highly critical of the Marxian understanding of emancipation. To delimit the distance between Balibar's and Marx's respective understandings of politics, we pay attention not only to Balibar's mostly abstract conceptual developments, but also to the intellectual debts he incurs when he credits thinkers like Lefort, Arendt and others with inspirational or conceptual contributions to his reading of the relationship between 1789 and the contemporary politics of democratic citizenship.

## 5.1 Lefort as Balibar's precursor in thinking the 'politics' of the rights of man

Whilst Balibar describes Marx's reading as "essentially a complete misinterpretation in relation to the materiality of the statements"<sup>741</sup> (the precise meaning of which we will develop in the next section), Lefort argued not dissimilarly that Marx's mistake was to ignore the ambiguities in the text of the *Declaration* and its "practical significance"<sup>742</sup>. It thus seems without doubt that Balibar shares Lefort's sentiment, when the latter asserts:

We must extricate ourselves from Marx's framework if we are to give the notion of human rights its full meaning.<sup>743</sup>

Both understand by 'full meaning' the identification and defence of the *political* meaning of human rights against Marx and Marxism, as much as against their contemporaries, who mostly defend moralist and individualist pre-political versions of human rights. That means they also take a different route than Lefort's student Gauchet, who, in light of those interpretative aberrations, chooses to deny a political relevance to human rights per se: "Les droits de l'homme ne sont pas une politique".<sup>744</sup> But we should bear in mind that Lefort's attempt to achieve this extrication happens in a politically different context to Balibar's. For Lefort, it was primarily the totalitarianism of the Stalinist and Maoist versions of really existing socialism that showed him how important it was to insist – against Marx and Marxism (especially against the Stalinist PCF), and against the individualist moralist Nouveaux Philosophes – on the political importance of the rights of man, or 'human rights'<sup>745</sup>: because "[t]otalitarianism is built on the ruin of the rights of man"<sup>746</sup>.

But that does, importantly, not mean that he follows the vulgar reasoning à la his colleague Furet, that any thought conflating man and citizen is itself totalitarian, making Rousseau, the Jacobins, and Marx with his notion of human emancipation into direct precursors of the totalitarian regimes of the 20<sup>th</sup> century, Nazism and real socialism, because they all defend an 'abstract notion of man'.<sup>747</sup> Extricating himself from Marx's framework also means for Lefort to "not fall short of his thought", which implies a

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<sup>741</sup> Ibid.

<sup>742</sup> Lefort 1986, 248–249.

<sup>743</sup> Ibid., 245.

<sup>744</sup> See Gauchet 1980; also Moyn 2012, pp.291

<sup>745</sup> See Lefort 1986, 241.

<sup>746</sup> Ibid., 242.

<sup>747</sup> Ibid., 245 see also Lefort's distancing on p.247; and Balibar 2013a, 38–39; for a summary of the vulgar critique Douzinas 2000.

commitment to carefully differentiate between Marx's important contributions to a critique of liberalism and his mistakes.<sup>748</sup> However, we should not be blinded by this expressed appreciation, as it turns out that Marx's mistake is, as we are about to see, far more fundamental than what is valuable in his critique of liberalism.

Marx's framework has been undermined by the events of our time. But this leads to a second observation: his critique of the rights of man, situated as it is in the context of an analysis of the bourgeois democratic revolution, was already ill-founded. This does not necessarily undermine the whole of his critique.<sup>749</sup>

Against Lefort's conciliatory last sentence, I want to suggest that it is precisely Lefort's conception of "the events of our time", i.e. totalitarianism, in relation to the 'bourgeois democratic revolutions' and the Declaration, that indeed entirely undermines Marx's critique. To understand this will subsequently help us immensely when we interpret Balibar's theorisation.

Lefort begins by criticising Marx's conception of the socio-political formation of society after the end of feudalism, by means of the bourgeois revolutions, because, in his eyes, this conception does not hold true for the analysis of totalitarianism. As we know, Marx argued that politics (the rights of the citizen) and civil society (the rights of man) became the two poles of "one and the same illusion", which was furthermore dominated by the definition of man qua the rights of man. But, so Lefort, in totalitarianism, politics becomes total, materialises in a totalitarian state that arbitrarily politicises everything, and simultaneously it denies, or better, violently crushes human rights. In his eyes, this fact proves Marx's theory of the rights of man and the citizen wrong as it dissolves the "two poles of one and the same illusion" that the latter took to be the essence of post-revolutionary society. But why?

The first potential answer is that Marx misread the statements of the Declaration and drew false conclusions (which is a difficult argument to begin with, as we saw, because Marx's analysis relies on a purposeful intertwining of textual interpretation and analysis of the contemporary socio-political formation). And indeed Lefort starts here:

It is not so much what Marx sees in human rights that ought to elicit our criticism as what he is unable to find in them.<sup>750</sup>

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<sup>748</sup> Lefort 1986, 245.

<sup>749</sup> Ibid., 248.

<sup>750</sup> Ibid.

Marx's critique of the rights of man, his reading of the different articles from the different versions of the French and American Declarations, is not wrong to identify a certain ambiguity<sup>751</sup> in some of the formulations in the text that can be read as individualist and/or in defence of the primacy of the holy right to property.<sup>752</sup> But, what Marx is 'unable to find', according to Lefort, is that the Declaration, via its human rights claims, founds a form of society, i.e. a form of social ties between individuals, instead of their mere separation.

Lefort's reference points are the right to liberty, which for Marx becomes the right of the separation of man from man, and to the rights that Marx ignored in his reading of the Declarations, namely those that guarantee precisely the liberties of man, which totalitarian regimes suppressed, like the rights to freedom of opinion and to freedom of conscience. He argues that in the context of these rights even a separation is a form of relational modality and that all of those rights are more than merely individual rights, which is why Marx is wrong to reduce them to that.<sup>753</sup> The right to freedom of opinion is, for example, a relational freedom that defines the relationship between men in the public sphere, and in that sense it opens a whole new form of access to the public sphere that cannot be denied to anyone without violating the rights of man. Lefort criticises Marx here for not taking into account the gains in liberties that men had through the 'bourgeois democratic revolutions', as he calls them. Lefort further criticises Marx for having ignored some of the Declarations' articles, especially the entire 1789 version, as well as its "practical significance", and for having been blinded to what those rights really inscribed politically into the social form, due to his own prejudice.<sup>754</sup>

Indeed Marx falls into and draws us into a trap, which, on other occasions and for other purposes, he was very skilful in dismantling: that of ideology. He allows himself to become the prisoner of the ideological version of rights, without examining what they mean in practice, what profound changes they bring to social life. And, as a result, he becomes blind to what, in the very text of the Declaration, appears on the margins of ideology.<sup>755</sup>

But Lefort's argumentation is not convincing at this point. He himself admits, "the article of liberty" contains "the image of a power anchored in the individual and capable of being

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<sup>751</sup> But we should note that Marx did not see an ambiguity in the text, but an unequivocal meaning, which shows us that Lefort already re-interprets rather than simply paraphrasing Marx.

<sup>752</sup> Lefort 1986, 248.

<sup>753</sup> See *ibid.*, 243, 249–250.

<sup>754</sup> *Ibid.*, 249–250.

<sup>755</sup> *Ibid.*, 248.

exercised only up to the point at which it encounters the power of others<sup>756</sup>. Thus, he concedes that Marx did identify a real problem, but he argues it away by criticising Marx for something he did not do (namely ignoring the increased liberties of individuals vis-à-vis the feudal regime) and by pointing to a different right in the Declaration that is a truly relational right, which Marx did not acknowledge enough. Furthermore, it is not clear that freedom of opinion could not be exercised by properly individualised bearers, a problem which Lefort himself raises as potentially compromising the quality of the relationality that he posited as implied in the right to freedom of opinion.<sup>757</sup>

As argued in Chapter Three, I agree with Lefort that the image of the monad was a mistake by Marx, but that does not invalidate his critique of the individualising and abstracting function of right. And, in that earlier discussion, we concluded that Marx's critique does not actually deny any relationality, neither in single articles of the Declaration, nor ontologically in humanity, but he argues that this relationality is doubly undermined, once by its affirmation on an ideological level, and twice by the material relations within civil society that are individualising and primarily enabled by the right to liberty in conjunction with the right to property. Lefort does not convincingly argue against this individualising formulation of the rights of man, instead he points out that they also have social effects, or that they imply a minimal sociality. He furthermore continues with the same problematic mixture of scattered textual references to the *Declaration* and the invocation of its "practical significance" of which he accuses Marx, thereby evading Marx's critique.<sup>758</sup> He needed to challenge Marx's argument that human rights essentially participate in enabling the reproduction of the civil-bourgeois social structure, which he did not do convincingly up to this point.

But we need to add the second part of Lefort's argumentation in order to assess his reinterpretation comprehensively, because it is only through this part that his stakes become apparent. Lefort fundamentally objects to Marx's generalised dismissal of law in his critique of the *Declaration*. Marx does not differentiate between form and content, he

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<sup>756</sup> Ibid., 249.

<sup>757</sup> See *ibid.*, 250; Moyn 2012, 297–298.

<sup>758</sup> Lefort 1986, 249; see also Moyn 2012, 301.

identifies the *Declaration* itself as a document that entails the basis for bourgeois law,<sup>759</sup> which is the real problem, the mistake, for Lefort.

Because “such a theory does not allow one to grasp the meaning of the historical mutation in which power is assigned limits and right is fully recognised as existing outside power: this double movement becomes unintelligible, a mere sign of illusion.”<sup>760</sup>

Here, Lefort holds against Marx a different narrative of the historical mutation that took place by means of the transition from feudalism to democracy.<sup>761</sup> This historical mutation contains two steps. It is first of all grounded in the establishment of the *Rechtsstaat*, which institutes right separate from and above any specific incarnation of power, i.e. it allows for right to be invoked against power. But the *Rechtsstaat* is still compatible with the monarchical state, which means that its establishment is constitutive of the political revolution – something Marx entirely disregarded, because of his conception of the bourgeois revolution as a radical break. That means the *Rechtsstaat* does not exhaust the revolution’s specificity. The modern specificity goes one step further and marks the “disincorporation of power and disincorporation of right”, which differentiates the democratic from the monarchical *Rechtsstaat*, because it implies the “disappearance of the King’s body” and the emergence of the “rights of man”.<sup>762</sup> Power and right thereby lose their fixed points, and everything that is established as positive right or positive institutions, i.e. society’s established order, is from now on open to contestation, opposition, and renewal. For Lefort, it is in this sense that Marx most importantly misread the *Declaration*, because he did not take notice of the fact that the rights of man give an indeterminate or groundless ground to the law – namely humanity – and that they are on the one hand binding for power and still open to public discussion and contestation (as we saw in the right to freedom of opinion).

Balibar explicitly comments on this passage:

In this fundamental point, I can only agree with Claude Lefort’s formulations: Human rights “go beyond any particular formulation which has been given of them; and this means that their formulation contains the demand for their reformulation,

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<sup>759</sup> See Lefort 1986, 253.

<sup>760</sup> *Ibid.*, 254.

<sup>761</sup> This labeling of the transition from feudalism to democracy by Lefort is in itself inconsistent, because feudalism is an economic as much as a political form, whereas democracy refers only to the political form of modernity.

<sup>762</sup> See Lefort 1986, 255, see also 258.

or that acquired rights are not necessarily called upon to support new rights (...) The democratic state goes beyond the limits traditionally assigned to the *état de droit*. It tests out rights which have not yet been incorporated in it.”<sup>763</sup>

For Lefort, it is not the separation between citizen and bourgeois, or between public and private, but it is the separation between power, right, *and* knowledge (opinions, beliefs, scientific knowledge) and their disincorporation that marks ‘political emancipation’. This separation is the essence of the democratic form of society, and the discourse of right and rights builds its heart that enables or “is constitutive” of politics.<sup>764</sup> The human rights that are formulated and declared in the declarations are “bound up with a general conception of society – of what was once called the *polis* or *cité* – which totalitarianism directly negates”<sup>765</sup>; they are, as Lefort affirms at a different point, the basis for this social model. Lefort sees the separation between power, right and knowledge inscribed not only in the right to freedom of opinion, but also in the right to security, and the assumption of innocence except where one has been found guilty according to an established law. Power has to follow right in exerting its force on individuals, and opinion is allowed to be uttered freely and challenge both power and established, positive law in the name of ‘right’. If Marx reduces the entire Declaration to empirical reality and calls it ‘ideological’,<sup>766</sup> he misses that it is precisely human rights that allow for the demand of justice against power, and that furthermore allows for right to be invoked against existing rights. Lefort calls this the “symbolic dimension of human rights”<sup>767</sup>. The fact that Marx does not see this makes him unable to think the French revolution in political terms, or, rather, he thereby rejects to think “the political”<sup>768</sup>.

Having arrived here, we now better understand Lefort’s starting point, namely his conception of totalitarianism as an aberration of the democratic form.<sup>769</sup> Lefort is concerned that totalitarian power disregards and overrides the public voice that is meant to be able to contest a certain positive institution of right in the name of ‘human rights’,

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<sup>763</sup> Ibid., 258; as cited in Balibar 1992, 246 fn5; my trans.

<sup>764</sup> See Lefort 1986, 251, 254–255.

<sup>765</sup> Ibid., 241.

<sup>766</sup> See *ibid.*, 252–253. This reduction to empirical reality or empirical observations is a common trope used against Marx also by Luporini, when he criticises Marx’s separation between state and civil society. See Luporini 1979.

<sup>767</sup> Lefort 1986, 259.

<sup>768</sup> Ibid., 254. The political is for Lefort primarily concerned with the ‘lien social’, the relation between individual and collectivity. We will return to assess these accusations in the context of Balibar’s position in 6.3.

<sup>769</sup> See Rödel 1990, 13.

which, in the worst case, leads to the annihilation of human rights themselves. This is why Lefort outright rejects Marx's principled critique of human rights. Regarding his disagreement with Marx's more precise reading of the declarations' articles, we can conclude that, for Lefort, the individualisation of society forms a particular historical problem, but it is not the essence of the political modern form. It might form part of the content of some articles of the *Declaration*, but essentially the democratic political form, which was much more importantly inscribed in the declarations, allows for any inscription of right to be contested, including those bourgeois forms. Political emancipation is about allowing for a politics of human rights, i.e. for the contestation of the established social order in the name of human rights, rather than abolishing politics and making it into a bourgeois illusion. But, most obviously, it thereby leaves Marx's more fundamental objection against the constitution of the social ties of modern society as individualist, unchallenged. It just argues that any social constitution within modernity is up for contestation – but it does so on purely political terms.

But we should move on to Balibar's critique of Marx's misreading of the Declaration, because it will shed additional light on Lefort's problematisation, and allow us a more comprehensive assessment of the divergences. Because, despite the differences in theoretical and political concerns and method of analysis, Lefort's reasoning is in a very fundamental way a precursor to Balibar's, especially as Balibar shares the idea of the "democratic invention"<sup>770</sup> at the heart of political emancipation, which he is similarly not ready to hand over to Marx's criticism.

## **5.2 Re-reading the Declaration: affirming the institution of modern 'egalitarian sovereignty' as the true political novelty of 1789 and the truth of citizenship**

We have already had a first sense of the starting point of Balibar's accusation of Marx as "misinterpret[ing] the materiality of the statements of the Declaration"<sup>771</sup>. But we need to develop a much more concrete understanding of how Balibar reads the *Declaration* differently to Marx, what the consequences of his diverging interpretation are for his

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<sup>770</sup> Balibar 2013a, 113; see also the references to Lefort and his notion of 'l'invention politique' in Balibar 1998, esp. 89.

<sup>771</sup> Balibar 2013a, 46.

conception of emancipation and its relation to human rights, the state, and revolution and, finally, what Balibar means by ‘materiality’, i.e. what he argues to be the ground for his alternative path – not least because it seems that this latter element could set him quite substantially apart from Lefort’s criticism.

Where Marx sees a division between man and citizen that is already inscribed in the title of the “Declaration of the Rights of Man *and* the Citizen” and a subsequent domination of the political citizen by liberal-bourgeois ‘man’, Balibar reads first of all only an intrinsic equivocity.<sup>772</sup> This equivocity is continued in the two dualities in Article 1, which reads:

**Article 1** (1789): Men are born *and* remain free *and* equal in rights. (my italics)<sup>773</sup>

But even though Balibar acknowledges that this equivocity gives rise to diverging interpretative possibilities regarding whether the founding notion is that of man or that of the citizen, and whether it declares the rights of the citizen as man or of man as the citizen, he chooses an unequivocal path for his own interpretation, which is diametrically opposed to the one Marx advocates: the Declaration contains the idea of ‘man *as citizen*’.

Let us follow Balibar’s example and initially remind ourselves of Article 2 and Article 6 of the *Declaration*, as they are relevant for the subsequent argumentation.<sup>774</sup>

**Article 2** (1789): The aim of all political association is the preservation of the natural and imprescriptible rights of man. These are the right to freedom, the right to property, the right to security and the right to resistance to oppression.

**Article 6** (1789): Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. ... All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.

Balibar’s strongest positive affirmation against Marx is that man and citizen are indeed equated in the statement of the Declaration, that there is no gap, no “difference in content: they are exactly the same.”<sup>775</sup> As justification, Balibar argues that it is Article 2, which names the rights of man, and the rest of the articles, most prominently Article 6, specify how those rights will be guaranteed qua constitution. Balibar advocates thereby a

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<sup>772</sup> See Balibar 1991, 44.

<sup>773</sup> Woloch n.d.

<sup>774</sup> See Balibar 2013a, 44.

<sup>775</sup> Ibid.

more straightforward way of reading the Declaration, which is based on the premise that the text itself gives no reason to doubt that man and citizen are equated: men are to remain free and equal in rights (Article 1), these rights are man's natural and imprescriptible rights (Article 2), and they are realised qua political association, i.e. through the sovereign that is the people, the community of citizens (Article 3), whose expression is the law (Article 6).<sup>776</sup> At this point, Balibar asks a very similar question to the one Marx formulated in 'On the Jewish Question'<sup>777</sup>: "Who is the citizen?"

The citizen is a man in enjoyment of all his "natural" rights, completely realizing his individual humanity, a free man simply because he is equal to every other man.<sup>778</sup>

This answer is crucial, because man's equality to every other man as citizen pinpoints the specifically new universality of the 'man as citizen' that Balibar emphasises against Marx's interpretation of the *Declaration*. Formulated differently, after the abolition of the King or any other form of personalised, hierarchically superior sovereign, the universality lies in the implication of the sentence that "if anyone is not a citizen, then no one is a citizen". What might seem like a rather orthodox return to the Rousseauian roots of the Declaration, is however more complicated than that, if we are to believe Balibar.

The specificity of these textual statements is, for Balibar, that they contain the paradoxical idea of an "egalitarian sovereignty"<sup>779</sup> based on the double identification of man = citizen and equality = liberty.<sup>780</sup> This double "unity of opposites"<sup>781</sup>, which he translates into identifications that mutually refer to each other, does not, in his eyes, go back to any prior ideology, such as classical natural right theories that, in Lockean or Rousseauian terms, base the political constitution and the institution of the state on a pre-existing or, in some way foundational human nature, or on a notion of contract.<sup>782</sup> Instead the *Declaration* posits this double unity of opposites as a simple "de jure fact"<sup>783</sup> or, as Balibar also refers to it, an undeniable 'truth effect': "Men *are born and remain* free and equal in rights." This is strong claim heavy with implications, which we will carefully scrutinise in

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<sup>776</sup> See *ibid.*

<sup>777</sup> See Marx 2010, 162 [363]: "Who is *homme* as distinct from *citoyen*?"

<sup>778</sup> Balibar 1991, 45.

<sup>779</sup> Balibar 2013a, 42.

<sup>780</sup> *Ibid.*, 36, 38.

<sup>781</sup> *Ibid.*, 37.

<sup>782</sup> See *ibid.*, 42; and on contract Balibar 1991, 55.

<sup>783</sup> Balibar 1991, 51.

the discussion to follow. Let us therefore take one step back and examine each unity of opposites and their derivation more carefully, before we draw any conclusions, especially about the extent to which this interpretation relates to the one Marx put forward.

### **5.2.1 From the feudal to the modern subject**

The first question that we need to confront is how Balibar delineates the modern ‘citizen-subject’ from its pre-modern, pre-revolutionary precursors: if “[a]fter the subject comes the citizen”<sup>784</sup>, then we need to get the transitional changes in the political form of subjection into view. Balibar takes as his starting point not the historically different proclamations and attributions of what constitutes a subject, as in what are its presuppositions for freedom (which he refers to as *subjectum*), but he begins from the modes of subjection. In other words, he starts from the juridical figure of the *subjectus*, the subjected subject, or the *Untertan*, which historically exists for much longer than the Kantian transcendental subject of free will; “*subjectus* meaning ‘subject to’ a law or power”<sup>785</sup>. The figure of the *subjectus*, the subjected subject, exists since Roman jurisprudence, as we know from discussing the history of the idea of emancipation, which has its emergence in the same juridical context: whilst *mancipium* was the technical term for an acquisition (laying hand on) mainly of slaves, *e-mancipatio* would be the release from the hand. In Roman law, the same term mainly referred to the release of the son from his father’s care, when he came of age. Balibar refers to it in order to emphasise that this concept of subjection (as well as the concept of emancipation) is however entirely individualised, and does not yet refer to a collectivity.

Only with the rise of Christianity were these individualised subjects rendered into a collectivity, but a passive one whose highest aim was to not fall from God’s grace, by showing faith. And they became the subjects of an empire, an *imperium*, in the service of an Emperor. At this point the *subjectus* becomes a *subditus*, because he is now inside a relationship of obedience, which he himself wills: he obeys the laws of the prince and (simultaneously) of God, in whom he believes and who is the source of the prince’s legitimacy.<sup>786</sup> There exists, thus, a fundamental difference between the *subditus* – who we

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<sup>784</sup> Ibid., 38.

<sup>785</sup> Balibar, Cassin, and Libera 2006, 33.

<sup>786</sup> See Balibar 1991, 41.

encountered earlier in the form of the subject *by right*, the *Rechtssubjekt* that exists, as Lefort reminded us, already under absolute monarchy – and the *subjectus*, the earlier subjects as subject *of law*, the slave or the totally subjected.<sup>787</sup> The *subditus* is subjected to the double domination of God and the Head of State that Bauer discussed so intricately in relation to Prussian Germany. On the one hand, the Christian state as an absolutist state forms for the first time a coherent body politic of *subditi*<sup>788</sup> who understand their own particular interests as entangled with the interests of the sovereign. But, on the other hand, this state form contains an unstable contradiction between secular and religious authority, and between an entirely individualised obedience to a hierarchically superior sovereign and the existence of a collective, political body (what Rousseau referred to as civil or political society), that gave rise to different tensions as we saw in Chapter Two.<sup>789</sup> One tension that gained importance in the pre-revolutionary moment was the ambiguity between identifying as a *subditus* or as a *subjectus* (subjected to the authority of the slave-master) in relation to the authority of God, which was often transferred into the inside of the individual, his soul. The question arose as to whether one was indeed more free from any arbitrary rule of the King through the internalised obedience to God, or, if it made the believer more into a *subjectus*, a slave to a higher, unquestionable authority, whilst, through this inner relationship, the reference to the collective body politic was weakened.<sup>790</sup> Balibar emphasises here that under absolute monarchy, the two concepts, the theological, individualised and passive subject, and the concept of the subject as citizen, as subjected for the goal of collective freedom to the body politic, already existed side by side, doubling the doublet of subjection to God and to the absolutist monarch, the “spiritual-temporal sovereign”<sup>791</sup>.

In his genealogical account, Balibar frames the appearance during the Middle Ages of the subject as citizen, as *subditus*, as a return of the Greek concept of the *zōon politikon* in a new form: the idea of the equality of citizens within the limits of freedom,<sup>792</sup> as they were predefined by the regime of the absolute monarchy, but which they voluntarily

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<sup>787</sup> Ibid., 44.

<sup>788</sup> See Douzinas 2000, 218.

<sup>789</sup> See Balibar 1991, 40.

<sup>790</sup> See *ibid.*, 43.

<sup>791</sup> Balibar, Cassin, and Libera 2006, 34.

<sup>792</sup> In Ancient Greece, the predefinition was based on the anthropological difference between the free man and the slave, see Balibar 2013a, 65.

obey.<sup>793</sup> The reason for the revolutionary break lies, for Balibar, in two contradictory developments. On the one hand, the emergence, or return if we will, of the notion of the subject as citizen rendered the subjects more autonomous, because they understood their subjection as essential to their freedom instead of accepting blindly whatever was demanded from them in whatever name (nature, God etc.). On the other hand, the French absolute monarchy, especially under Louis XIV, exacerbated the tension that existed due to the double subjection by trying to override and incorporate the spiritual power and make itself the only source of the State's legitimation ('L'État est moi.').<sup>794</sup> It thereby undermined its divine source of legitimacy, slid from absolutism into despotism, and endangered the political existence of its subjects as *Rechtssubjekte*. This development was the crucial spark that allowed for the *tout court* questioning of the divine order as the state's source of legitimacy, and ultimately led to the revolutionary demand for a radical secularisation of the political order that ended (at least momentarily) in the *1789 Declaration*. i.e. for Balibar the Declaration of egalitarian sovereignty of man=citizen.

### **5.2.2 Defending equality = liberty as the ground for citizenship**

When Balibar re-reads the Declaration, he initially counters Marx's problematisation of the missing out of equality in Article 2 (it only refers to freedom, property, security and, in the 1789 version, the right to resistance to oppression), because Balibar regards it as compensated for in the emphasis on equality in Article 1 and Article 6.<sup>795</sup> These articles say that men are not only born and remain free and *equal*, but all citizens are also *equal* in the eyes of the law, which is itself the expression of the 'general will', as in Article 6, or of what Balibar calls 'egalitarian sovereignty'. He recounts here the Rousseauian lesson that all men as citizens are not only treated equally before the law, but they exist "at exactly the same level" as the law (although not identical with it)<sup>796</sup>: as a collective, a people, they are the sovereign and legislator, whilst as individual citizens they are subjects of the law. Even if the absence of equality in the enumeration of the rights of man in Article 2 is an expression of a 'vacillation' internal to the Declaration (to which we will return), it does not at all

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<sup>793</sup> See also *ibid.*, 45.

<sup>794</sup> See Balibar, Cassin, and Libera 2006, 34.

<sup>795</sup> See Balibar 2013a, 44.

<sup>796</sup> Balibar 1991, 49.

contest the fact that equality is “the principle or right that effectively ties all the others together”<sup>797</sup>.

But it does so also in another way, which will shed light on the real power of equality, as it is inscribed in the Declaration, which Rousseau did not anticipate. We are here concerned with how Balibar develops the identification of equality and liberty into “equaliberty” or in Latin *aequalibertas*, as the condition for the identification of man and citizen and its ground.

If one really wants to read it literally, the *Declaration* in fact says that equality is identical to freedom, is equal to freedom, and vice versa. Each is the exact measure of the other. ... For it gives both the conditions under which man is the citizen (through and through) and the reason for his assimilation [*Angleichung*].<sup>798</sup>

Balibar chooses the “portmanteau word” equaliberty, because it expresses, already on a purely linguistic level, a certain antinomy and impossibility that reflects precisely the ‘play’ that the Declaration engenders. And he thereby makes clear that it is certainly not an easy ‘equal liberty’ that Marx in some ways reads in the text of the Declaration, when he argues it merely means that the same rights are valid for all.<sup>799</sup> But why not?

Interestingly, for the derivation of the identification equality = liberty, Balibar does not remain bound to a reading of the Declaration, but he reaches out to analyse the motivations of the revolutionaries, as well as the logical relationship of the two concepts and of their identification, in order to assert equality = liberty as a “self-evident truth”<sup>800</sup>. Balibar does not make an essentialist claim about a deeper identity between the two notions. Instead, it was the revolutionary insight that the historical conditions for equality and liberty are exactly the same, so that their existence depends on each other. That there can be no equality without liberty and no liberty without equality is the incontestable double negation that the identification expresses.<sup>801</sup> For Balibar, this was initially a “historical discovery” of the revolutionaries themselves, who fought at once against two

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<sup>797</sup> Balibar 2013a, 44.

<sup>798</sup> Ibid., 46.

<sup>799</sup> See for a more extensive delimitation of equaliberty from equal liberty as Ronald Dworkin or Jeremy Waldron defend it, Gaille-Nikodimov, Lacroix, and Sardinha 2014, pp.47.

<sup>800</sup> Balibar 2013a, 46.

<sup>801</sup> See *ibid.*, 48, 119.

principles, against absolutism, which was the absolute negation of freedom, and against privilege, as the negation of equality.<sup>802</sup>

But, beyond that, there is also a very straightforward logical explanation: if freedom does not go hand in hand with equality within any given society, one has either superiority and mastery or subjection and dependence, and thereby retreats from the specifically modern form of sovereignty.<sup>803</sup> If there is freedom without equality in a society, i.e. if the universality of equality is renounced or perceived as something that can be reached at the end of some kind of movement towards greater freedom, then that means “men” are unequal and thus some are superior, privileged, or dominant in relation to others. But as soon as all men are not equal, all men are no longer citizens, and thus, they are no longer free, because they do not actually belong to the society anymore and the freedom that it has constituted. On the other hand, instituting equality without freedom implies, for Balibar, an image of an exaggerated, namely societal rather than individual, rigorism à la Bauer, i.e. the denial or negation of inequalities, which we could also call particularities or differences. On a societal level that results in a type of organicist total subjection or merging of the individual with the whole, which in fact annihilates society itself, in the sense that individuals would no longer be free citizens, but rather fully determinate parts of a self-identical community. But, for Balibar, that does not result in rejecting equality as a potentially totalitarian concept, as other liberal theorists have frequently done. Instead he actually affirms that equality as the fundamental principle of society is the ground for freedom, precisely because it a) implies the preservation of difference, because otherwise it would lead to the annihilation of society itself, and it b) can only apply universally for all (and not as limited or differentiated, i.e. applied to some but not other ‘men’), otherwise it does not apply at all.

This insight leads Balibar to a further characteristic of the identification of equality and liberty, which is its absolute indeterminacy so that it works only as a “negative universality”; it has no prescriptive power in and of itself, i.e. it is by itself without any necessary consequences.<sup>804</sup> That means it is precisely not realisable in any positive sense, as

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<sup>802</sup> Ibid., 47; see also Balibar 1991, 46 on the relation between privilege and equality.

<sup>803</sup> See Balibar 2013a, 49.

<sup>804</sup> See *ibid.*, 50.

constituting a society on either merely “symbolic” (or formal) equality or on “real”, factual equality (the same opposition exists regarding formal and real democracy).<sup>805</sup> Balibar refers here to two political-theoretical commonplaces. Formal equality (which is incidentally frequently identified as at the essence of Marx’s critique of rights) means the proclamation of everyone as an equal citizen qua law, whilst disregarding man’s factual unequal dispositions or potentialities, which can be physical, material or intellectual. ‘Real’ equality, which is classically attributed to Babeuf and to a lesser extent to the Jacobins and others, who developed accounts of ‘material rights’ to be guaranteed by the state, refers to an understanding that regards equality qua law only meaningful if the citizens’ individual conditions are to some extent equal or equivalent. This makes Babeuf, for example, demand not only popular sovereignty in the Rousseauian contractual scheme, but also the abolition of private property as reproducing an inequality that invalidates the contract.<sup>806</sup>

Balibar’s intervention is, at this point, hardly surprising, but also not entirely original: he rejects both positions as untrue and one-sided, because formal equality reduces equality into “nothing real” (in this sense, Balibar becomes, for a moment, the critic that Marx is usually accused of being), whilst real equality demands to invade and measure every aspect of life and, therefore, “must be all”.<sup>807</sup> What is unconvincing in Balibar’s account is that he equates the demand for real, or factual equality with the aim of instituting a substantial ‘community’, which he understands as wholly positively constituted, namely by measuring and determining the equal existence of everyone and thereby drawing a clear boundary between who belongs to the community of equals and who does not. Levelling this criticism against Babeuf can hardly be justified, as Babeuf frames his demand negatively - calling for the abolition of private property – nor likewise against Marx himself, who, in the Gotha Programme, criticises the necessary unequal outcomes of equal laws in a bourgeois, class-based society, and demands its overcoming.<sup>808</sup>

Nevertheless, Balibar’s focus is on *interpreting* the Declaration and, in that sense, he argues that the opening up of these two paths in the aftermath of 1789 is an indicator that

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<sup>805</sup> See Balibar 1991, 46.

<sup>806</sup> See Heyer 2007, 13, 19.

<sup>807</sup> See Balibar 1991, 46.

<sup>808</sup> See Marx 1996, secs 1–2.

the Declaration itself contains an antinomic concept of equality, which he calls “civic equality” or equality as “originary supplement” (here we start seeing Balibar’s Derridean debt, to which we will return properly at the end of Chapter Six).<sup>809</sup> Equality contains these two possibilities within itself, but is not limited to either, because it contains within it an excess of universality that cannot be contained by factual equality nor real equality, because it is indeterminate. Equality is declared, but not as any positively defined quality of the social tie that holds the society together, nor as a specific form or ‘modality’ of political association.<sup>810</sup> It exists ‘negatively’, because its force only comes to the fore in relation to the historical and conjunctural determinations that give it specific meaning e.g. factual or real equality.

These two positions bring to light the truth-effect of equality or equaliberty – because we argued earlier that they only work together – namely that the revolutionary statements are revolutionary by engendering practical and philosophical conflicts about the implementation or the ‘putting-into-effect’ of the Declaration. That means that the proposition of equaliberty allows for demanding the end of the denial of rights to citizens, or the exclusion of citizens from a specific community.<sup>811</sup> And it is precisely the excess of universality that prevents us from ever arriving at the ultimate, truly revolutionary solution: equaliberty as the ‘truth’ behind the truth-effect is a delimited truth that cannot be grasped once and for all, and certainly not with any guarantees – theory is just as clueless as practice in this regard, it can only analyse historical moments in relation to the aporias that were initially declared. That, however, does not mean that the proposition of equaliberty is reducible to its conflictual stakes, which would push Balibar into the relativist corner. It is still a *universal* proposition, at the heart of the concept of citizenship that Balibar sees as inscribed in the Declaration, because that is the only way that equality can underlie the newly founded freedom.

We can slowly see the disagreement with Marx taking shape, whose critique of political emancipation clearly relies on the identification of a certain civic-bourgeois ‘limit’ inscribed in the declarations and made manifest in the social-political forms of the post-

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<sup>809</sup> Balibar 1991, 46, 49.

<sup>810</sup> See Balibar 2013a, 43.

<sup>811</sup> See *ibid.*, 51.

revolutionary states. But that does not automatically mean that Balibar's emphasis on the antinomical character and the negative universality of equaliberty is not helpful for, or even a crucial contribution to the further elaboration of a theory of civic-bourgeois ideology that Marx's text only contains in a rudimentary form. But it is too early to cast any judgement.

### ***5.2.3 The French Revolution did not fail, it has been rendered strictly unrealisable: the dialectics of the post-revolutionary order***

We now need to bring back into focus the double unity of opposites, as Balibar calls it, equality=liberty *and* man=citizen. Because only as *double* unity are we able to understand why the unlimited, or negatively universal character of equaliberty has such a far-reaching influence. With the concept of egalitarian sovereignty at its heart, the Declaration marks the revolutionaries' attempt to "found a constitution" and "erect a new state",<sup>812</sup> purely immanently, on the identification of man and citizen. But, as we just elaborated, this newly founded state is also based on the proposition of equaliberty, which does not only not contain a constitutional form for this new state order, but it does not even allow for a conclusive, once-and-for-all, or non-contradictory, institutionalisation.

[F]rom the beginning, the 'founding' statements, by reason of their very simplicity and their revolutionary radicality, hide within themselves a contradiction that prevents them from becoming invested in a stable order.<sup>813</sup>

Citizenship is rendered "problematic" once again, but in a fundamentally different way than under absolute monarchy. The contradiction that hides behind the 'simplicity and...revolutionary radicality' is indeed what Balibar associates with the Declaration's act of politically instituting the new political order on the legislative power of the citizens, which he also refers to as its new democratic core.<sup>814</sup> But how precisely should we understand its problematic or contradictory nature?

One way to get a clearer sense is by understanding to what extent Balibar thereby, on the one hand, confirms a certain 'failure' of the French Revolution, whilst his connotation of failure differs from most other historical and contemporary interpretations. It differs from Marx, as well as from Gauchet and Furet, for all of whom the failure is

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<sup>812</sup> Ibid., 46.

<sup>813</sup> Ibid., 40.

<sup>814</sup> Ibid., 2.

caused by a certain “illusion of politics”. For Marx, it is the illusion of popular sovereignty and republicanism that fulfils a primarily ideological function, and is constantly undermined and co-opted by the relations of exploitation and domination exerted in the private sphere (i.e. relations of production) to which the political sphere is subjected. For Gauchet et al., it is the fact that this radically democratic core – that, in their eyes, furthermore contains a notion of representation as belonging to a collective (the national people) – poses a threat to a proper institutionalisation of ‘politics’, namely to a juridical framework and institutions of representation, as well as containing the potential for totalitarianism. Balibar also rejects an interpretation such as that of Florence Gauthier, who, in a more sympathetic account of the revolutionary events as a whole, defends “the natural, universal foundation of citizenship” between 1789-1793 *against* the counter-revolutionary determinate social foundation (on property) from 1795 onwards.<sup>815</sup>

All of these interpretations see the Declaration as containing an unequivocal codification of a political form and content, which they either reject or affirm. Balibar, on the other hand, argues that the codification itself cannot be labelled as either truly plebeian *or* bourgeois, or popular *or* national, because such labelling misses its intrinsic instability, which, however, marks its radically democratic novelty. It is in that sense not a promise but rather a ‘hyperbolic proposition’<sup>816</sup> that does not find its measure in the historical event, which gave birth to it, or in the social form that it is supposed to have instituted and that since then transformed into our contemporary representative democracies. Instead, it exists just as much, or even more so, in the practices that contest the given institutionalisations erected in its name.

The democratic core is thus defined as a new form of sovereignty that is instituted through the double unity of man = citizen and equality = liberty,<sup>817</sup> which returns us to a closer examination of the concept of egalitarian sovereignty and its Rousseauian connotations, which we only touched upon briefly in the opening discussion of this section. Balibar relies here on the statements of the Declaration, and argues that if men are not only

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<sup>815</sup> Ibid., 41, see also 39–41.

<sup>816</sup> Balibar 1991, 45, 53.

<sup>817</sup> See also Douzinas 2000, 175.

born<sup>818</sup> but *remain free and equal* in rights, of which they themselves are the bearers by means of the general will, then the equation man = citizen destroys the historically-existing bond between sovereignty and hierarchy, replacing it with a bond between sovereignty and equality.<sup>819</sup> Balibar means here that if sovereignty used to be founded in a higher, usually divine eminence, in the sense that the king was the incarnation of God on earth, then the self-constituting people are not a mere replacement of the king, as commonly argued, e.g. by Gauchet and his teacher Furet. The equality of man in birth only *remains* if man is none other than the citizen, the bearer of the process of constituting a people into a community of citizens as well as its subject, which in turn means that it is enough to be ‘man’ to be sovereign. The political and social order is thereby grounded strictly immanently, in the activity of citizens alone.<sup>820</sup>

The ‘problematic’ aspect of this newly immanent ground of politics arises when we ask how the relationship man = citizen relates to the formation of a people, and thus to the formation of a political community as the new sovereign. As we remember from discussing equality as an original supplement, the institution of a community of citizens very quickly destroys equality if it becomes a fully constituted community, i.e. a community whose membership or basis of inclusion and exclusion is tied to a determinate factor such as nationality, which can be linked to territory or to cultural or other values (e.g. secularism), ethnicity, and so on. As soon as the question ‘who is a citizen’ receives any substantial answer beyond ‘a citizen is a man, who is equal to every other man’, a community loses its unlimited and thus dialectical and egalitarian foundation, because it no longer holds that all men are potentially citizens.<sup>821</sup> Balibar defines the truly democratic community as a community of non-essential or non-unified, purely civic (or we could say political)

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<sup>818</sup> In *Citizen Subject*, Balibar emphasizes that already the first part “equality ‘of birth’” is a paradox, where it sounds like as if he ignores that the statement ends with “in rights”, which makes it not so paradoxical after all. This might be symptomatic of his interpretative over-emphasis on equality. See in contrast maybe Marx on equality and inequality in relation to birth and right in the ‘Critique of the Gotha Programme’.

<sup>819</sup> See Balibar 1991, 45.

<sup>820</sup> See Balibar 2013a, 42.

<sup>821</sup> See Balibar 2004, 59, 152.

belonging,<sup>822</sup> which he also refers to as “citizenship without community”<sup>823</sup> or, following Deleuze, as “absent community”<sup>824</sup>.

Balibar thereby shifts his interpretative strategy. Instead of taking the articles of the Declaration at their word, this time his argumentation implies that those articles contain contradictions within themselves that disregard the radically democratic, ‘true’, content of the Declaration as a whole, and can therefore be elided. I am here referring to Article 3, which explicitly links sovereignty to the nation.

**Article 3** (1789): The principle of all sovereignty resides essentially in the nation.

Balibar concedes that this link between sovereignty and nation or nationality is an immediate consequence of the French Revolution, and the root of major conflicts over citizenship up to today. But, he quickly qualifies, this link is not the *true* expression of the radical democratic invention that was enunciated by the Declaration – because this invention is based on a necessary disjunction, or unstable relation between the people, who are sovereign, and the nation.<sup>825</sup> This concept of sovereignty also differs from the Rousseauian attempt to institute popular sovereignty through establishing a contract that would bind the paradoxical duality between particular interests and general interest together, with the help of additional means of mediation such as the suppression of parties or a civil religion. Because it is once again the non-institutability of the relationship between the citizens’ activity as sovereign and their obedience as subjects – which is in practice always asymmetrical and thus conflictual – that makes up the democratic core of citizenship in Balibar’s understanding.

This definition ultimately invokes a certain conceptual, as well as a ‘realist’ or ‘empirical’ doubt. If egalitarian sovereignty works without a delimited concept of the sovereign, the sovereign’s role as a legislator would be seriously compromised, in the sense that the law that is legislated by a non-lasting community would itself not last; whereas Article 1 (1789) precisely argues for the institution of the rights of man and the citizen ‘in right’, as in positive right. In one way, this concept of the sovereign corresponds well with

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<sup>822</sup> See Balibar 2013a, 6, 306–307 fn12.

<sup>823</sup> Balibar 2004, 65–66.

<sup>824</sup> Balibar 2013a, 290.

<sup>825</sup> See Balibar 2004, 151–152.

equaliberty's underlying indeterminate negative universality without necessary positive consequences. For Balibar, it is not the institutional forms that emerged in the post-revolutionary society that matter most in terms of identifying the essence of social and political change, but the new modality of subjectivation *and* subjection internal to citizenship (as inscribed in or better performatively enunciated by the Declaration). That is because this modality is where from now on truly democratic politics happens. But already on a conceptual level it is unclear to which extent such a sovereign could give rise to lasting political institutions and decisions. Besides, the dominant forms of actual existing and lasting sovereignty that have existed in different modalities ever since the French Revolution, have in fact been linked to the nation-state - something of which Balibar is of course well aware, as we can see from his discussions of the welfare state, which he also calls 'national-social state', or from his problematisation of the European construction.<sup>826</sup>

Do these observations not make egalitarian sovereignty look like a rather formalistic political concept, not so different from Lefort's separation of right and power, which functions as a kind of Kantian regulative idea of reason, allowing the practical political conflicts and insurrectional actions of citizens to be framed as internal to the antinomies of citizenship? We will once again suspend judgement for a deeper investigation into how Balibar further differentiates his concept of citizenship from a Rousseauian and a Marxian account on the level of a purely political definition of 'man'.

### **5.3 Man=citizen: with Arendt and against Marx towards a new concept of man?**

As already mentioned above, the identification of equality and liberty has far-reaching consequences for the second identification of man and citizen, at the same time as it is based on it:

The treatment of equality in the Declaration is precisely the site of the strongest and most precise identification of man and citizen.<sup>827</sup>

The very universality of the concept of citizenship, as Balibar understands it to be inscribed in the Declaration, depends on the fact that it contains the proposition of equaliberty

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<sup>826</sup> See Balibar 2013a, 17–18; Balibar nevertheless insists that the nation-form, as the structure that underlies the actually existing nation-states, produces determinate "community-effects", which can only be understood if one does not equate the nation-form with the concept of community or indeed society. See Balibar 2004, 20–21.

<sup>827</sup> Balibar 2013a, 45.

within it. But the proposition of equaliberty could not function as a negative universality if the Declaration had not affirmed a ground-breaking rejection of all former theories of human nature and replaced it with man = citizen (*homo sive civis*).<sup>828</sup> It is this element of the argument that we need to understand more deeply if we want to grasp it in its full nuance. It is, for Balibar, the groundless (negatively universal) ground for any political association<sup>829</sup> – and not, as for Marx, an unequivocal affirmation of the civic-bourgeois notion of the split man who is ultimately dominated by an individualist and egoistic human nature, the ‘limit’ of political emancipation, instituted and reproduced through the statements of the Declarations.

In natural rights theories, the origin of a political association was classically grounded in pre-conceived notions of human nature, whether humanity was defined metaphysically or speculatively.<sup>830</sup> Attributions of human nature as violent, war-seeking, timid, or egoistic were common, and needed to be counteracted by the right form of association, i.e. the right form of subjection under sovereignty. It was thus common to conflate ontology and anthropology, or, in other words, to conflate what man is because he always has been, and what man can or needs to become as part of a community. Balibar agrees here with Marx on two accounts. First of all, Balibar, in line with Marx in the ‘Theses on Feuerbach’, affirms that there is not anything like “a universal or formal human essence housed in each human individual”<sup>831</sup>. Man is not what he is qua nature, but only what he is qua ‘condition’: he is what he is made, and makes himself in the context of his societal existence, his social relations. From here, Balibar continues to argue that the Declaration indeed does not invoke a pre-political human nature, on which it then attempts to build a suitable constitution. Instead, it defines this human nature itself anew, within the body of its statements: for Balibar, it declares a human nature, which is itself a political act through and through.<sup>832</sup> This far, the argument is indeed shared by Marx, who also asserts

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<sup>828</sup> See *ibid.*, 42, 307 fn14; Balibar adapts here Spinoza’s famous formula *Deus sive Natura*. See also Balibar 1994c, 11.

<sup>829</sup> See Balibar 2013a, 43.

<sup>830</sup> See Schmidt’s introduction to Bloch, *Natural Law and Human Dignity*, esp. the section on natural law Schmidt 1996, xv; also Douzinas 2000, chaps 3–4.

<sup>831</sup> Balibar paraphrasing Marx in Balibar 2013a, 166.

<sup>832</sup> Although it does in the Preamble, where it invokes the revolutionary event, the supreme being and nature as grounds (see *ibid.*, 307 fn13). But Balibar does not regard this as an obstacle to his interpretation.

that the definition of a human nature in the Declarations is a thoroughly political act, which is indeed one of the important aspects of his critique of natural law theory, as we saw in Chapter Three. And yet, it is also the moment at which the agreement between the two thinkers starts to crumble.

This is because Marx's assessment is deliberately less ambiguous on this point than Balibar's. Marx's critique is based on the fact that, in his reading of the different articles from the various Declarations, he precisely finds the fact that they are a political institution of a "new man" hidden or veiled by the statements themselves. These statements are formulated in such a way that they portray man - the subject and object of the rights of man - "as the natural man"<sup>833</sup>, with equality, liberty, security and property as his 'natural and imprescriptible rights'. Thus, for Marx the Declarations conceal their political act of defining the very nature of man as the newly-born modern political subject behind natural law terminology. Marx's subsequent point is that the Declaration is doing so for a specific purpose, namely in order to create *liberal-bourgeois man*, and to naturalise his existence. Balibar rejects the interpretation by which Marx argues that the statements of the Declaration inscribe an egoistic, liberal human nature into the newly founded, socio-political order and instead chooses a different alliance for his own interpretation, in Hannah Arendt and in Foucault's genealogical account of the modern empirico-transcendental doublet.<sup>834</sup> Echoing Arendt's theorisation, Balibar counters against Marx that the Declaration leaves human nature empty precisely in order to fill it with only *the right to politics*,<sup>835</sup> which he ties in with Arendt's conception of the oft-cited "right to have rights"<sup>836</sup>.

We need to briefly summarise Arendt's argument. In her observation of the growing number of stateless people in the aftermath of the two world wars, she contends that only this situation made clear that it is not any specific right included in the French Declarations or the Bills of Rights that decides over a man's free and equal existence, but it is his very 'right to have rights': that means his right to action and his right to opinion,

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<sup>833</sup> Marx 2010, 167 [369].

<sup>834</sup> See Balibar 2012b, 209 fn3.

<sup>835</sup> See Balibar 2013a, 45.

<sup>836</sup> *Ibid.*, 169; Arendt 1973, 296.

which are both conditioned by man's existence within a political community, as political man, a citizen. Because only being a citizen can confer these rights, which depend on recognition, onto him. Arendt thereby opposes, just like Balibar after her, the Enlightenment and liberal ideas of a past or originary right based on history or nature, which the revolution restored or recovered. To understand human rights as a radical "invention" or "continuous *beginning (arché)*"<sup>837</sup> means to acknowledge that the groundlessness of humanity, in which man never had anything other than a 'second nature', is only and continuously filled precisely by the very *arché* of citizenship – which makes the institution of the community co-constitutive with man, and therefore indispensable for his or her political and free existence.<sup>838</sup>

This new situation, in which 'humanity' has in effect assumed the role formerly ascribed to nature or history, would mean in this context that the right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself.<sup>839</sup>

We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights. Our political life rests on the assumption that we can produce equality through organization, because man can act in and change and build a common world, together with his equals and only with his equals.<sup>840</sup>

Arendt here affirms a universalism of human possibility, and simultaneously criticises the political value of alternative normative or factual universalisms (that try to base political freedom on moral, social or rights categories alone), which are further supposed to contain their proper institutionalisation within them.<sup>841</sup> Politics can only be grounded on the potentially unlimited human ability to institute politics anew so that it comes closer to nobody being excluded from the 'right to have rights' or political freedom – which on Arendt's part implies a concept of political equality between unequal, because distinct and plural individuals, which for her stands opposed to the modern concept of equality.<sup>842</sup> Politics, for her, can in this sense not be reduced to a liberal constitutional guarantee of the rights of man and citizen, enacted by parliamentary democratic institutions.<sup>843</sup>

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<sup>837</sup> Balibar 2013a, 167.

<sup>838</sup> See *ibid.*, 172–173.

<sup>839</sup> Arendt 1973, 298.

<sup>840</sup> *Ibid.*, 301.

<sup>841</sup> See Wellmer 1999, 139–140.

<sup>842</sup> See Arendt 1998, 175, 215.

<sup>843</sup> See Wellmer 1999, 132.

Whilst this account is very close to Balibar's negative universality of egalitarian sovereignty, Arendt does not shy away from highlighting the period between the two World Wars as a historical moment in which the effectivity of this political approach based on a 'right to have rights' was put into question. For Arendt, the growing number of the stateless, who were nothing but human – thrown back into the dark background of their natural, 'mere givenness' – exposed a certain powerlessness of human rights vis-à-vis a highly developed civilisation that was so rigorously separated into nation states. She describes how the demand to be granted the right to have rights could not be heard by the nation states or the supranational associations of the time. Instead the stateless were forced into seeking national recognition as their only chance. But, differently to Balibar, Arendt sees the reason for the problem to be located in the French Declaration, because, as we saw in Article 3 (1789), it binds human rights to national sovereignty.<sup>844</sup> Arendt herself criticises the French Revolution as having instituted positive rights of man that depend on man being recognised as part of a national community that can confer this right, i.e. thereby denying man the 'right to have rights'. For Arendt, the French Declaration continues the natural rights tradition,<sup>845</sup> as does the American Bill of Rights, and only the mass violations of human rights in the 20<sup>th</sup> century have shown that these proclamations of human dignity qua nature, on whatever ground they have been made, do not hold against the ways these rights have been positively instituted. It is thus curious, how in Balibar's adoption of the notion of the 'right to have rights', Arendt becomes one of the key interpreters of the antinomical notion of right that leaves human nature empty and that cannot be positively instituted – but *within* and not against the French Revolution and its 1789 Declaration.

Arendt makes us wonder then whether the "identification of the rights of man with the rights of peoples in the European nation-state system", which she sees as the fundamental outcome of the French Revolution, might not be a more significant hindrance to humanity's ability to overcome or change this identification in the name of 'the right to have rights'<sup>846</sup> – although she does not actually think beyond the system of the nation states

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<sup>844</sup> See Arendt 1973, 295.

<sup>845</sup> See *ibid.*, 297.

<sup>846</sup> *Ibid.*, 293.

as such. Balibar, on the other hand, who is certainly dedicated to thinking citizenship as *trans-national*, runs the risk of reducing the power that the nation-state holds over the possibility of demanding the rights of citizenship qua being human, when he reduces the nation-state to merely one of other internal vacillations of the Declaration's hyperbolic proposition. With an eye to Marx, we might wonder about other, equally fundamental seeming barriers that Balibar's deconstructive Rousseauian interpretation of the revolutionary statements reduces to a specific historically-practical determination of an underlying regulative idea. But Balibar would probably counter that it is only on the basis of the "existence" of equaliberty that remains in excess of what has been declared that Arendt is even able to identify her subsequent criticism and demand for politicisation of the de-politicised stateless. Balibar's and Lefort's accounts are both based on a double inscription of rights that delimits their positive constitution: in Balibar's case, it is the rights of man *as* the rights of the equal and free citizen, and in Lefort's case, the modern disincorporation of power and rights. But, what in their eyes ensures a difference *ad infinitum* between the political community and its members, which makes the border of the community itself permeable, seems to be exposed in Arendt's case as a kind of wishful thinking of political theory. It comes up against the extremely real and exclusionary borders of the imperialistic Western nation-states of the early 20<sup>th</sup> century, whose exclusions reduce the 'right to have rights' to an empty shell and are not easily contestable. But we will come back to this problem in the next, and final section of this chapter.

This is not to suggest that Balibar in any way sidelines the problem of subjection or 'disemancipation' and exclusion in favour of the emergence of a new form of citizenship, or of what he also calls "civic-bourgeois universality"<sup>847</sup>, with the French Revolution. He makes very clear that "the story cannot end with these great emancipatory gestures"<sup>848</sup>, meaning that the rise of this new form of universality, which implies a new form of subjectivation, also comes with new forms of subjection, subordination, oppression and violence. The rise of the modern concept of citizenship is, for Balibar, an epic, as well as a tragedy.<sup>849</sup> That means Balibar is entirely aware that, even though he has on one level

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<sup>847</sup> Balibar 2012b, 207.

<sup>848</sup> Ibid., 208.

<sup>849</sup> See Balibar 2004, 77.

described the achievement of the Declaration as enunciating equality = liberty as “self-evident truth” that can be constantly demanded anew by anyone, precisely because man = citizen means that there is no good reason [*kein Grund*] to deny citizenship as the right to political participation to anyone,<sup>850</sup> on another level, this right to political participation has remained and remains denied to many to this day.

His insight here is that these exclusions have to arise within the universal, i.e. in the name of the universal itself rather than as contradicting particularities; that is, in order to deny citizenship to anyone under the regime of civic-bourgeois universality and its institutions, they have to declare him or her as less than or in- human, which, for Balibar, happens by affirming ‘anthropological differences’. He takes his inspiration in this regard from Foucault, who has made important contributions to developing the genealogies of some of those anthropological differences Balibar identifies: ‘normality’ vs the pathological, sexual difference, as well as ethnic and ‘racial’ difference, the infantile vs. the adult, and manual vs. intellectual labour (although this is more Marx-inspired).<sup>851</sup> What all these anthropological differences have in common is that they introduce differences into the very constitution of the human, but in an uncertain manner, namely along *shifting* dividing lines. It is precisely through civic institutions such as courts, psychiatric wards, cultural organisations and so on that a society engages in the work of “defending” ‘human’ normality against a supposedly abnormal, infantile, or dangerous inhumanity. Balibar emphasises that, in order to keep the universality of equaliberty intact, this inhumanity can only emerge and has to remain on humanity’s inside, namely by being internally excluded, which happens along racial, gender and class lines.<sup>852</sup> But that also means that the perversity and violence that emerges under the banner of civility in these processes can be contested in the name of demanding the re-opening of the dialectics of equaliberty.

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<sup>850</sup> See Reitz 2004, 121; Balibar 2013a, 5.

<sup>851</sup> See Balibar 2012b, esp. 224; Balibar 2011, pp.465.

<sup>852</sup> See Balibar 2012b, 214, 225.

#### 5.4 Why insurrection is not civil disobedience, or towards Balibar's concept of politics

Balibar also mobilises Arendt's thought in order to think the dialectics of constitution and insurrection that he understands to arise on the fundamental 'uneasiness' of the modern subject that we just described,<sup>853</sup> and which he conceives as the unlimited movement through which egalitarian sovereignty can be "instituted", if never once and for all. The dialectics of constitution and insurrection is Balibar's modality of universal emancipation. He refers, in this context, to Arendt's conceptualisation of "civil disobedience", based on which she creates a relationship between politics and the law that is constitutively open to an an-archic interruption of the positively instituted law by the legitimate enactors of civil disobedience: it creates politics on the basis of "an 'unlimited' or 'indeterminate' *arché*"<sup>854</sup>.

If we schematise Balibar's thought along those lines, we would call citizenship the *arché* of the modern political form in that it has always already conferred a status of legality, of rights and duties, of forms of political participation and a sense of belonging, onto individuals.<sup>855</sup> Or, more generally speaking, that its basis is "the pragmatic experience of birth, history and decadence of democracies"<sup>856</sup>. The figure of civil disobedience (or 'civic disobedience', as Balibar prefers to call it<sup>857</sup>) would be, in his terminology, the insurrectional moment of citizenship that challenges this pragmatic experience, i.e. content and borders of citizenship, by invoking equaliberty as negative universality.

[T]here is undoubtedly a meaning of universality which is intrinsically linked with the notion of *insurrection* ... ('insurgents' are those who collectively rebel against domination in the name of freedom and equality).<sup>858</sup>

Arendt's *arché* of political rights, or of the law, is de-limited by the figure of "civil disobedience", because in its name the collectively organised minorities or masses can "return judgement to the side of 'whatever' citizens".<sup>859</sup> Balibar traces the origin of this figure back to the very first definition of citizenship that Aristotle developed in his *Politics*

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<sup>853</sup> See *ibid.*, 227–228.

<sup>854</sup> Balibar 2013a, 177.

<sup>855</sup> See also Bloemraad, Korteweg, and Yurdakul 2008, 155–156.

<sup>856</sup> Balibar 2013a, 175.

<sup>857</sup> See *ibid.*, 168.

<sup>858</sup> Balibar 2002, 165; see Balibar 2013a, 10; Celikates 2010; see also Balibar 1998, pp.17, where Balibar formulates the need for civic disobedience in response to the proposition of the "Debré Law" that he understood as the state clamping down on the right of residence of the "sans-papier".

<sup>859</sup> Balibar 2013a, 176,178.

(even though he tried to make it disappear due to its inherent danger to the order): the notion of an *arché* as the principle of authority that remains indeterminate, an *arché aoristos* [*unbestimmte Regierungsgewalt*; indeterminate sovereignty].<sup>860</sup> Both, the *arché aoristos* and civil disobedience are essential, in Aristotle's case, to re-balance the *politeia*, and, in Arendt's case, to disrupt the potential totalitarianism of the law and return it to "the exercise and control by the community of citizens"<sup>861</sup>, i.e. strengthen it, while it will never become a guarantee for, and always simultaneously remain a risk to, the established order.

However, Arendt markedly develops her idea of civil disobedience in reference to the American Revolution, in distinction to the French Revolution, and her invocation of Tocqueville as the thinker of the "dangerous freedom" that the Americans seek, against the authority and government that is in place, gives this "dialectic" a specific inflection, namely a purely political one<sup>862</sup> - one that we associated before, at least to some extent, with Lefort and Furet.<sup>863</sup> Whilst we should not conflate Arendt's with Balibar's conception too quickly, we nevertheless need to interrogate their affinity all the more carefully, taking the specificity of Arendt's account of civil disobedience and politics seriously, including the effect it might have on Balibar's theorisation of citizenship and, on the other hand, determining where they depart from each other.

They both agree on the very fundamental need to understand and conceptualise democracy beyond its limited form of representative democracy and politics, and beyond its institutions, which both, in their different historical moments, perceive to be in crisis. They, for that purpose, reemphasise the element of constitutive power and a certain 'anarchic' moment within democracy.<sup>864</sup> But that should not hide the fact that civil disobedience for Arendt is a specifically American concept, which is only a different form of "voluntary association", as it was inscribed in the first amendment of the American constitution.<sup>865</sup> This relies on a purely political understanding of democracy, ultimately

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<sup>860</sup> See *ibid.*, 177.

<sup>861</sup> *Ibid.*, 186.

<sup>862</sup> See e.g. Ellen Meiksins Wood's discussion of "the American redefinition of democracy", which besides other characteristics, "displace[d] democracy to a purely political sphere". Wood 1995, pp.223. See also Arendt 1965; Habermas 1988.

<sup>863</sup> See Balibar 2013a, 176–177.

<sup>864</sup> See *ibid.*, 175.

<sup>865</sup> See Legal Information Institute Staff 2010.

aimed at the realisation and perfection of ‘man’ and the political order.<sup>866</sup> “The civil disobedient’s taking the law in his own hands” is always thought of as a rectification of the formal institution of the law itself, but going back to the “original conditions” of the American constitution, this rectification has to be understood as absolutely possible and desirable.<sup>867</sup> Integration into the law must be, as Arendt discusses regarding the civil rights movement, its highest goal.

Truly political action, for Arendt, further has to be realised at a distance from the aberrations that the inclusion of the social question introduced into the French Declarations, at a distance from the social sphere as a whole, because it undermines man’s public, political existence by allowing necessity to intrude into the sphere that is concerned with freedom.<sup>868</sup> This infamous separation between the political and the social introduces an ambiguity into Arendt’s theorisation regarding her definition of the autonomy of the political. On the one hand, the modern revolutions<sup>869</sup> achieved, in Arendt’s eyes, a radical renewal of the political constitution of society, which is not reducible to any other renewal: it is especially not reducible to an economic revolution and the transition from feudalism to capitalism in a purely economic sense, which is where Balibar and she agree. Instead, the revolutions mark autonomous political events, which we need to grasp as such if we want to gather their full meaning and consequences. On the other hand, Arendt redoubles this autonomy of the political at the level of content. She argues that political problems and questions, such as participation, representation and the overall problem of the political will formation [*politische Willensbildung*], have to remain purely political problems, located in the public sphere, and cannot be contaminated by social or socio-economic concerns, which are located in the private sphere.<sup>870</sup> We could also say that she naturalises the social sphere as that which is non-political, whereby she refuses to think the political potential of civil society, which Hegel started to do in a minimal sense through the concept of material

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<sup>866</sup> See Niederberger 2008, 96.

<sup>867</sup> Arendt 1972, 75,90–93.

<sup>868</sup> See Jaeggi 1997, 42, 12–13.

<sup>869</sup> For Arendt only the American Revolution is a revolution of liberty whereas the French Revolution is a revolution that gets diverted by trying to institute social equality, whereas for Balibar, who focuses more strongly on the French Revolution, both count equally as ‘bourgeois revolutions’, who instituted the proposition of equaliberty. See Balibar 2007a, 2.

<sup>870</sup> See Wellmer 1999, 144.

rights or the figure of the rabble, but Marx properly emphasised against what he saw as a bourgeois separation between private and public, or socio-economic civil society and political state.<sup>871</sup> Returning to such a separation opens Arendt up to an a- or even anti-political rendering of politics, which cannot be separated from her account of ‘civil disobedience’.

Our concern here is how the Arendtian separation might impact on Balibar’s association of his own dialectics of insurrection and constitution with her conception of civil disobedience or, to formulate it from a different angle, to stipulate what this association might tell us about the understanding of politics that underlies Balibar’s concept of citizenship – which in turn would allow us to determine not only the distance between Balibar and Arendt, but also between Balibar and Marx on a deeper level. Whilst Balibar does not make his stance on Arendt’s separation explicit, we should not assume that he therefore shares it – he just leaves it for us to work out.

Towards the end of the essay ‘Citizen Subject’, Balibar summarises his previous analysis:

I think that, [...], the indetermination of the figure of the citizen – referred to equality – can be understood with respect to the major alternatives of modern political and sociological thought: individual and collectivity, public sphere and private sphere. The citizen properly speaking is *neither* the individual *nor* the collective, just as he is *neither* an exclusively public being *nor* a private being. Nevertheless, these distinctions are present in the concept of the citizen. It would not be correct to say that they are ignored or denied: it should rather be said that they are suspended, that is, irreducible to fixed institutional boundaries which would pose the citizen on one side and a *noncitizen* on the other.<sup>872</sup>

Implied in this statement is, above all, the allocation of the politics of citizenship instituted, qua the dialectics of constitution and insurrection, beyond the private/public divide that, for Arendt, maps directly on to the divide of the social and political sphere. Insurrection is thus, like civil disobedience, a political concept, but, for Balibar, politics is not separated from the private, individual sphere, where, according to Arendt, necessity rather than liberty reigns. Modern, post-revolutionary politics, the politics of citizenship, encompasses the citizen’s existence as ‘neither [purely] the individual nor the collective, ... neither an

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<sup>871</sup> See Jaeggi 1997, 47. We will return to Balibar’s discussion of the Marxian critique of the bourgeois separation in the following chapter.

<sup>872</sup> Balibar 1991, 51.

exclusively public being nor a private being'; they are distinctions that exist at the inside of the concept of citizenship, but are simultaneously, on the level of the structure of the concept, in suspense.

Balibar affirms here, in general terms, what we have elaborated throughout the chapter, namely that the institutional boundaries that lead to the internal exclusion from citizenship of individuals who are deemed less than human, exist side by side with their contestations, leading to what he calls an “infinite contradiction”<sup>873</sup>. Citizenship necessitates the foundation of institutional definitions of who is a citizen and who is not a citizen, and is therefore always exclusive. But not in a historically determinate sense, because every institutional definition opens up new possibilities for contestation, whether in the name of politicising the individual against the collective, the collective against its individualisation, the private, or the public. The new, post-revolutionary citizen, who is “no longer subjectus [*Untertan*], but not yet subjectum [*Subjekt*]”<sup>874</sup>, differs from the ‘citizen’ as subjectus under absolute monarchy, because it exceeds by definition its own institutionalisation, in an interminable conflictual process. It implies a new universality that is inscribed in the citizen, and becomes thereby attainable for the subject; which is something very different from a universality that is once and for all achieved or denied, because it is incorporated in a stable societal structure.<sup>875</sup> Its historical unfolding is not linearly progressive<sup>876</sup> and not “complete or enclosed in its origins”<sup>877</sup>, i.e. the Declaration. It is a contingent process in which philosophy and politics can participate purely by analysing, schematising and acting upon its stakes – i.e. can know and contest “who is excluded, why, from what, by what mechanisms”<sup>878</sup>. More concretely, that means, for Balibar, analysing the process of the becoming-subject of the citizen, the “devenir sujet du citoyen” (the becoming subject of the citizen), because “the citizen is the subject, [...] is always a supposed [or qualified<sup>879</sup>] subject (legal subject, psychological subject, transcendental subject)”<sup>880</sup>.

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<sup>873</sup> Ibid., 53.

<sup>874</sup> Ibid., 46.

<sup>875</sup> See *ibid.*, 45.

<sup>876</sup> See Balibar 2013a, 123.

<sup>877</sup> Ibid.

<sup>878</sup> Ibid., 124.

<sup>879</sup> Balibar 2012c, 2.

<sup>880</sup> Balibar 1991, 45.

But, we could ask with Marx, is not the citizen as largely individualised, legal subject more strongly presupposed than contestable in the post-revolutionary civic-bourgeois social form? Because sovereignty is distributed – or, one could say from a more critical viewpoint, suspended – between a modern, rational state and globalised capital that both rely on and enforce in their own ways the rule of law, it appears rather resistant to collective demands of returning constitutive power to the citizens. Regarding the state, Balibar refuses a portrayal that reduces the state to an “abstract state” that treats individuals equally merely on a juridical and administrative level, but disregards their conditions of existence, i.e. as “man ‘without property’ [*eigentumslos*], [and] ‘without particularities’ [*ohne Eigenschaften*]”<sup>881</sup>. Whilst he does not deny that this description of the state conforms closely to reality, he shows us that it contains within itself a ‘utopian’ dimension that Marx, in his critique of the state, for example, misses. Because the fact that the state functions *as if* ‘man’ was without property and without particularities does not only mean that the equality it administers does not really create a society in which property and particularities no longer play a differentiating and violently exclusionary role, but it implies that struggling to create such a society is a possibility. The abolition of class, sexual and racial differences within the category of ‘man’ can be demanded, Balibar argues, in the name of civic equality, against the way the ‘abstract state’ stages their inexistence.<sup>882</sup> But that means – against Marx’s concept of human emancipation as a revolution that overcomes the limits of political emancipation, which Balibar calls “founding revolution” – that a politics of citizenship relies on the contestation of the state, but not its abolition. The citizen is a “constitutive element of the State and [...] the actor of a revolution” as a “permanent revolution”<sup>883</sup>, a revolution that began in 1789 and continues to this day, as simultaneously epos and tragedy.

Balibar thus advocates an account of politics that functions simultaneously within and beyond and above the state. The last open question is, then, what happens in Balibar’s account to the Marxian-Hegelian counterpart of the state, namely to civil society? We know that the state is not equal to society, that society goes beyond the state. And Balibar has also made clear that the citizen is not, as in Marx’s account, confined to the sphere of the

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<sup>881</sup> Ibid., 54, amended trans.

<sup>882</sup> See *ibid.*, 53.

<sup>883</sup> Ibid., 54.

state, whereas ‘man’ is confined to the private sphere of civil society. Both spheres are for Balibar equally constitutive for the citizen. The latter differentiation is, however, not actually as disjunctive as it seemed at the beginning of this chapter. Because, ultimately, ‘modern man’ is also a split man for Marx, split into man and citizen. And whilst he allocates man to civil society and the citizen to the state, he does not deny in his theorisation that the dividing line between these two spheres can shift. Marx, however, contends that such a shift does not overcome the separation that is constitutive of the civic-bourgeois social form, determined by the simultaneous completion of “the idealism of the state” and “the materialism of civil society” with individualist, egoistic man as its “precondition”.<sup>884</sup> Thus, even though based on a more than rudimentary account of materialism, Marx rejects the appearance of the primacy of a republican citizen that the political state creates as part of an ideology that successfully veils the primacy of materialist social relations, which are themselves the ground on which the political state relies. Whilst Balibar is certainly very sensitive to and aware of the roles globalised capitalism and the legal system play in erecting and maintaining more or less visible borders around citizenship rights, his account of the politics of citizenship relies on a primacy of ‘politics’ based on the indetermination of the notion of the citizen that reduces socio-economic structures to secondary effects, manifesting themselves on the level of ‘anthropological differences’, and thereby returning into the politics of citizenship without limit and end.

Whilst we began this chapter with Balibar’s criticism that Marx misunderstood the ‘materiality of the statements of the Declaration’, we have now arrived at the moment where we can conclude that Balibar refers here not to the textual materiality as such. In ‘Citizen Subject’, he explains that the hyperbolic proposition of equaliberty emerges from the Declaration because

in effect, in this proposition, the wording of the statement [*die Aussage*] always exceeds the act of its enunciation [*Äußerung*] (*l'énoncé excède toujours l'énonciation*), the import of the statement already goes beyond it (without our knowing where) ... In the statement of the Declaration, even though this is not at all the content of the enunciation of the subsequent rights, we can already hear the motto that, in another place and time, will become a call to action: ‘It is right to revolt.’ Let us note once more that it is equality that is at the origin of the movement of liberation.<sup>885</sup>

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<sup>884</sup> Marx 2010, 166-167 [369].

<sup>885</sup> Balibar 1991, 52.

But even “the wording of the statement”, which is relevant because it is the *énoncé*, that which exceeds the moment-specific act of its enunciation [*l'énonciation*] and lives on, seems to ultimately only matter to a limited extent. As Balibar says, it is enough if we hear in it the “motto” of revolt, we do not need to take it too literally. Balibar goes on, in the text, to list some examples of the *énoncés* he has in mind: property as imprescriptible right of man, the citizen as *man* (and woman?), its silence regarding the colour of the citizens<sup>886</sup> – all these inscriptions will become heavily contested immediately after they are declared or stated, and in a certain way enunciated or indeed enacted in more definite terms on the basis of the underlying proposition of equality or equaliberty. Important for Balibar is that, due to their radicality, they all point to an unconditional equality beyond its limited, exclusionary inscriptions.<sup>887</sup>

The contradiction that engenders these contestations does then actually not lie in the founding statements in and of themselves, even though that was the outcome of Balibar’s first attempt to formulate its existence – namely as the statements’ inherent aporeticity, which resonates with some moments of our analysis, where he relies on the statements’ content. But he corrects himself and suggests a more precise definition when he formulates

better still: the contradiction, to the second degree, resides in the instability of the relation between the aporetic character of the statements [*énoncés*] and the conflictual character of the situation in which they arise and which serves as their referent, so that every attempt to reactivate the statements of the rights of man and citizen, based on its very truth, cannot help but run into the effects of the development of its own tensions.<sup>888</sup>

Thus, the aporetic character of the statements of the Declaration only leads to the specific revolutionary contradiction when it is doubled with the conflictual character of the situation from which the Declaration(s) arose (“the revolutionary conjuncture”)<sup>889</sup>, or, we could extend, with the conflictual character of modern society as it was properly instantiated by the bourgeois revolutions. It is thus the *political materiality* of the relationship or encounter between the enunciation of the statements and the contingent historical situations and movements that followed that Marx misunderstood.

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<sup>886</sup> See *ibid.*, 53.

<sup>887</sup> See Balibar 2002, 165.

<sup>888</sup> See Balibar 2013a, 40.

<sup>889</sup> See *ibid.*, 41.

## **6 Balibar's critique of Marx's critique of politics: how does Marx misunderstand the materiality of the Declaration?**

Before we cast any conclusive judgement on the specificity of the political materiality with which Balibar opposes Marx, in the name of a politics of citizenship, we need to shift our point of view. This chapter returns to Balibar's early deconstructive readings of Marx's text and Marx's conception of politics that date mainly, although not exclusively, to the late 70s and 80s, in order to understand how Balibar arrived at his disagreement with Marx over the materiality of politics – which, if we remember Balibar's work with Althusser and others of his students on *Reading Capital*, constitutes not only a peculiar change of position, but also of his object of theoretical inquiry. Whilst one might argue that his work on citizenship from 1989 onwards could just as well be read as entirely unconnected to the Marxian problem, in the sense that, in that context, Balibar critically distances himself from Marx, alongside other 'interlocutors'; an inquiry into the most immediate pre-history of Balibar's work, which is intimately connected to Marx and Marxism, will bring to light important findings that would otherwise get lost.

In this chapter, we will discuss Balibar's direct critique of the young Marx and, more specifically, of 'On the Jewish Question' and thereby be able to show that his conception of the politics of citizenship, based on the proposition of equaliberty, gives direct answers to the problems he identifies in Marx's understanding of politics. Balibar's critique focuses on the role of the bourgeois split between state and civil society, and the related absence of a theory of ideology, which, he argues, limits Marx's ability to develop a convincing account of non-bourgeois, or anti-capitalist politics, in his early as well as in his late works. The final part of this chapter goes on to show that it is nevertheless a particular choice that Balibar makes, at a marked theoretical crossroad, when he opposes the weaknesses or 'absolute limits', as Althusser would have said, of Marx's theorisation of politics with a politics of citizenship. The chapter ends with a critical discussion of the implications of Balibar's choice by explicating its Derridean-Rousseauian borrowings, before we consider the more general learnings for our overall project of conceptualising 'emancipation' after Marx in the conclusion.

## 6.1 Adopting Hegel's state/civil society dualism as Marx's fundamental mistake

Starting from his contribution to the book *Marx et sa critique de la politique*, which was published in 1979 and contained essays by Luporini, Tosel and Balibar, Balibar placed great importance on the ambiguities in Marx's text regarding his definition and thinking of politics. This 'turn', which he himself characterises as moving from trying to "reconstruct or remodel Marxism", to deconstructing the Marxian text by exposing its inherent contradictions,<sup>890</sup> was not, however, exclusive to Balibar, and it was not actually, as it could appear, in and of itself the issue over which he disagreed with Althusser. More precisely, even though Balibar tells his readers that he started to part company with Althusser in 1978,<sup>891</sup> we should not overlook that 1978 is thereby the starting point of a long and complex process – about which we will get a better idea throughout this chapter. Besides, the turn towards identifying the contradictions and gaps in Marx's thinking of politics, as opposed to trying to read his writings as a doctrine that could be completed, was shared by several thinkers of Western Marxism, including Althusser *and* Balibar and is widely regarded, including by Balibar himself, to have been initiated by Norberto Bobbio's provocation that there is no theory of the state in Marx. Whilst we will investigate how this provocation is reflected in Balibar's deconstructive reading of the early and the later Marx,<sup>892</sup> which we aim to bring to bear upon the problem of emancipation, it was actually born out of a very serious political objection of Marxist theorists, primarily in France and Italy, to the relationship between the respective communist parties and the state. It led, whilst starting from an initially shared problem, to rather divergent theoretical positions on how Marxist politics and the role of the state could be thought differently, which is also where Althusser and Balibar begin to disagree.<sup>893</sup>

Above all, even though different texts place a different emphasis on this problem, Balibar sees Marx's adoption of the Hegelian separation of state and civil society, in order to capture the post-revolutionary modern society, as causing more problems than it

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<sup>890</sup> Balibar 1995, 158.

<sup>891</sup> *Ibid.*, 157–158.

<sup>892</sup> Which, as we will see throughout this chapter, extends also to texts written in more recent years, which means that the periodisation is not to be understood in an absolute sense.

<sup>893</sup> See Farris 2013, 185–186.

solves.<sup>894</sup> In ‘État, Parti, Idéologie’, which elaborates on the absence of a consistent theory of the state in Marx’s oeuvre, and the problems it causes for his and Marxism’s subsequent accounts of the party and of ideology, Balibar makes his disapproval of the Hegelian import very clear.<sup>895</sup> His strongest claim against the doublet political state and civil society – which never disappears in Marx and Engels’ writings, even though they introduce the alternative topology of base and superstructure, where the state becomes part of the superstructure, as in the 1857 ‘Introduction’ and the 1859 ‘Preface’ (plus several variations on the concept of the state within those topologies themselves)<sup>896</sup> – is that it reduces the world of politics to

“a place of an illusionary and inverted phenomenon. The world of politics and of the State (the political state vis-à-vis the economy) is that in which the real human relations are inverted, which makes it the world of a fundamental illusion.”<sup>897</sup>

In order to examine why this is a problem for Balibar, we need to reach a better understanding of what precisely he means by politics as illusion.

From our exegesis of ‘On the Jewish Question’, we know that Marx himself introduces the term illusion into his critical, political vocabulary. He speaks of “the illusory sovereignty” of the State<sup>898</sup> and he refers to the “optical illusion” in the political emancipators’, the Jacobins’, consciousness, who misunderstood themselves to practise the primacy of purely political, as in Statist, action, whilst they participated in finalising a social form in which that State became subordinated to socio-economic laws and conditions (in Marx’s confusing wording, which gives away his theoretical masters, it says ‘not politics but “theory is the rule”’).<sup>899</sup> Balibar refers especially to the latter example, framing it as the voluntarist account of politics, and of the bourgeois revolutionary ideology par excellence, whose biggest mistake, for Marx, was to have not taken account of the material structures that they operated within, because these remained concealed to them. The revolutionaries remained unaware or unconscious of the truth of the historical and socio-economic, and

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<sup>894</sup> See Balibar 1979, 124; also Balibar 1985; Balibar 2013b.

<sup>895</sup> Balibar is not alone with this rejection at this point in time. See Luporini’s critique in *Marx et sa critique de la politique* of the civil society/state couple as a merely descriptive notion rather than a theoretical concept (argued in Althusserian fashion), Luporini 1979, pp.92; also Cohen 1987; Keane 1988a; Keane 1988b.

<sup>896</sup> See Balibar 1979, 116.

<sup>897</sup> *Ibid.*, 159; my trans.

<sup>898</sup> Marx 2010, 154 [355].

<sup>899</sup> *Ibid.*, 165 [367].

thus of the true political conditions in which they operated. Balibar's contention is here, however, that, whilst he understands the insight that politics does not depend on willpower and reason alone as important and unique to Marx's thinking of politics, he is not convinced by the grounds on which Marx erects this critique of a disjuncture between motive and strategy in the Jacobin account of politics as 'voluntarist'.<sup>900</sup> Balibar objects that Marx's critique is based on an alternative understanding of politics that only inverts the Jacobin one. That Marx portrays the effectivity of politics as "illusory" implies for Balibar that it becomes entirely determined by the material structures of civil society and thereby loses any effectivity of its own.<sup>901</sup> This would be a false reversal from Jacobin politicisation to an economic determinism.

In this context, Balibar describes Marx's conception of the state as based on an inverted Hegelian schema, which reduces the state to an expression of the struggle that goes on within civil society.<sup>902</sup> Balibar even labels the political state/civil society concept of the young Marx "the expressive conception of the State"<sup>903</sup> – which marks clearly the continuity that exists between Balibar's and Althusser's critique of the young Marx's account of politics in the name of a Hegelian expressive totality, as Althusser called it in *Reading Capital*.<sup>904</sup> Balibar bases this description on Marx's critique and inversion of the Hegelian state as that which overlays and distracts from the real life of man, namely his everyday, profane life in civil society with the ideal of a collective sublation that is however only a philosophical Idea. Marx instead assigns true reality to civil society and calls the state, its sovereignty and thereby its force, "illusory", because it is in reality dominated by civil society. Remembering Chapter Three, Balibar also appears here to repeat the impetus of Althusser's critique, in the sense that they both generalise an anti-dialectical portrayal of

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<sup>900</sup> Bernstein calls it the 'fiction of absolute self-constitution', see Bernstein 1991, 105.

<sup>901</sup> See Balibar 1979, 114.

<sup>902</sup> See *ibid.*, 124–125; also Luporini 1979, 95–96.

<sup>903</sup> Balibar 1979, 131; my trans.

<sup>904</sup> Althusser defines the Hegelian expressive totality as "a totality all of whose parts are so many '*total parts*', each expressing the others, and each expressing the social totality that contains them, because each in itself contains in the immediate form of its expression the essence of the totality itself". He opposes it to a "Marxist structured whole" which is a unity made up from "distinct and 'relatively autonomous'" instances, such as the economic base and the ideological superstructure, and whose instances have a complex, instead of an immediately determined and thus expressive relationship to the whole. (Althusser and Balibar 2009, 94, 97).

Marx's account of politics from the 1843 'Critique', without taking the different stages of Marx's break with Hegel into account.

On a more general level, there exists an odd duality in Balibar's argumentation. Doubting the state's sovereignty, and describing it as illusory on Marx's part, only means that the state is not sovereign, i.e. it does not reign on its own and the effectivity of political measures and actions does not depend on state power and political will alone – but, as Marx tries to show, they depend on the material relations within society of which the state and its creation of illusions is a part. Above all, it seems that Balibar himself delivers the argument as to why the state cannot ever merely express what goes on in civil society, when he adds that the state, instead of realising the highest form of collective political life, as in Marx's reading of Hegel, fulfils a mystifying task regarding man's profane life in civil society. But if the state merely expresses the truth of civil society, how is it able to simultaneously conceal this truth from the French revolutionaries? How can the state mystify anything, how can it create illusions, when it is the mere expression of the reality of civil society?

For Balibar, this is not a contradiction. Marx's political state creates a mystified representation of society based on giving man a social, collective existence that contradicts and abstracts from his individualised existence and his conflicts of interest in civil society. But the state thereby still fulfils the function of society's real, as in actual, existence as civil society. It "masks the internal antagonism" of civil society,<sup>905</sup> which is no different to expressing it, albeit in a mystified form. If the mystified form directly emanates from civil society, the state remains without any attribution of autonomy or efficacy of its own. And that means it does not allow us to think the state's contribution to the form and content, the continued functioning, of civil society, because civil society is always already there, fully formed.

Balibar identifies the cause for this, in his opinion, misleading construction of the relationship between state and society under modernity, in that the political state/civil society couple is, and remains, pervaded by a crude and contradictory conception of the problem of alienation throughout Marx's work. The first level of alienation, *alienation as*

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<sup>905</sup> See Balibar 1979, 137.

*Entfremdung*, is constituted by the scission internal to ‘man’, separating him into man and citizen,<sup>906</sup> or as Marx also refers to them, into the real but untrue [*unwahr* in the Hegelian sense] individual of civil society, man or *bourgeois*, and the fictitious but true [*wahr*, again referring to the Hegelian vocabulary] man as species-being, as communal being or citizen.<sup>907</sup> Whilst we have discussed Balibar’s disagreement with Marx on this point in the previous chapter, we will now examine it again, but coming from the other side, so to say, namely from a direct and explicit critique of Marx’s account, rather than from Balibar’s alternative understanding. Balibar develops this critique in the closing chapter of his recently published book *Citoyen Sujet*<sup>908</sup> and in direct reference to, and close alignment with, Rancière’s critique of ‘On the Jewish Question’ in his book *Disagreement*.

Marx’s usage of the notion of ‘man’ as man of bourgeois-civil society is, in Balibar’s opinion, agreeing here with Rancière’s assessment, problematic because it is ‘amphibolic’, which leads Marx however to unproductive simplifications.<sup>909</sup> Let us initially reproduce Rancière’s argument, not only because Balibar relies upon it so fundamentally but, also, because it is, besides Lefort and Balibar, undoubtedly one of the important and influential post-Marxist criticisms of ‘On the Jewish Question’ and should be acknowledged in its own right. Rancière argues:

At first the gap signifies the limits of politics, its powerlessness to achieve the properly human part of man. Human emancipation [*l’émancipation humaine*] is then the truth of free humanity outside the limits of political citizenship. But, along the way, this truth about man trades places. Man is not some future accomplishment beyond political representation. He is the truth hidden beneath this representation: man of civil society, the egotistical property owner matched by the non-property owner whose rights as a citizen are only there to mask radical nonright. The inability of citizenship to achieve man’s true humanity becomes its capacity to serve, by masking them, the interests of man the property owner.<sup>910</sup>

Thus, for Rancière and Balibar, ‘man’ is two things at once in Marx’s text. On the one hand, he is the alienated individual, whose social existence makes him into an egotistic property owner, or indeed a non-property owner, both of which existences contradict, as in deny,

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<sup>906</sup> See *ibid.*, 158.

<sup>907</sup> See Marx 2010, 154, 167 [355–356, 370].

<sup>908</sup> More precisely in the section “Du côté de chez Karl” of the closing chapter, which is entitled ‘Universalité bourgeoise et différences anthropologiques’.

<sup>909</sup> See Balibar 2011, 469–470; amphibology is another word besides ambiguity, vacillation, equivocity in Balibar’s dictionary for things with more than one theoretical meaning or implication.

<sup>910</sup> Rancière 1999, 83 [120]; amended trans. The page number in brackets always refers to the French text, Rancière 1995.

his ontological sociality or relationality.<sup>911</sup> This is for Marx the condition of modern humanity, in his critique of which he is aligned with Hegel before and Arendt after him; and it is the “truth” that Rancière sees “hidden beneath” the citizen as the related modern illusion. The second meaning of man contradicts this first, when it also defines him as “the subject and object of a true emancipation”<sup>912</sup>, by means of which he will be able to realise his truly human capacities, to utilise his *forces propres* in a non-alienated way, which lies beyond his split existence. But, Balibar and Rancière object, Marx thereby actually eliminates politics – understood as conflict or struggle – from both definitions, because in both cases he fully identifies ‘man’ with the social.

In the first case, man is the alienated social being, for whom politics and rights are merely an illusion, which masks the real ruler that is property. This condition marks the powerlessness, and thus the limit, of the political sphere, which becomes subjected to the reality of civil society for which it only fulfils an additional, illusory function. Man is at this point reduced to a bourgeois existence, and politics stripped of any significance. This is where, for Balibar, the second dimension of Marx’s concept of alienation comes in. *Alienation is here simultaneously Entäußerung*, the projection of that communal life that was destroyed by the modern revolution onto the external institution of the state, which thereby appears more real than the everyday life of civil society.<sup>913</sup> But, really, the community, which the citizen believes he is part of, and which he sees as his defining attribute, allowing him to achieve his social freedom and equality, is “a fictitious phenomenon”, it is a semblance [*Schein*], a sophistry that allows us to see the sophistry of the entire modern state.<sup>914</sup>

It is this expelling of politics from the social, precisely in the way that the liberal framework suggests, that causes Marx, in Balibar and Rancière’s eyes, to arrive at the “expressive state conception”.<sup>915</sup> The social becomes the material, the real life of man, and politics is reduced to an illusion whose only effect is to distract man from this reality, mystify it and cause him to believe he did live a properly communal, social life, whilst he

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<sup>911</sup> See also Balibar 1979, 158.

<sup>912</sup> Balibar 2011, 470; my trans.

<sup>913</sup> See Balibar 1979, 158.

<sup>914</sup> See Marx 2010, 154 [355].

<sup>915</sup> See Balibar 2013b, 445.

really does not. Politics is, in this sense, only effective as an expression of the social, which means it contributes to ruining man by allowing the social to reduce him to the egotistic liberal individual. In Rancière's words, once again:

Political "participation" is then just the mask of the allocation of lots. Politics is the lie about a reality that is called society [and more specifically class society]. But, by the same token, the social is always ultimately reducible to the simple untruth of politics.<sup>916</sup>

Here, Rancière points us towards the inverted implication of reducing politics to a mystification: it also means that the social itself contains nothing of the 'untruth' of politics within it and nothing of what man is told he is as citizen. Nothing of the state's actions and its apparatuses has a real, or material effect on what the social is and how it continues to reproduce itself. It is the inversion of the liberal economic ideology of the invisible hand of the market, where the economy is the solution to everything.<sup>917</sup>

Balibar adds here to Rancière's analysis that the same suppressed amphibology that afflicts Marx's usage of 'man' can be discerned in his treatment of the 'citizen'.<sup>918</sup> Based on the linguistic ambiguities within the historical development of the notion of citizen, which in the German word 'Bürger' refers to bourgeois as well as to citizen, Balibar tries to show that this permeability persists in the modern split subject, and is not petrified, as he sees it to be in Marx's model, on the side of 'illusory politics'. Where Rancière criticises Marx for locking 'man' either in his alienated state, or by theorising him as the emancipated, authentic being whilst excluding the possibility of thinking their political relationship, Balibar develops a parallel problematisation of the bourgeois - 'citizen' relation. He argues that not only in language are there citizens who are Bürger, and Bürger who are bourgeois, but also in politics – because the bourgeois and the citizen are not, as he reads in Marx, separated along the dividing line between the social and the political. Instead, their transition into each other is a social *and* political problem, and therefore always an open possibility. Furthermore, the exclusion of anyone from citizenship, for Balibar, is only possible on the basis of denying her 'humanity', i.e. on introducing an anthropological difference to the category of 'man' or the 'human'. By petrifying both sides, and separating

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<sup>916</sup> Rancière 1999, 83 [120].

<sup>917</sup> See Balibar 2014, 55.

<sup>918</sup> See Balibar 2011, 471.

them by a gap, Marx not only locks man to a bourgeois existence that is unaffected by politics, he also remains blind to the struggle over citizenship as the struggle over anthropological differences.<sup>919</sup>

Marx's flipside mistake is that he follows Hegel in identifying politics entirely with the state.<sup>920</sup> Thereby, he becomes unable, in Balibar's eyes, to think the possibility of transcending the modern social form *politically*, i.e. qua political struggle. Why? Could he not locate an alternative, proletarian politics, *within* the sphere of the social, of civil society, which he understands to be the source of the contradiction that causes man to live a split, alienated life? In Balibar's eyes, he can, but it causes his theorisation to get caught "in a vicious circle", as long as he locates proletarian politics on only one side of the duality. And Marx did this famously in the 'Introduction', where he defines the proletariat as that which is the included excluded of civil society, the untruth of politics, the non-class that can serve as negation of negation, and bring about universal emancipation.<sup>921</sup> The overall problem for Balibar is that,

[t]o 'develop' the contradiction then is to pass it on to the superior element of the State, or conversely to draw and re-absorb the State into the element of civil society. But the State and civil society are merely mirrors of each other. As a result, one ends up going round in circles, and, in particular, instead of finding a way of considering proletarian politics as *another* practice of politics, which creates a change in the meaning of the word 'politics', one can only treat it as the *anticipation of a reconstituted unity* between Society and State, to the detriment of one or the other.<sup>922</sup>

This leads us to the second case of identifying 'man' with the social. Balibar sees in Marx's framework only one viable possibility for overcoming the alienation of man as simultaneously scission and projection, i.e. to enable him to become conscious of his profane everyday reality as that which really determines his existence, or to realise *human or social emancipation*, namely by once again eliminating politics: either through the *fin d'État* or through the radical negativity of the proletariat as non-class. Balibar calls this a situation of "tout ou rien", all-or-nothing – an argumentative logic we encountered in the previous chapter in relation to formal versus real or factual equality.<sup>923</sup> Here, it is, once again, the adoption of the Hegelian totalisation of civil society and the state that is responsible for

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<sup>919</sup> See *ibid.*, 467, 474.

<sup>920</sup> See Balibar 1985, 9.

<sup>921</sup> See Balibar 2011, 243, esp. 246–248; Marx 1975c, 255–256; Draper 1977, 145.

<sup>922</sup> Balibar 1985, 18.

<sup>923</sup> Balibar 1979, 132.

Marx's error. The teleological anticipation of the arrival of the new state order not only makes Hegel let "a part of politics" – namely everything that is not geared towards it – "fall by the wayside"<sup>924</sup>, but, through sharing his concepts, it also affects Marx's theorisation.<sup>925</sup> As society's proper end is for Marx no longer the state *or* politics, as it was for Hegel, it must be the abolition of the state *and* politics that allow humanity to become truly free and equal.

The problem that Balibar identifies here is that the question of becoming conscious of the reality of the relations of domination and exploitation qua political struggle and the problem of transition lose relevance in such a scenario, because the realisation of man as he really is, as the social individual, lies immediately beyond the abolition of the state/civil society couple. Either alienated man is inverted once again into his authentic being, or the eruption of the radical negativity of the proletariat is inherent in the alienated subject. Truly emancipated man once again becomes united with the social, only this time he is free, and neither under the domination of private property nor political representation. If Balibar sees the first image as a reduction of man, he regards this as the idealisation of man into an anthropologically unified existence, where the process that leads there cannot or does not need to be thought, because of its messianic quality. Either man exists under, or he exists beyond politics, but never *in* politics; his existence always has significance *for* politics, but not *within* it.<sup>926</sup>

The critique amounts, in Rancière's case explicitly, and in Balibar's case implicitly –by aligning himself so closely with his colleague – to an accusation that Marx's problematisation of emancipation is *metapolitical*.<sup>927</sup> Metapolitical is to be understood in the double sense that Rancière gives it: on the one hand, it defines real emancipation as something *beyond* politics (referring to human emancipation), and, in the second sense, it serves as a scientific accompaniment of politics, i.e. that which knows in advance the relationship between "names and things"<sup>928</sup>, or how the political work of naming and

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<sup>924</sup> Balibar 1985, 9.

<sup>925</sup> See *ibid.*, 14.

<sup>926</sup> See Balibar 2011, 469–471.

<sup>927</sup> See Rancière 1999, 81, 85 [118, 123–124].

<sup>928</sup> *Ibid.*, 82 [119]; amended trans. The precise French phrase is "les noms et les choses", not 'les mots et les choses' as Foucault's famous book title.

inscribing relates to its “subtending reality” (which, with regards to political emancipation, refers to Marx’s account of civil society).<sup>929</sup>

Now, there is no point repeating our conflicting interpretation of the relationship between state and civil society that Marx establishes in ‘On the Jewish Question’ at any length, because the purpose of this chapter is not to defend Marx against Balibar and Rancière’s criticisms. The core achievement of Chapter Three was to establish the duality that Marx opens up as itself a dialectical duality, with both sides constituting a different form of foundation of civic-bourgeois society. That means neither side is the illusory expression of the other, because both civil society and state – earth and heaven – participate equally in their newly found modern autonomy in the constitution and reproduction of bourgeois society. But they do not do so as perfectly constituted and rational categories of bourgeois society, rather they themselves are split between their existence as rational categories and their empirical determinations. “[T]he completion of the idealism of the state was at the same time the completion of the materialism of civil society”<sup>930</sup> does not mean that the idealism of the state or the materialism of civil society are, each on its own, actually *perfectly or non-contradictorily* instituted. In this sense, man does not, for Marx, exist outside and in total separation from the citizen, and politics and rights are not reduced to an illusion that leaves man or the social unaffected, because they are perfectly determined functions of the social.

Furthermore, it is bourgeois politics and bourgeois rights that Marx criticises as limited in their emancipatory power, because of their blindness towards their material constitution; and material here means as much economic as ideological. In this sense, Balibar and Rancière’s overall critique appears forced, and overly indebted to the Althusserian generalisation of the young Marx into a unified and anti-dialectical position. But our interest is here in the good reasons that led them to follow this critical strategy, namely their aim of exposing the ambiguities in Marx’s critique of politics that might afflict his accounts of political and human emancipation. We thus need to ask more carefully

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<sup>929</sup> Ibid., 85 [123–124].

<sup>930</sup> Marx 2010, 166 [369].

what those ambiguities are that allow for an interpretation that is also the basis on which Balibar accuses Marx of misreading the materiality of the Declaration.

Balibar tellingly begins his reproduction of Rancière's critique of 'On the Jewish Question' by affirming that he will "take for granted...the formation of a subject who is split into concrete and abstract, particular and universal, or as Foucault will say an 'empirical-transcendental doublet'"<sup>931</sup>, which suggests that he considers himself here to be in agreement with Marx before diverging into his criticism. Balibar thus implies that Marx regards bourgeois man as concrete and particular, which needs to be affirmed as primary or truly real against the Hegelian universal embodied by the state, the citizen, and his citizen rights. The problem that we need to take very seriously here is that Balibar apparently does not see any indication that Marx wants to or tries to think the category of 'man' as itself conflictual, and just as problematic as the category of the citizen. Both Balibar and Rancière are only able to launch their criticism at Marx on the basis that his categories of man and of civil society are themselves the given, and, in that sense, pre-political truth of non-bourgeois politics – instead of understanding civil society and the related constitution of man as bourgeois as the locus of a political struggle. That means the problem that they identify is, above all, the absence of a notion of class struggle vis-à-vis the bourgeois definition of politics, which includes the lack of a Marxian interrogation of how this class struggle could strategically be thought, in relation to and against the bourgeois state – civil society duality.<sup>932</sup> Rather than affirming one side against the other, or reducing politics to a theoretical thought experiment, this critique demands thinking emancipation as a political practice<sup>933</sup> within a structurally complex society.

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<sup>931</sup> Balibar 2012c, 6.

<sup>932</sup> See Balibar 2013b, 445.

<sup>933</sup> In his work from the 70s and early 80s, Balibar tries to develop what he calls "a new practice of politics" or "new (mass) political practice". See Balibar 1977, 153; Kalampokas 2015. We will clarify how this concept of class struggle relates to his politics of citizenship in the later parts of this chapter. Whilst there is no doubt that he remains committed to investigating and pinpointing the weaknesses of Marx's approach in the name of the lack of a clear commitment to the primacy of class struggle (see e.g. his essay "Klassenkampf als Begriff des Politischen", 2013b), the real challenge is to trace how Balibar reframes the very meaning of 'class struggle' throughout his work and specifically in relation to the politics of citizenship.

## 6.2 Marx's move towards an account of proletarian or materialist politics beyond the state/civil society dualism

Balibar argues that it is by asking what is unique to proletarian politics versus bourgeois politics that we might be able to capture the singularity and importance of Marx's approach to thinking politics, which, after all, imposes "irreversible constraints" on his successors.<sup>934</sup> He suggests that this angle, which moves the focus from Marx's early writings to his later ones, might enable us to wrest Marx's account of politics from the metapolitical inscriptions that he and Rancière found in Marx's early critique of politics.

Negatively framed, proletarian politics denies that we can think of politics as the realisation of political will or 'reason', as we saw in Marx's critique of the French revolutionaries, and that politics is exclusive to the state and its professional politicians. Balibar acknowledges this as a strength in Marx's position, because "it exposes 'the fetishism of the state', as present in its abstract negations as in its fantasies of reformist utility", thereby "clear[ing] an autonomous space for the problem of the politics of the working-class movement".<sup>935</sup> If proletarian politics is based on straightforwardly abolishing the state, then, Balibar argues from the very end of the 70s onwards, it has misunderstood that the state is itself traversed by class struggle rather than existing externally to the proletarian struggle.<sup>936</sup> And, if it thinks it can focus on party politics alone, it not only mirrors bourgeois politics, but also limits its own strategic tools to those of the bourgeoisie, which has utterly disabling consequences.<sup>937</sup>

Positively defined, proletarian politics for Marx must essentially consist in politicising that which is labelled non-political by the existing dominant form of politics, i.e. bourgeois politics, and by the economists who argue that their discipline is a science.<sup>938</sup> (Proletarian) politics' task is to question the separation that is drawn between politics and non-politics

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<sup>934</sup> See Balibar 1994a, ix; Balibar 1985, 1–2, 24–25 incl. fn1.

<sup>935</sup> Balibar 1994a, 154.

<sup>936</sup> This argument comes out of Balibar's rejection of his stance that he still held in *The Dictatorship of the Proletariat*, namely that the political problem of the withering away of the state is co-constitutive with the economic problem of ending exploitation. (See Balibar 1977, 153). It marks also the first fundamental disagreement with Althusser to which Balibar holds on ever since. Althusser instead insisted that the position that the state is external to the class struggle, because that's the only way that it can intervene into it against the immediate interests of the bourgeoisie but in the long-term interest of capital. See on their disagreement Althusser 2006, xxvii – xxix, 69–71.

<sup>937</sup> See also Balibar 1979, 162–164.

<sup>938</sup> See Balibar 1985, 15.

within the modern, or capitalist social form, including the identification of the necessary means. In the Introduction to *Masses, Classes, Ideas*, Balibar portrays this achievement of Marx in parallel to that of Rousseau. Whilst Rousseau was the thinker of the *autonomy* of political and popular sovereignty, as that which can only be founded upon itself rather than handed over to a transcendently legitimated ruler, Marx thought the *heteronomy* of politics,

meaning that the “truth” and “reality” of politics is not *within* itself, in its own political consciousness or activity, but *outside itself*, in its “external” conditions and objects. [...] Marx has indeed identified the political process (in which individuals and groups are active) with the complete development of the contradictions intrinsic to its “other”: the “economic” field in the broad sense. Therefore politics in Marx is not negated, or nullified; on the contrary it is dialectically *recreated* as a more effective process. It becomes “class politics”, ... which, from both sides or camps (the dominant class, the revolutionary class) constantly *crosses the border* of “the political” ...<sup>939</sup>

This is why Balibar argues that we need to seek proletarian or class politics as the ‘third term’ or “le tiers inclus” [the included third] *besides* the state and civil society, or politics and economics, precisely because its aim is to question and displace the boundary between them. It follows that we need to search for it in everything that *resists* the state/civil society dichotomy.<sup>940</sup>

If anywhere, this understanding of politics can, according to Balibar, be found in Marx’s later writings that focus on the critique of political economy, because it is here that Marx is closest to dismantling the dichotomy of state and civil society, or politics and economics, which was handed down to Hegel from economists as an effect of economic ideology.<sup>941</sup> Balibar thereby argues strongly for understanding Marx’s shift from his early, explicit critique of politics to a critique of political economy as a reinforcement of the political meaning of his theory, rather than its reduction or even the elimination of politics in favour of economism.<sup>942</sup> But, we need to ask, how is this possible, or more precisely, how does this identification of politics with the contradictions in the economic field as its “other” work, and how does this operation enforce the overall political meaning of Marx’s theory?

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<sup>939</sup> Balibar 1994a, x–xi; note the use of “truth” and “reality” of politics in relation to our examination of Rancière’s vocabulary in the previous section.

<sup>940</sup> See Balibar 1985, 1, 18, 24 note; Draper agrees, see 1977, 163; also Balibar 1994a, 96.

<sup>941</sup> See Balibar 1985, 18.

<sup>942</sup> See Balibar 1994a, 136, also 118 (on economism); Balibar 1985, 15.

In Balibar's view, it is through the creation of a "theoretical short-circuit"<sup>943</sup> that Marx carries out the work of 'dismantling' the dichotomy of state/civil society. Marx identifies the labour relation as the fundamental social relation, or, and here Balibar speaks with Althusser, as "the organisation of a material constraint upon social groups defined as a function of the nature of this constraint"<sup>944</sup>. In other words, a capitalist social relation is not the alienated version of a true, authentic non-capitalist social relation, but instead it is the way individuals are forced to exist in relation to each other due to the specific capitalist form of organisation of their specific material constraint, i.e. not owning any means of production, which under the capitalist social form forces them to sell their labour-power in order to meet their needs for subsistence. This is then simultaneously the essence of the "proletarian condition".

This understanding implies, in Balibar's view, a fundamental change to the way that Marx defines social relations in 'On the Jewish Question' and other parts of his early writings, where the social relation is conceived "as a communal bond" that exists in two forms, one true and one alienated, "a bond between men that unites them or divides them as a function of the relation they have to a common idea (essence, origin, destination, species, descent, etc.)"<sup>945</sup>. And, whether this absolute antithetical judgement is true to 'On the Jewish Question' or not,<sup>946</sup> it is absolutely crucial to agree with Balibar that Marx had not yet arrived at "an economic underpinning"<sup>947</sup> of civil society with a general notion of class and especially class struggle based on an antagonistic labour relation, because we need to seriously consider the implications of these later developments for a Marxian conception of emancipation. Only through the introduction of an economic understanding of class division based on exploitation does Marx truly relativise the dichotomy between bourgeois

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<sup>943</sup> Balibar 1994a, 156; in Balibar 2013b, 452 he calls it "political short-circuit" (my trans.).

<sup>944</sup> Balibar 1994a, 140–141.

<sup>945</sup> Ibid., 140.

<sup>946</sup> As shown in 3.3., I do not think that Balibar's is a fair portrayal of Marx's conception of social relations at this point, precisely because already in 'On the Jewish Question', Marx defines social relations as something that is not only based on an idea held by individual men, but that is imposed on them by the organisation of the material constraint within civil society. That the (even if not very clearly defined) material constraint leads to divide individuals from each other was for Marx an effect of the constraint itself, of its economic and legal/political dimensions. Draper shows how Marx notices in *The German Ideology* the slipperiness of the term civil society and replaces it with "economic society". This also shows that the commitment to its basic idea, as it was already expressed in 'On the Jewish Question', remains. See Draper 1977, 33–34.

<sup>947</sup> Ibid., 146, see also 163–164.

state and civil society, because he introduces the struggle between classes, the ‘antagonism’, into civil society itself.

The next step of Marx’s “short-circuit” is to understand the labour relation as a social relation that is “in fact *neither* economic *nor* political, *neither* “public” *nor* “private” as the terms are classically understood”<sup>948</sup>. The exploitation of the labourer that generates surplus value does not function without domination, without legal norms – the contractual form – and power relations, which means that there is always already a political dimension inscribed at the heart of the labour relation, independently of whether it is acknowledged as such by the official political institutions. In addition, the labour relation as fundamental social relation is also inherently antagonistic. Antagonistic in the sense that, based on the condition of private property,<sup>949</sup> there exists a class that owns the means of production and one that only owns its ability to sell labour power, an exploiting and an exploited class, whose relationship is necessarily one of economic and political inequality. This implies that the labour relation carries within itself a struggle or an instability that is not only always already a political as much as an economic problem, but that also contradicts the very possibility of a stable constitution of society – e.g. as Hegel envisioned it, namely through the mediation of conflicts within civil society (labelled as particularities or issues limited to an abstract universality) by the universal state.<sup>950</sup>

It implies, in Balibar’s formulation, a short-circuit between a political moment underneath the state, namely inscribed in the labour relation itself, and a political moment that necessarily points beyond the state, because the antagonism resists, by definition, a successful mediation or regulation by the state.<sup>951</sup> Balibar had already formulated this thought, which accompanies him throughout his Marxiological research, as early as 1981, when he wrote:

Marx’s effort might move above all to a new definition of politics co-extensive over the whole field of class struggle, over the polarised though not unified, and even less ordered or normalised system of its practices [...].<sup>952</sup>

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<sup>948</sup> Balibar 1994a, 156.

<sup>949</sup> See Balibar 1985, 16.

<sup>950</sup> See Balibar 2013b, 448–449.

<sup>951</sup> See *ibid.*, 449, 452.

<sup>952</sup> Balibar 1985, 10.

For proletarian politics that means that it cannot be limited in its definition to the state, its constitution, its apparatuses, its bureaucrats, because bourgeois political power itself extends beyond the state, even though it denies this in its official delimitation of political from non-political concerns. But neither can “[proletarian] politics [...] disregard the state [...] in the field of class struggle, there is always already a State organisation, its control or transformation being one of the things at stake”<sup>953</sup>.

Thus, we can momentarily conclude, Marx “incompleted” or “interrupted” Hegel’s speculative idea of the state<sup>954</sup> as the proper mediator of societal conflicts, whether within the family, civil society or the state itself, by replacing what he used to call ‘civil society’ with his understanding of the economic sphere, which already contains a properly political moment, namely class struggle, within itself. Thereby he breaks open the unity of civil society as “a single interest block”<sup>955</sup>, as Draper calls it, and replaces it with an antagonistic class structure that is itself rooted in the capital and labour antagonism. Introducing this antagonism into the economic sphere implies that there is a double constraint at work, on the one hand “the process of the accumulation of capital”, and on the other, “workers’ struggles, which even the capitalists are forced to take into account”.<sup>956</sup> Marx thereby acknowledges the economic sphere defined by the labour relation as itself *universal*. That means he frees himself, once and for all, from the Hegelian framework that caused him to differentiate between the particular interests that reign in civil society and the universal interests within the state. He does so by not only defining civil society as the dominant sphere, but he attributes it, in the name of ‘the economic’, its own universality, which simultaneously constitutes an economic and a political problem.

The immediate question that arises from identifying this shift is to ask whether this puts Marx’s distinction between political and human emancipation at risk of becoming obsolete? It is helpful to remind ourselves, at this point, of a moment when Engels, in his later life, takes a stance on the significance of this shift from a humanist to a class understanding of politics in his shared work with Marx, namely when he writes the new

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<sup>953</sup> Ibid., 10–11.

<sup>954</sup> See Balibar and Raulet 2001, 127.

<sup>955</sup> Draper 1977, 244.

<sup>956</sup> Balibar 1985, 17–18.

Preface to the English translation of *The Condition of the Working Class in England* (originally published in German in 1845) in 1892. He recognises there that his text is heavily imbued with “the dictum that Communism is not a mere party doctrine of the working-class, but a theory compassing the emancipation of society at large, including the capitalist class, from its present narrow conditions.”<sup>957</sup> This is visible in the first pages of the chapter “The two great towns”, whose vocabulary resonates heavily with the one Marx uses in ‘On the Jewish Question’. See for example his description of the life of the ‘Londoners’:

The brutal indifference, the unfeeling isolation of each in his private interest, becomes the more repellent and offensive, the more these individuals are crowded together, within a limited space. And, however much one may be aware that this isolation of the individual, this narrow self-seeking, is the fundamental principle of our society everywhere, it is nowhere so shamelessly barefaced, so self-conscious as just here in the crowding of the great city. The dissolution of mankind into monads, of which each one has a separate principle, the world of atoms, is here carried out to its utmost extreme. Hence it comes, too, that the social war, the war of each against all, is here openly declared. Just as in Stirner's recent book [The Ego and Its Own], people regard each other only as useful objects; each exploits the other, and the end of it all is that the stronger treads the weaker under foot; and that the powerful few, the capitalists, seize everything for themselves, while to the weak many, the poor, scarcely a bare existence remains.<sup>958</sup>

We are witnessing in this passage the convergence, in Engel's thought, of processes of centralisation and atomisation that concern each individual in the big English industrialised cities such as London or Manchester, and their polarisation along class lines based on the rule of private property and the reign of capital. The convergence implies not only that both centralisation and atomisation are part of the processes that shape the condition of the working class, but also that communism would not only abolish the polarisation itself, but also the bourgeois-individual condition: they arose in conjunction with the new capitalist mode of production, so they will die together. In 1892, he confronts this conception with the words: “This is true enough in the abstract, but absolutely useless, and sometimes worse, in practice.”<sup>959</sup> His judgement is at the same time critical of the strategic worth of the humanist position that aims at emancipating the whole of humanity, as it does *not* reject it as false or contradicting his new class understanding.

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<sup>957</sup> Engels 2009, 38 (New Preface).

<sup>958</sup> *Ibid.*, 60.

<sup>959</sup> *Ibid.*, 38 (New Preface).

From our standpoint, it allows us to seriously wonder whether Marx's early duality of state/civil society, and his discussion of the bourgeois human condition that is the basis of Engel's observation, is indeed as incompatible with his conception of politics qua class struggle in his later work as Balibar's Althusserian juxtaposition of the early and later Marx might make us believe. Engel's evaluation further helps to clarify Marx's earlier position in 'On the Jewish Question'. It allows us to see the possibility of a fruitful disjunction between the overall aim of emancipation – namely the aim of emancipating the whole of humanity from its egotistic, and individualised, economically-driven bourgeois condition – and the strategy to arrive at this aim, which Marx and Engels agree, has to be bound to a working-class movement or 'proletarian politics'. The important question for us now is what happens to the universality of the state and Marx's critique of its ideological function once the labour relation has become the fundamental social relation? How does it impact Marx's account of politics? And more specifically, how does it relate to Marx's understanding of the outcomes of the French Revolution, of the limits of 'political emancipation', especially regarding the impact of the Declaration, and its subsequent political and economic implications?

Balibar himself is quick to clarify that what follows from the de-Hegelianisation in the later Marx is once again not a proper solution, instead it remains still "partial" as "it does not possess a uniquely consistent principle for understanding class struggle (which Marx perhaps believed it did)"<sup>960</sup>. Why not this time? Because Marx, once again, fails to convincingly think the direct intertwinement between the ideological discourse and the conflictual relationships it aims to control. That means he once again totalises and thereby abstracts from the real material impact that ideology has on and within class struggle, even though it is in the context of *Capital*, namely through his theory of commodity fetishism, that Marx develops "his only rigorous attempt to follow up this line of thought"<sup>961</sup>.

Replacing ideology with commodity fetishism<sup>962</sup> reflects, in Balibar's view, Marx's realisation that "[t]he critique of economic categories can no longer consist in the prior

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<sup>960</sup> Balibar 1985, 15; amended trans.

<sup>961</sup> Ibid., 21.

<sup>962</sup> "There is nothing about ideology in *Capital*, ...", Balibar 1994a, 89; see also Balibar 2014, 42.

separation of the domain of the real from that of illusion”<sup>963</sup>. Marx’s thesis on commodity fetishism is then that the form of value brings about real social relations *and* their “mode of appearance”<sup>964</sup> (appearance meaning both illusion [*Schein*] and phenomenon [*Erscheinung*]). Balibar goes on to argue that the commodity is “an object always already given in the form of a representation”<sup>965</sup>. That means that the social relation, which is a relation of exploitation, is not experienced as such by the labourer. Instead, “the fetishism of commodities given rise to by the form of value implies the personification of certain things (money-capital) and the 'reification' [*Verdinglichung*] of a certain relationship (labour).”<sup>966</sup> For both Balibar and Althusser, the essence of the meaning of fetishism is captured by Marx in the following section from the first volume of *Capital*:

To the producers...the social relations between their private labours appear as what they are, i.e. they do not appear as direct social relations between persons in their work, but rather as...social relations between things.<sup>967</sup>

That means the producers do not see the value-form as an effect or result of their labour and its division, i.e. as a product of individually or collectively engendered relations, but they regard the value form as that which engenders their social relations, perceiving them in a reified form as relations between things.<sup>968</sup>

The use of the concept of fetishism in *Reading Capital* was, however, the only moment at which Althusser and Balibar’s project of thinking through Marx’s theory, and the relationship between his critique of political economy and politics, relied positively on this concept. Here, they argue that, through commodity fetishism, Marx overcomes his earlier concept of ideology as “a subjective phenomenon related either to the illusions or to the perceptions of the agents of the economic process”<sup>969</sup>. Instead, the concept of fetishism gives a structural account of “the mechanism which conceals the real functioning (the real movement [*wirkliche Bewegung*]) of the dominant structure in the social formation”<sup>970</sup>. In Balibar’s and Althusser’s interpretation, fetishism accounts for the relationship between

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<sup>963</sup> Balibar 1994a, 96.

<sup>964</sup> Balibar 2014, 61.

<sup>965</sup> *Ibid.*, 67.

<sup>966</sup> Althusser and Balibar 2009, 351 (dictionary entry on fetishism); amended trans.

<sup>967</sup> Cited in Balibar 2014, 56; see also Althusser 2006, 127.

<sup>968</sup> See for more detail Balibar 2014, 56–67; also Balibar and Wallerstein 1991, 160–163; Marx 1976, chaps 1–3.

<sup>969</sup> Althusser and Balibar 2009, 211.

<sup>970</sup> *Ibid.*, 351.

agents and their “purely objective illusion” that can be traced back to the ‘dominant structure’, or the determination ‘in the last instance’, of the social form within which they live. The determinant, in the last instance, in capitalism that defines fetishism as commodity fetishism is the ‘economic structure’.

But, both subsequently distance themselves from the theory of fetishism - Balibar initially in his ‘Self-criticism’ text from 1973, and Althusser in ‘Elements of Self-Criticism’ from 1974, where he argues that he had always been critical of the theory of fetishism, because it is itself ideological.<sup>971</sup> The reason for their criticism is the idealist nature of the theory, which in Balibar’s words a) “makes the misrecognition/recognition a ‘structural effect’ (or ‘formal effect’) of the circulation of commodities” and b) “makes the commodity itself...the source or subject of its own misrecognition”.<sup>972</sup> They object that fetishism is ultimately deduced from one abstraction – value – and its commodity form, which in turn renders the complex reality of the advanced capitalist world, including money, capitalist exploitation, the specificity of labour as commodity, as well as the role of the state, law and the different forms of ideology, once again reducible to more or less illusory effects, even though now *objectively illusory* because deducible from an identifiable structure, of the operation of one subject: the form of the commodity.<sup>973</sup> In turn, society becomes “a non-subject”, as Balibar calls it, in which individuals are fully constituted as “economic subjects”, including their subjectivity and consciousness, without any active participation on their part.<sup>974</sup> The theory of commodity fetishism, concludes Balibar’s critique, remains a classically philosophical – post-Kantian - attempt at thinking the genesis of a subject (capital, commodity form) in an alienated form à la Feuerbach.<sup>975</sup> Marx inverted, or even revolutionised, the idealist philosophies of the subject by giving the modes of man’s subjection primary importance and thinking them strictly historically. But he bent the stick too far in the other direction (to loosely paraphrase Lenin), reducing complex and antagonistic social processes to real or imaginary effects of value, as the new general equivalent, thereby once again abandoning politics as class struggle.

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<sup>971</sup> Althusser 1976, 126.

<sup>972</sup> Balibar 1973, 57.

<sup>973</sup> See Althusser 2006, 39, 131; Balibar 1973, 58.

<sup>974</sup> See Balibar 2014, 66–67.

<sup>975</sup> See Balibar 1973, 58; Balibar 1985, 21; Balibar 1994a, 97.

Balibar further problematises the function of commodity fetishism as “detached from any reference to the State”<sup>976</sup>. The economic process, and its double appearance, its representation or discourse if we will, arises directly from the abstraction of value. Balibar goes as far as to present this as directly dichotomous with the earlier short-circuit between ideology and the state, which he criticised as internal to the state/civil society model: he calls fetishism “a theory of the market”<sup>977</sup>. But, not only is a reference to the state entirely missing, the lessons that can be drawn for a theory of capitalist ideology are also unsatisfactory, in Balibar’s view, because the economic sphere becomes, in turn, “the reality which explains the production of ideology”<sup>978</sup>, now called commodity fetishism. The critique here is that Marx, on the one hand, renders economic ideology into something that arises automatically from the value-form, instead of something actively produced and struggled for by the dominant class, and, secondly, that he does not take into account the role of law, specifically private law, but also public law, and the role of juridical ideology a) in the production and reproduction of the value-form itself and b) in the composition of an overall dominant bourgeois ideology.<sup>979</sup> Fetishism is, then, an expression of Marx again hitting his ‘absolute limit’, as Althusser calls it, his inability to conceptualise ideology as having a material existence, with its own effects on the constitution of the world, or more precisely, on the capitalist social form, i.e. “in the materiality of the class struggle”<sup>980</sup>.

Whether this critical assessment of the theory of commodity fetishism is indeed a productive interpretation of the opening chapters of *Capital* has to remain somewhat in question at this point, as our purpose here is very limited. We needed to understand the reason that Balibar turns once again away from Marx’s theorisation of the relationship between the economic and the political, partly to be able to assess the continued pertinence of Marx’s concept of emancipation in light of the later Marx’s theorisations, partly in order

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<sup>976</sup> Balibar 1985, 21. This accusation on Balibar’s part is supported by a detailed critique of Marx’s “later” concept of the state, which he develops in ‘État, parti, idéologie’.

<sup>977</sup> Balibar 2014, 78.

<sup>978</sup> Balibar 1985, 21.

<sup>979</sup> See *ibid.*, pp.20; esp. Marx’s difficulty to distinguish between “State ideology number 1 of the bourgeois class” – economics – and “the particular ideology which internally ‘cements’ the bourgeois State apparatus ... which is in fact juridical ideology” (*ibid.*, 21–22).

<sup>980</sup> Althusser 2006, 138; see Balibar 1979, 167.

to better understand the lead-up to Balibar's own post-Marxist developments, and in order to disentangle these two issues from each other.

Underlying Balibar's rejection of thinking the role of the state and the law internal to commodity fetishism is his specific understanding of the universality of the labour antagonism, at which point he starts to contradict Althusser's position. The politics of labour exists underneath and beyond the state, as we introduced earlier. In a more recent text on the Marxian short-circuit,<sup>981</sup> Balibar frames these as two different moments of class struggle's "critical relation to the notion of the universal"<sup>982</sup>. Firstly, the relation of exploitation, that marks the labour relation, engenders a struggle against the limitation and negation of the universal, i.e. *for* the universal's validity for the working class. And, by the universal, Balibar means here what we discussed in the name of negative universality in the previous chapter: not only freedom and autonomy, but true equality, *equaliberty*.<sup>983</sup> On the other hand, the very existence of this antagonism deconstructs the universal as necessarily unlimited or forever unachievable, because its closure would be nothing other than an unacceptable, violent subsumption of a fundamental difference. Again, remembering the juncture between negative universality and indeterminacy regarding equaliberty, we see here how Balibar renders the class struggle without end [*ad infinitum*]. Because if the universality that was demanded by the exploited class was ever truly fulfilled, then humanity would lose its inner, constitutive difference and become a fully constituted community – Balibar's unrivalled abhorrence.

At this point, Balibar has made an immensely significant turn away from his own earlier understandings of class struggle. And he made his understanding of the politics of class struggle incompatible with Marx's differentiation between political and human emancipation, because, by tying the universality of class struggle to the politics of citizenship qua equaliberty, he rejects the Marxian aim – which used to be his aim – of overcoming the limits of civil-bourgeois or capitalist society that are defined by the *intertwinement* of political or ideological domination and economic exploitation beyond the bourgeois state/civil society duality. Not only does he reject the validity of aiming at

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<sup>981</sup> "Class struggle as concept of the political" (my trans.), first published 2013.

<sup>982</sup> Balibar 2013b, 451; my trans.

<sup>983</sup> See *ibid.*

human emancipation as a renewal of social ties in the name of the social individual, or as a classless society, which was Marx's project, but he also rejects his own previous commitment to such a project, a project which he formulated in 1977 as the overcoming of antagonistic capitalist social relations – “the last possible historical form of exploitation” – in the name of instituting communist social relations.<sup>984</sup>

In order to understand the kind of shift that Balibar performs here within the notion of class struggle – which can undoubtedly no longer be attributed to the ambiguities inherent in Marx's understanding of politics – we need to focus more deeply on the *reason* for his second turn away from Marx. Balibar's accusation is that with ‘commodity fetishism’, Marx ends up theorising ideology, in particular political ideology, for a second time as something less than real. He contends that Marx fails to think the difficult intertwinement between the production of ideology and the proletarian condition, which amounts to lacking a coherent account of the materiality of ideology.<sup>985</sup> We will thus move on to an investigation into the solution Balibar offers with his own approach to thinking the materiality of ideology. This allows us to shed light on the transition from his early framing of class struggle as a new political practice dedicated to realising a classless society, to his later framing of class struggle as a practice performed within the confines of equaliberty. And we can finally return our discussion to the problem of what Balibar means precisely when he criticises Marx for misunderstanding the political materiality of the Declaration.

### **6.3 From thinking the materiality of ideology and an extended concept of the mode of production to equaliberty as ideal universality: rectifying Marx by giving up on his challenge**

Balibar ends up asking himself in the final pages of his discussion of the Marxian short-circuit in *Masses, Classes, Ideas*:

Indeed, how can a social relation (the exploitation of labour) whose effects extend to *any* social practice be defined without identifying social practice *as such* with the development of this relation?<sup>986</sup>

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<sup>984</sup> Balibar 1977, 62.

<sup>985</sup> See Balibar 1985, 21.

<sup>986</sup> Balibar 1994a, 142.

He delivers the answer in his own attempt at transcending Marx's inability to stabilise his discourse on politics, by offering an alternative of how to think the 'materiality' of ideology and its relationship to the economic sphere. Defining a social relation that extends to any social practice, without a priori reducing social practice to the structural laws and effects of this social relation, can certainly be seen as Balibar's guiding principle from the very beginning of his academic and political career, including his contribution to *Reading Capital* on the periodization and transition between different modes of production. For him, the Marxist challenge is to think a determining effect of the social relations of production, or what he later calls the labour relation, on the entire field of the social, i.e. not only on economic practice, but on political practice, and the various other ideological fields, *without* reducing these other fields into merely functional elements of an entirely economically determined structure. To understand this basic insight into the structural complexity of the social whole is, in Balibar's view, the only viable basis for Marx to be able to identify the stakes (levers, obstacles, limits) of *another politics*, a proletarian politics.<sup>987</sup> He thus acknowledges in this quote what Marx has already achieved, when he insists in his later work on the universal and universalising force of the labour relation – the fact that it indeed extends to any social practice – which makes it a crucial, but also difficult, stake in the political struggle of the proletariat.

On the other hand, Balibar implies in the second part of the sentence – “without identifying social practice *as such* with the development of this relation” – a cautioning against what he regards as the root cause for several simplifications or complexity reductions<sup>988</sup> in Marx's various attempts to theorise the stakes of a proletarian politics (by defining a political strategy). Balibar objects to Marx's continued denial that the “illusion” of bourgeois politics has a terribly real and contradictory influence, not only on the capitalist social form as a whole, but thereby also on proletarian politics, which needs to be

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<sup>987</sup> See Balibar 1979, 162.

<sup>988</sup> Balibar and Wallerstein 1991, 165–167. Balibar points here especially towards the inscription of the anticipation of or a teleological progression towards its end within the social relation itself and the reduction of the political, organisational problem of transition to a dynamic prescribed by the structure of the social relation. He calls it Marx's ambiguity between his economism, that “the economic effects of capitalist relations of production cannot but be transformed into their opposite”, and his politicism, where he makes “human labour-power” into something irreducibly political, because “irreducible to the state of a commodity” (ibid., 165). Instead, Balibar as we will see, regards all those problems as the subject and object of an open-ended class struggle between and within bourgeoisie and proletariat (see Balibar 1994a, 131–132).

acknowledged on a theoretical and political-strategic level.<sup>989</sup> Balibar does not deny that Marx did actually aim at thinking the effect of the subordination of proletarian politics to the rules and forms of bourgeois politics when he inverted Hegel's theory of the state, and when he created a short-circuit between the state and ideology. But, Balibar's aim is now to pinpoint more concretely than Marx ever did what the existence of ideology, which is by no means limited to the state apparatus, means for thinking any kind of working class political project that wants to establish an emancipatory political practice.

Balibar's most fundamental reference point here is undoubtedly Althusser's groundbreaking two-part definition of ideology. The first part of Althusser's definition, which we briefly mentioned in Chapter Three, is that "ideology represents the imaginary relationship of individuals to their real conditions of existence"<sup>990</sup>. The emphasis here lies in ideology being an imaginary relationship, i.e. based on the representation of the real conditions of existence that individuals develop for themselves. That means that there is a layer of contingency between real conditions (i.e. the relations of production as determining in the last instance) and ideology, rather than a directly determining relationship. The second part of Althusser's definition of ideology in his famous ISA essay is that "ideology has a material existence", because it exists "in an apparatus, and its [...] practices".<sup>991</sup> These apparatuses are of course the ideological part of the state apparatus (besides its repressive function), but also other "Ideological State Apparatuses" such as religion, education, family, the law, the political ISA, and so on.<sup>992</sup> Without being able to go into much detail here, Balibar relies on this fundamental Althusserian lesson, in order to not only show, as he did with the short-circuit, that relations of exploitation rely always also on domination, but to show that political antagonism is also itself never pure. That means that inhabiting a certain economically determined structural place, such as the place of the worker, is overdetermined by the materiality of ideological apparatuses, which itself is dominated by the (dominant) bourgeois ideology.<sup>993</sup>

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<sup>989</sup> Balibar 1979, 163.

<sup>990</sup> Althusser 2014, 256.

<sup>991</sup> *Ibid.*, 258–259.

<sup>992</sup> See *ibid.*, 243.

<sup>993</sup> See Balibar 1994a, 141.

There is, further, a very specific contemporary background to Balibar's acute awareness of the problem of proletarian ideology in his writings of the 1980s, which, he had by then realised, formed a blind spot in the Marxist theory and politics at the time. When Balibar speaks in 1981 of the "rise of racism in France"<sup>994</sup>, he detects this racism precisely in the actions and policies of the PCF. He accuses the party of its anti-colonialism, having been for a while secondary to its secret nationalism, which mirrored Soviet nationalism. Balibar names here specifically the most recent incident in which the Communist mayor of Vitry ordered a bulldozer to tear down a residential home for Malian workers that had been erected against his orders. Balibar's argument is that this is however only the latest expression of the PCF's nationalist aberrations. He argues that they are already legible in the way that party officials referred to protests at the Metro station Charonne in 1962, where several protestors were killed in clashes with the police. Balibar accuses the commemoration of that tragic event of silencing the actual cause of the protest, which was the massacre of the 17<sup>th</sup> of October 1961, when thousands of Algerian workers and their families went to the streets to demand their liberation, and when upwards of 200 were killed with impunity by French police.

He charges the PCF with propagating an alleged anticolonialism, whilst drawing a clear line of difference between French workers and migrant workers.<sup>995</sup> The French working class has struggled over decades for recognition as worker-citizens, who are, whilst still exploited and separated from the citizens of other classes, more than just unskilled, interchangeable mass labourers. Their life is determined by their work, and yet they are integrated in social and institutional structures on the level of their social reproduction and political representation. Migrant workers, who are now allowed to enter France on the condition that they are "only labourers and nothing else", that they are pure labour power without political or social rights, become the opposite of these "French" worker-citizens. Thus, the hierarchy, which is structurally beneficial for the reproduction of capital in times of crisis and increasing world market competition (as it allows for "super-exploitation"<sup>996</sup>),

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<sup>994</sup> Balibar 1992, 17. Publishing this text in 1981 in *Le Nouvel Observateur* with the open accusations of the PCF led to Balibar's exclusion from the party (see Artous 2010, 24–25).

<sup>995</sup> See Balibar 1992, 23–25.

<sup>996</sup> Balibar and Wallerstein 1991, 177.

seems to be reproduced in the political struggle, even by the PCF. The protection of the normalised exploitation and exclusion of the French worker-citizens is prioritised and settled on the back of an accepted over-exploitation and apartheid-like exclusion of the migrant workers.

The conclusion Balibar draws is as much a diagnostic of the time, and of the larger crisis in France, as it is a prefiguration of his commitment to a ruthless theoretical deconstruction of some of the doctrinal parts of Marxism, especially as they had entered PCF party ideology, which he saw having especially detrimental effects in conjunction with the simultaneous lack of an account of proletarian ideology.<sup>997</sup> Not only is the party not a state within the state that is closed off and thereby immune from the larger moralism and racism that has found its breeding grounds in the French society, but rather it is steeped in it.<sup>998</sup> More importantly, Balibar realises that the intensification of the class struggle in a moment of crisis, and the drift to the right in the French political landscape, including openly proclaimed racism in the context of the ‘immigration debate’, were inherently bound up with each other, and yet irreducible to either one of the problems (economic crisis and racism).

Balibar now acutely understands class struggle to be immersed in and overlaid by an ideological struggle, that also takes place within each of the antagonistic classes, and always with the participation of the (mostly national) state, which needs to be reflected in the theorising of politics.<sup>999</sup> Neither the working class, nor the party in the Leninist sense, have any privileged access to the ‘truth’ of the social order, or thereby of its overturning, because they themselves exist inside ideology: the antagonism is thus neither reducible to a simplistic version of either side (be it proletariat or bourgeoisie), nor does it contain a teleological character.<sup>1000</sup>

This insight is carried on the back of a more fundamental re-evaluation of Balibar’s understanding of the significance of ‘class struggle’ itself, with regard to its role in

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<sup>997</sup> See Balibar 1985, 2.

<sup>998</sup> See Balibar 1992, 29–30. See also the Manifesto of the *Malgré Tout* Collective from 1995 (in which both, Balibar and Badiou, took part) for the theoretical convergence of the problem of civic rights, of the relationship between politics and the state and the complete dissociation from the Leninist party as “the master liberator part excellence” (see *Malgré Tout* Collective 1995).

<sup>999</sup> See Balibar and Wallerstein 1991, 169–171.

<sup>1000</sup> See Balibar 1994a, 170; see also Balibar and Wallerstein 1991, 167.

determining the social and political present and future of the contemporary capitalist societies, which he develops in the context of his collaboration with Immanuel Wallerstein. On the one hand, he casts a final and lasting critical judgement on Marx's "grand phenomenology of class struggles and class consciousness"<sup>1001</sup>, whose rooting in the social relations of production will always, according to Balibar, make the division between working class and capitalist class primary to the constitution of the social and to political strategy, and tie it back to a substantially identitarian understanding of what class struggle looks like and who participates in it (i.e. an identity between working class and proletariat as characteristic of the classical labour movement).<sup>1002</sup> This leads to continually expelling other *social relations*, e.g. racism, to another, less determining 'scene', even though the construction of racism as a social relation is, in conjunction with the nation-form, just as constitutive of global capitalism and its exclusions.<sup>1003</sup>

When Balibar argues that it was the events of 1848-1850 that made Marx realise that there was a problematic gap between the working class and its constitution as a political subject,<sup>1004</sup> based on the non-linear intertwinement of ideology with the proletarian condition, then we could say the same for the role that the 60s and 70s in France played for Balibar's own theoretical project.

The results for Balibar's theorisation of politics in relation to the social are far-reaching. He formulates the most immediate one already at the end of his 1979 essay, 'État, parti, idéologie':

We must confer onto ideological forms and the politics that inform them an entirely different reality than previously done; we need to wrest them away from their status as an illusion and bestow them with a proper materiality [*pleine matérialité*].<sup>1005</sup>

According to Balibar and the majority of post-Marxists, Marx never achieved the development of a concept of ideology with its own materiality.<sup>1006</sup> He regards this as the only way to think together what Marx insisted on combining, despite that causing him so

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<sup>1001</sup> See Balibar 2012c, 10.

<sup>1002</sup> See Balibar and Wallerstein 1991, 180.

<sup>1003</sup> See *ibid.*, 41, 63–64.

<sup>1004</sup> See Balibar 2014, 55.

<sup>1005</sup> Balibar 1979, 166; mt trans.

<sup>1006</sup> Of course, also Althusser agrees on this judgement without being regarded as a post-Marxist, which has to do with a difference in his more orthodox Marxist underpinning of the definition of materiality, which will become clearer in the subsequent discussion of Balibar's transformations. See on the problem of ideology in Marx also Žižek 2009; Rehmann 2014; also Read 2003, who shows the larger convergences in Post-Marxism towards Balibar's theorisation in the introduction.

much trouble, namely a critique of political economy that thinks the antagonisms in production as inherently political, *and* a critique of what is commonly designated as politics, namely the sphere of the state, its sovereignty and institutions and of private and public law. But how can this be done?

By thinking – as opposed to a Marxian-Althusserian topology of base and superstructure – “two ‘bases’”, namely the mode of production (political economy) and the mode of subjection (ideology) as “two determinations both incompatible and indissociable”.<sup>1007</sup> Balibar does not deny that one could even call them the real and the imaginary base, but he insists that would presuppose

that we “keep in mind that in any historical conjuncture, the effects of the imaginary can only appear through and by means of the real, and the effects of the real through and by means of the imaginary: in other words, the structural law of causality<sup>1008</sup> in history is the detour through and by means of the other scene”.<sup>1009</sup>

That means that both political economy and ideology – as the two scenes – have their own materiality, that they are both active and relatively independent forms of mediation of the social, whilst they find their respective effectivity only through the other, instead of in the structure of the whole. The class struggle within late capitalist society that reproduces this society, at the same time as it contests its borders, functions on the basis of the economic passing through the ideological, and the ideological passing through the economic. In that sense, the real and the imaginary are present within both political economy and ideology, and these latter are both internal to class struggle. By designating the two bases, proletarian politics as another politics can really be ‘the third’ that struggles to displace the border between the economic and the political *within and against* the real and the imaginary, the economic and the ideological forces. Balibar has thereby developed a properly immanent conception of politics to the social.<sup>1010</sup>

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<sup>1007</sup> Balibar 1995, 160.

<sup>1008</sup> Balibar’s reference to structural causality discloses here his continued debt to Althusser’s utilization of a Spinozist notion of causality against a mechanical causality or determinism and against what Althusser designated as a Hegelian expressive causality (because bound to a spiritualist concept of history). Whilst a proper examination of Spinozist connotation needs to be postponed at this point to a future extension of this research project, we need to point out that Balibar emphasizes that his debt only refers to structural causality that *does not* imply the thinking of a totality. See Balibar 1994b, 32–34.

<sup>1009</sup> Balibar 1995, 160; Althusser made a similar point in the ISA essay Althusser 1971, 166; also Read 2003, 10 and fn11.

<sup>1010</sup> See Kalampokas 2015.

(Proletarian) politics is now properly overdetermined, because it is neither part of what Balibar defines as society (civil society or the economic sphere), nor of the state (the political state).<sup>1011</sup> “Overdetermined” signifies that Balibar wants to distance himself once and for all from the slightest possibility of finding his account of politics contaminated by a notion of totality that is not thoroughly conjunctural, i.e. tied to what Lenin defined Marxism to be, namely “the ‘concrete analysis of a concrete situation’”<sup>1012</sup>. But, for Balibar, this means more than tying political analysis and strategy to the current moment. It implies that the existence and effectivity of an alternative politics is as much “a conjunctural fact” as it is “an effect of the conjuncture”. He understands the “truth” of politics (Balibar’s designation), the materialist basis on which it grounds its political representations in difference from dominant, bourgeois political representations, to be entirely contingent on whether they become “true”, i.e. whether this knowledge will become effective as a practical critique of the dominant ideology and social practices.<sup>1013</sup> Conjunctural or overdetermined then also means that class struggle is rendered incomplete or “incomplete-able”, depending on the practice that emerges.<sup>1014</sup>

It is this radical co-existence of the economic and ideological that comes to bear, in turn, on his understanding of class struggle:

The class struggle can and must be understood as *a* determining structure affecting *all* social practices, without however being the *only one*.<sup>1015</sup>

What he thereby means is not only its subjection to conjunctural forces, but the fact that there are other antagonisms in society that function as universals. Where we referred earlier to Balibar’s acknowledgement of Marx’s achievement of ‘incompleting’ Hegel by introducing a short-circuit between the economic and the political that deconstructs the universality of the Hegelian state, whilst it understands the politics of political economy as the struggle to keep a certain universal promise open for the proletariat, Balibar has now also incompleting this Marxian incompleting. He explicitly refuses the possibility of identifying any one universal as the fundamental social relation, not even ‘in the last

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<sup>1011</sup> See Balibar 1987, 20.

<sup>1012</sup> See Balibar 1994b, 33; Balibar 1994a, 170.

<sup>1013</sup> See Balibar 1994a, 170–171.

<sup>1014</sup> Ibid., 174. Balibar thinks the same is true for historical materialism, which “abused” ideology to fill the whole or gap, see p.173.

<sup>1015</sup> Balibar and Wallerstein 1991, 181.

instance’, unlike in Marx where the labour relation is identified as determining the social form through a “single dialectical progression”<sup>1016</sup>.

Balibar’s redefinition of the materiality of ideology as a second base, beside the economic base or the ‘mode of production’, replaces the Marxian position with *another conception of politics* that leads us purposefully away from Marx’s understanding of the relationship between the economic sphere, politics, and history, which he started to develop in ‘On the Jewish Question’. Balibar ends up replacing Marx’s urge towards reducing the ideological level of the struggle to the fundamental class antagonism, which allows Marx to think its genesis as well as its end, with a properly political, as opposed to “meta-political”, open-ended understanding of ideology, which operates as another level where the struggle plays out, with its own materiality. But he thereby also explicitly and decidedly enters into post-Marxist terrain, as he himself acknowledges.<sup>1017</sup> Balibar transforms class struggle into a struggle (without class as a privileged antagonism) of and within multiple, competing universalities that exist side-by-side within modern society, instead of any one being subordinated to the other – political economy and ideology are the two bases he starts with, but others follow shortly.<sup>1018</sup>

The final step – which returns us to the end of Chapter Five – consists in clarifying Balibar’s progression from constituting these two overdetermined bases, towards affirming politics as *primary* in the name of a politics of citizenship qua equaliberty. Because, as we saw in the previous chapter, it is on the inside of the politics of citizenship that the modern citizen-subjects struggle over and against universals in the name of claiming citizenship-qua-humanity. Balibar thus binds the functioning of *modern* ideology (which he also calls fictive universality or politics, and which is opposed to the Althusserian transhistorical account of ‘ideology in general’) to the existence of equaliberty as ideal or symbolic universality, whilst the role of the extra-ideological, overdetermining forces such as capital, or economic social relations, becomes more doubtful.

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<sup>1016</sup> Balibar 2002, 146.

<sup>1017</sup> See Balibar 1994a, 172; Balibar 1995, 160–161.

<sup>1018</sup> See Balibar 2002, 148. Balibar’s most prominent and influential examples are his discussion of racism as a universalism that he identifies as a supplement of nationalism (also a universalism) and of the universalism of sexual difference. See Balibar 1994a, pp.191, esp. 203.

Balibar's re-definition of the materiality of ideology starts, as we have seen, from identifying in Marx's work to what it must not be reduced. In his critique of fetishism, we learned that it must not be reduced to economic ideology as an objective illusion, which would reduce the law, the state etc. to institutions that exist to ensure the continued functioning of the relations of production, which Balibar perceives as a deterministic reduction. But we also know from his rejection of Marx's critique of the Declaration that ideology is not reducible to juridical ideology either, which, for Balibar, is the second "Marxist" option.<sup>1019</sup> Fundamentally, the law cannot be reduced to mere dominant or bourgeois ideology, in the sense of an institution that fully dominates [*beherrscht*] the proletariat or the oppressed, by means of which its only purpose becomes to generate illusions or false consciousness (and conversely the illusion created by the law cannot be the truth of society or politics).<sup>1020</sup> But, at this point, Balibar gives us a different reason why these reductions are politically and theoretically insupportable than those we discussed in 6.1. He argues that if we want to be able to think ideology as something that is not forced on the dominated, and instead sustains itself based on its support and reproduction by the dominant *and* the dominated classes, then we need to find a way to understand how and why *the dominated* participate in the continued functioning of the dominant ideology.<sup>1021</sup> This is, in Balibar's view, a question neglected by Marx, which became, in Marxist theory, the question of the discourse of hegemony, of "hegemonic domination"<sup>1022</sup>.

It follows that, in the modern civic-bourgeois society, equaliberty as "ideal universality" fulfils precisely this function (whose danger of a functionalist aberration is here removed through the absence of a base). So far, we have mainly discussed equaliberty as containing political possibility without guarantees, because it allows for *anyone* to politicise or democratise their existence. Equaliberty exists, then, as the ideality of the autonomy of politics: the self-institution of the people into egalitarian sovereignty as a *de jure* universality.<sup>1023</sup> We have mainly focused on the fact that it is a negative universality insofar as it only unfolds its truth-effects through its mediations and their historical

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<sup>1019</sup> See Balibar 1987, 39.

<sup>1020</sup> See Balibar 1994a, 166–167.

<sup>1021</sup> See *ibid.*, 98–99; Balibar 1987, 22, 40.

<sup>1022</sup> Balibar 2002, 7.

<sup>1023</sup> See *ibid.*, 2.

negotiation. But, most importantly, the inverse is true as well: the fact that its mediations function historically, that they exist in changing modes but nevertheless continue to exist, depends on what Balibar calls “the ideological universalisation of its principle”<sup>1024</sup>: that there exists an ideality – the *de jure* equaliberty – which can be invoked against the principle’s *de facto* negation by these mediations. Balibar therefore calls equaliberty the symbolic frame of the ideological (or imaginary).<sup>1025</sup>

Balibar argues – mirroring an important point from Althusser’s Machiavelli interpretation – that this ideal universality is also the condition for ideology, in the Marxist sense, to work at all.<sup>1026</sup> Because, in contrast to some of Marx’s and Marxism’s attempts to define ideology, Balibar rejects the idea that it becomes either a mere reflection of the economic base or that ‘the dominant ideology is always the ideology of the dominant class’ (German Ideology),<sup>1027</sup> both of which he regards as errors of Marxist reductionism or simplification, as we discussed earlier. Instead, Balibar defends here

the (only apparently) paradoxical idea that the necessary condition for an ideology to become dominant is that it should elaborate the values and claims of the ‘social majority’, become the discourse of *the dominated* (distorted or inverted as it maybe appear).<sup>1028</sup>

Balibar makes the ideal universality of equaliberty into the condition of ideology’s functioning, because if we do not want to reduce ideology to coercion or trickery, we need to account for why it works and becomes dominant all by itself, if it is not indeed serving the interests of the majority of society (because it is still the dominant ideology, ultimately serving the interests of the dominant class that is in the social minority). The answer to this is that it genuinely captures the masses’ interest, belief and political investment, which is provoked in the name of “universalistic values” such as “rights, justice, equality, welfare, progress, ...”.<sup>1029</sup> This reflects the latent existence of equaliberty within ideology, namely as trace that bears its own efficacy that whilst fuelling ideology extends beyond it.<sup>1030</sup>

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<sup>1024</sup> Ibid., 7.

<sup>1025</sup> See Balibar 1995, 160.

<sup>1026</sup> Balibar 2002, 164; see also Althusser 2001, 59.

<sup>1027</sup> See Balibar 2002, 164.

<sup>1028</sup> Ibid.

<sup>1029</sup> Ibid.

<sup>1030</sup> See Žižek 2005, 130.

Miguel Abensour delivers the adequate assessment of this fundamental theoretical manoeuvre, which allows us to connect the dots back to my designation of Lefort as a precursor to Balibar. Abensour argues, whilst assessing Lefort's notion of *savage democracy*:

Lefort- unlike the young Marx who, in his critique of human rights in *The Jewish Question*, confused the symbolic with the ideological, or rather reduced the symbolic to the ideological by not having bothered to truly think the symbolic- posits that human rights form an essential piece of the symbolic constitution of modern democracy. This means among other things that it is through human rights that the citizens of a modern democracy can apprehend what presents itself to them as real, just as they discover the same and the other.<sup>1031</sup>

What does Abensour mean here and how does it precisely relate to Balibar's argument? First of all, it allows us to draw a parallel between human rights in Lefort and equaliberty: they are both conceived as an ideality to which the real is not subordinated, in the sense that Marx has portrayed bourgeois law as a mode of modern or capitalist subjection. Instead, it is an ideality in suspension, which allows the democratic community to exist as a democratic community, as a divided or split community: divided between its ideological existence, which is no more than its real existence (that Balibar also refers to as fictive universality),<sup>1032</sup> and its symbolic existence, allowing for a permanent contestation between the two levels. It allows for what Abensour refers to as "a separation proper to modern society"<sup>1033</sup>.

Whereas the savage essence of democracy forces democracy as a symbolic form to leave the field open for an experience of indetermination – for an experience of the loss of foundation – ideology will continually attempt to seize the symbolic, to appropriate it as to better domesticate it, to impart in the name of a group or a person a determined content to that which resists and evades all determination.<sup>1034</sup>

This description of the essential indetermination of the symbolic, and the urge of the ideological to fill it with content, or historical 'mediations', captures the dynamic that Balibar insists upon when he describes equaliberty as trace or ideal universality.

Whether we understand, with Lefort, the indetermination as the pole of power remaining empty, as we outlined in 5.1, or with Balibar as equaliberty, the aporetic ground of modern citizenship – they both mark "a loss of foundation" that allows not only for its

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<sup>1031</sup> Abensour 2011, 108.

<sup>1032</sup> Fictive universality is for Balibar "the kind of universality...involved in the constitution of social hegemonies, and therefore always based upon the existence of state institutions" (Balibar 2002, 172). He thereby refers to the non-natural, constructed nature of communities of people (religion, nation, race) (see *ibid.*, 147–157). All collectivities are imaginary, and only thereby real (see Balibar 1995, 160).

<sup>1033</sup> Abensour 2011, 104.

<sup>1034</sup> *Ibid.*, 108.

historical determination, but also for interrupting these determinations in their very name. But, and this is the second point their arguments have in common, the political action that interrupts, that which Balibar argued Marx was searching for in the name of proletarian politics, cannot be derived from the ideality in whose name the interruption is enacted, because it is a suspended or aporetic ideality, without arché and end.<sup>1035</sup> Balibar undoubtedly finds himself here closer to Lefort than to Marx, in the sense that he develops a theory of ideology whose efficacy is grounded by being doubled on the level of the ideal or the symbolic, instead of gaining this efficacy in any direct or immanent relation to the ‘second base’, namely the capitalist relations of production and the connected class antagonism. This shift becomes even more apparent in Balibar’s presentation of the historical mediations of equaliberty.

Balibar identifies “two great mediations” that form “the most general ideological form of class struggle”, and, in other words, equaliberty’s heteronomy: community and property.<sup>1036</sup> Where we earlier specified that Balibar understands the contradiction of modern society to have emerged in and continues to exist between the aporetic character of equaliberty *and* the “conflictual character of the situation”<sup>1037</sup>, he means by this latter the conflict that exists within those mediations, which was already present in the original revolutionary situation according to Balibar. Community and property are both internally divided into two, in so far as the mediation of community contains within it the possible but contradictory determinations of national sovereignty and popular sovereignty, and property divides into property of labour and property as capital.<sup>1038</sup> Even though we are now reminded of the “two bases thesis”, we need to be aware that these two mediations and their struggle is entirely set within ideology, i.e. within only one of the two bases. And Balibar affirms that when he argues that they can be understood as referring to the great

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<sup>1035</sup> See *ibid.*, 116.

<sup>1036</sup> See Balibar 2013a, 52–53.

<sup>1037</sup> *Ibid.*, 40.

<sup>1038</sup> See *ibid.*, 55–56; also Reitz 2004, 114, who points towards the fact that Balibar discusses the question of property entirely in terms of juridical relations, legislation and political and philosophical positions, rather than as an economic category, namely as the constitutive moment of capitalist social relations as which he had once designated it. This is also obvious in Balibar’s discussion of real universality in *Other Scene*, pp.147–150 and of course in his replacement of class struggle and exploitation with exclusion, which pervades his writings despite initial reservations against the term. See Balibar 1992, pp.200.

modern “ideologies” of the political struggle, namely socialism and liberalism, fighting over property, and communism and nationalism contesting the connotation of community.<sup>1039</sup>

What these brief elaborations on the historical mediations of equaliberty<sup>1040</sup> confirm is that the force of the symbolic, in Balibar’s case embodied by ‘equaliberty’, exists beyond the capitalist social form or capital’s intrusion, if it can be invoked by political action against the status quo. And, only once we have acknowledged the need to ascribe an irreducible materiality to ideology, are we able to discern this no less irreducible existence of the symbolic dimension of equaliberty. Ideology thereby becomes equated with the realm of the politics of citizenship, whilst economic and historical relations are part of the social as a whole. But what becomes apparent in Balibar only now referring to the latter in political terms, is that the doubling of equaliberty as ideal universality, and ideology as fictive universality, erodes the immanence of the political and the social, and replaces it with a conception in which equaliberty as the absent, but nevertheless unchanging, regulative idea is the primary political motor of the subject’s struggle to become citizen, as well as of the many modes of subjection in which the citizens find themselves. Equaliberty turns the immanent account of politics into a transcendent one, which unquestionably removes Balibar from the Marxian project of emancipation, in so far as it situates itself, whilst acknowledging a certain tragic inescapability, *within* ‘political emancipation’.

Our final concern is to return more explicitly to the ‘political materiality’ of equaliberty, as inscribed in Balibar’s opinion of the Declaration and ask, one last time, what kind of materiality it is – if, as we just showed, it differs from the materiality of ideology or fictive universality, for which it is the condition? Here, we return to the end of Chapter Five and ask more forcefully: in what form does the énoncé continue to exist, after its initial enunciation? Balibar finds different conceptions for it, ranging from “trace”<sup>1041</sup>, and “supplement of universality”<sup>1042</sup> over symbolic, to ideal or idealistic universality.<sup>1043</sup> What he wants these concepts to capture is equaliberty’s status as a universality that, even though it

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<sup>1039</sup> See Balibar 2013a, 54.

<sup>1040</sup> See Balibar’s periodisation of modernity and his conception of the state in relation to the succession of universal citizenship by social citizenship that he identifies. See *ibid.*, 105–124.

<sup>1041</sup> *Ibid.*, 3.

<sup>1042</sup> *Ibid.*, 131.

<sup>1043</sup> Balibar 2002, 163.

cannot be instituted once and for all, contains a universal possibility that is not relativistic, nor reduces politics to particularistic concerns, but that “corresponds to the incorporation of differences and singularities into the very construction of the universal”<sup>1044</sup>, which can be demanded by everyone. It is, however, no more than “a mere possibility, a ghost or an idea as opposed to the world of facts”, or, as Balibar formulates it, relying once more on Derridean phraseology, “some spectre which can never be deconstructed”<sup>1045</sup>. It is this immortality or irrepressibility of equaliberty, underneath its shifting historical modalities, that makes it a trace or an ideal universality.

This import of the Derridean concepts of trace, supplement, and spectre<sup>1046</sup> is not something we can brush over lightly, as it delivers an answer to the question of how precisely the symbolic level of modern democracy exists beyond capital’s influence, as the trace that can never be deconstructed. In her Preface to *Of Grammatology*, Gayatri Spivak describes the operation of the figure of the trace as follows:

“trace” (the French word carries strong implication of track, footprint, imprint), a word that cannot be a master-word, that presents itself as the mark of an anterior presence, origin, master. ... Derrida, then, gives the name “trace” to the part played by the radically other within the structure of difference that is the sign. ... Heidegger’s *Being* might point at an inarticulable presence. Derrida’s *trace* is the mark of the absence of a presence, an always already absent present, of the lack at the origin that is the condition of thought and experience.<sup>1047</sup>

In Derrida, the figure of the trace as it emerges from his critical reading of Saussure, Freud, Husserl, Heidegger, Levi-Strauss, and the figure of the supplement that he sees loathed or repressed as ‘dangerous’ in Rousseau’s writings, points towards the inexistence of the origin of the text or of ‘writing’, which in turn makes it impossible to appropriate it fully. It removes the point of origin by placing it into the trace as “the origin of the origin” or “arche-trace”,<sup>1048</sup> signifying “a primordial nonself-presence” that asserts the impossibility to ever reach, appropriate or conquer the ‘true’ origin. As writing itself is, as Spivak notes to be something Derrida struggles to clarify throughout *Grammatology* with more or less

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<sup>1044</sup> Balibar 2013a, 131.

<sup>1045</sup> Balibar 2002, 155, 164.

<sup>1046</sup> On the relation of all these concepts that seem to be replaceable by each other, Derrida says in an interview: “The movement of difference-itself, precariously caved by its resident “contradiction”, has many nicknames [...] They form a chain where each may be substituted for the other, but not exactly (of course, even two uses of the same word would not be exactly the same): ‘no concept overlaps with any other’” (Derrida cited in Spivak 1998, lxx).

<sup>1047</sup> Ibid., xv, xvii.

<sup>1048</sup> Derrida 1998, 61.

success at different points throughout the work, “a broader concept than the empirical concept of writing, which denotes an intelligible system of notations on a material substance”. It is “the name of the structure always already inhabited by the trace.”<sup>1049</sup>

This is, then, the moment where Derrida’s conceptual toolbox opens up to the transposition that Balibar carries out, when he applies it to the structure of the modern political form as ~~originating~~ in the French Revolutions. He thereby, in some sense, ‘solves’ the problem of the relationship between revolutionary events, the actions and intentions of the revolutionaries, the texts of the Declarations, and the subsequent instantiations and interpretations, even the relationship between the economic and the political before, during, and after the events: they all become, in one way or another, moments of a trace that has been declared as impossible to define, once and for all. He has removed, as Spivak formulates it, the “epistemological cut-off points” that would allow us to step outside the “metaphysical enclosure”<sup>1050</sup> without a centre, without any hierarchy between oppositions, without any discernible line of demarcation between the universal and the singular, that Derrida initially formulated as a critique of metaphysics in Hegel,<sup>1051</sup> which he saw insufficiently carried out by Heidegger (a problem too big to deepen at this point).

Whilst Balibar sees the import of a Derridean critique of metaphysics, in allowing him to theorise an “equivalence without a general equivalent”<sup>1052</sup>, the role of capital in the later Marx of *Capital*, he seems to neglect that he simultaneously divests himself of Marx’s fundamental critique of politics instead of working ‘through’ it. He does so by, on the one hand, placing the struggle over conflicting universals, or over equivalents, inside the political sphere, namely by affirming the singularity of political practices rather than developing another political philosophical defining “the political”<sup>1053</sup>. But, on the other hand, he relies thereby on the philosophical assertion of a framework of modern politics that cannot be deconstructed, which, in the last instance, seems to quietly exchange Marx’s conviction that politics is practice, and not theory, for a purely philosophical assertion.<sup>1054</sup>

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<sup>1049</sup> Spivak 1998, xxxix.

<sup>1050</sup> Ibid., lxxxi.

<sup>1051</sup> Especially against Hegel’s dialectical construction of the universal, see Balibar 2007b, 61.

<sup>1052</sup> Balibar 2013a, 131.

<sup>1053</sup> See Balibar 2002, 35.

<sup>1054</sup> See in parallel Spivak’s critique of Derrida in ‘Limits and Openings of Marx in Derrida’, 1993, 98–101.

Balibar, time and time again, affirms that his project is continuing “the legacy of Marx (...his critique of “bourgeois universalism” in the early essay ‘On the Jewish Question’...)”<sup>1055</sup>. But, more concerned with defying any form of theoretical commitment to totality than to confronting the authority of political economy that holds society, its citizen-subjects, and their latitude of political action in its grip, Balibar reads Marx against his own itinerary and instead back into the Marx of 1843, who asserted in the ‘Critique’ that “[d]emocracy is the sole truth of all constitutions”<sup>1056</sup>.

It is certainly true, that, for both, the Declaration is what Balibar himself calls “an emblematic text” for the kind of universalism that was inaugurated by the French Revolution, which Marx refers to as political emancipation and Balibar as “civic-bourgeois universality”. But, Balibar makes this civic-bourgeois universality into *the* revolutionary achievement and horizon of modernity, as it is unlimited and thereby unsurpassable in its exclusionary but also its utopian moments.<sup>1057</sup> It is political and human emancipation at the same time, the very framework of class struggle (whilst now properly without class), which functions without teleological inscription, but also cut off from a revolutionary perspective. Balibar confines us to it as the unsurpassable, because indeterminable, limit of modern democracies, whereas Marx wants to think its overcoming.

On a theoretical level, this leads Balibar into several unfortunate contradictions. For once he contradicts his own dictum, namely when he affirms:

the social relations we are speaking of here cannot be reduced to class relations or relations of the production and reproduction of exploitation (which is not to say, conversely, that we could undervalue, let alone forget, them).<sup>1058</sup>

And yet, he does seem to forget them, or at least he can only take them into account *politically*. Costas Douzinas further objects to Balibar’s emphasis on the symbolic function of equaliberty that it undermines our ability to take the law at face value, leading us, or in this case Balibar, to overemphasise its egalitarian effects.<sup>1059</sup> Also, on a practical level, these egalitarian effects stand in question. At the end of his essay ‘Class Struggle as Concept of the Political’, Balibar questions whether in times where citizen and bourgeois dissolve into

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<sup>1055</sup> Balibar 2012b, 208 fn3.

<sup>1056</sup> Cited in Balibar 2013a, 141.

<sup>1057</sup> See Balibar and Wallerstein 1991, 180–181.

<sup>1058</sup> Balibar 2013a, 148.

<sup>1059</sup> See Douzinas 2000, 173; Reitz 2004, 126–127.

the post-national and post-statal institutions of neoliberal capitalism, the concepts of class struggle, and Marxism more generally, have not lost their critical potential, and thereby their political relevance, because of the multiplication of levels, forms, and scenes on which political conflicts are carried out.<sup>1060</sup> But, should we not turn this question around and ask whether the global zones of non-reproduction,<sup>1061</sup> the forms of hyper-exploitation, the unattainability of citizenship, have not developed into violent closures of what it means to be human, or “[w]hich men are citizens?” that might have catapulted us into a political moment where social citizenship needs to be abandoned as a valid objective of communist struggle?

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<sup>1060</sup> See Balibar 2013b, 454–455.

<sup>1061</sup> See Federici 2012.

## 7 Conclusion

“The alternative, it seems to me, is to refuse the separation of the concrete and the abstract, the social and the political, and to ask instead what Marx’s notion of “real emancipation” would look like [...].”<sup>1062</sup>

We know now what Marx’s notion of ‘human emancipation’ looks like. In the first part of the thesis, we examined its conceptual and political origins, its stakes vis-à-vis Marx’s primary interlocutors, its trajectory and how the Marx of ‘On the Jewish Question’ conceives of the society that he wants to leave behind in its name. We found that most of the weight of Marx’s conceptualising effort lies in painting a picture of the limits of the merely politically emancipated civil-bourgeois society, whereas human emancipation appears more like a vague and distant vision that has not much content of its own, except that once it is achieved by means of a (second) revolution, the limits of political emancipation will be overcome. These limits are, as we argued, structural limits created by the separation between civil society with socio-economic and private man on the one side and the state with the political and public citizen on the other; a divide that is constitutive of the civil-bourgeois society. Their overcoming qua revolution would involve as much a remaking of society as a whole, by founding it on a different social bond in the name of a different kind of freedom, as the simultaneous remaking of human individuality in the sense of self-emancipation of ‘man’ towards becoming and acting as a social individual.

This conclusion, as well as the underlying careful separation of Marx’s critique of civil-bourgeois society and emancipatory vision from Bauer’s, Hegel’s and Rousseau’s respective approaches, represents in and of itself a significant contribution to contemporary Marxist political thought and more generally to political theory concerned with the late 18<sup>th</sup> and early 19<sup>th</sup> century. Firstly, we have placed Marx’s conceptualisation of emancipation more explicitly in dialogue with Hegel’s conception of a secularised Christian state and with Bauer’s attempt at radicalising his former teacher’s efforts than has previous research, which allows for a fuller and more nuanced understanding of the disagreements between the three authors on the potentialities and limits of secularisation. Most importantly, our research has allowed us to determine the precise points at which the

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<sup>1062</sup> Scott 2012, 165.

Althusserian subsumption of the Marx of 'On the Jewish Question' under a 'generally young, Hegelian Marx' (although Althusser is by far not the only one to have suggested such a generalisation) fails to do justice to Marx's theoretical achievements in that text. Against such a curtailment, we have, in the first part of the thesis, excavated the most potent elements of Marx's critique of bourgeois politics, the politics of democratic citizenship, namely the interrelation and respective roles of liberal and republican ideology and of the socio-economic relations. This conception of the critique of politics marks an advancement towards a materialist critique of bourgeois politics or 'political emancipation' in Marx's writings, which significantly surpasses the critique of politics formulated in the 1843 'Critique' and is not reducible to a Rousseauian vision of 'true democracy' as Colletti and Della Volpe suggested: a result that should shift the role that 'On the Jewish Question' and Marx's theoretical and political ambitions reflected in this text play within future general assessments of 'the young Marx'. These research findings should also help to stimulate further research examining Marx's political critique and its goals against the background of his later critique of political economy without reducing either side to the other's supposed "truth". We have thereby re-opened the problem of the relationship between the different stages of Marx's work along a line of inquiry, namely the relationship between his critique of politics and the critique of political economy, that presents a substantial challenge to the possibility of maintaining those clear cut distinctions upheld by the existing gulfs between structural Marxism, political Marxism and Hegelian Marxism, to mention only the most concerned strands.

But we cannot return to Marx's critique of politics within the confines of democratic citizenship today without going through the criticisms that have been levelled at his approach in the more recent past, most prominently from within French Post-Marxism, which brings us to the role and significance of the findings in the second part of the thesis. On the one hand, Balibar's careful and critical reading of the young Marx, within the context of his entire oeuvre, has allowed us to push significantly further the analysis of the strength as well as of the gaps and ambiguities in Marx's theorisation of political and human emancipation from the first part. As we saw, for Balibar, who analyses every shift in Marx's theorisation with a concern for the tensions and contradictions that appear

throughout his oeuvre, rather than looking for the one conception that provides the key to all the others, the shift between Marx's early and late accounts of the place and role of politics does not only fall short of a convincing, univocal position. For Balibar, Marx ultimately fails to conceive of politics in its bourgeois and proletarian form as having its own proper materiality, which is not and cannot be determined by economic laws or socio-economic relations; Marx, in this view, lacks a consistent concept of ideology and its materiality. Whilst this observation in and of itself is certainly not new, in the sense that it was one of Althusser's most important contributions to Marxist thought in the 20<sup>th</sup> century, it gains a new and pertinent significance in the context of this thesis and in direct conjunction with the first part. Because, whilst Balibar's insight on the one hand still problematically relies on the reductive Althusserian reading of the young Marx – a reading, which we have explicitly and implicitly dispelled through a critical engagement with Balibar's argumentation and complicated through the analysis of the first part of the thesis – his problematisation on the other hand supports the overall premise of this thesis: namely, that the problem of politics and its materiality, which Balibar acknowledges was the primary concern of the young Marx, is to be taken seriously.

Our analysis in the second part thus opens up a new and extremely promising angle onto the question of the Marxian critique of politics: from this angle, conceptualising emancipation 'after Marx' means taking seriously Balibar's challenge regarding the lack or under-development of a concept of ideology when we return to Marx's critique of bourgeois politics. This is a challenge to which neither Althusser nor Balibar himself, nor even Marx's later works, provide the answer. As a result of our research, we have placed this concern for the materiality of ideology as one cornerstone within the larger project of revivifying Marx's critique of politics and his account of an alternative, emancipatory politics in light of his critique of political economy.

That it is in the end precisely Balibar's writings on Marx that pave the way for such a critical but faithful interrogation of the relationship between the political and the economic in Marx is a somewhat curious outcome. After all, we have prominently argued in the second part of the thesis that Balibar's own turn towards a radically democratic politics of citizenship in the name of equaliberty is to be understood as an *exit* not only

from Marx's specific project of human emancipation qua revolution as formulated in 'On the Jewish Question', but more generally from aiming to formulate a critique of bourgeois politics and a concept of emancipatory politics in the Marxian vein. This turn against Marx is marked by Balibar's interpretation of the Declarations and of the outcomes of the French revolution, which contradicts the Marxian interpretation and provides the ground for his alternative conception of emancipatory politics. As we have seen in the first part of the thesis, Marx argues that even in the most radical Jacobin Declaration from 1793 the political power of the rights to equality and liberty is limited to what they can come to mean in light of the "materialism of civil society" with individualist, egoistic man, which he understands to dominate the related, but separate sphere of the state and the citizen within civil-bourgeois society. In opposition to Marx, Balibar denies such a limit and holds that in fact the initial 1789 Declaration pronounces a hyperbolic double equation of equality and liberty and man and citizen that provides the means for everyone to contest any specific determination of citizenship rights as well as the boundaries drawn between citizens and non-citizens. Because, based on the Declaration, so he argues, everyone is a citizen simply by virtue of being a 'man'; human nature is left empty to be defined by the political actions of the citizens, who are the sovereign. As we have shown, Balibar thus returns to a politics of emancipation that takes place between the enunciation of the Declaration and the subsequent ongoing conflicts over how it is put into effect for different groups and members of society, but that is located entirely in the sphere of politics and ideology, reducing socio-economic relations to secondary effects. He thereby undoes the Marxian emphasis on the importance of conceiving all these categories – equality, liberty, man and citizen – as always already determined and thus limited within the civil-bourgeois society by the complex, autonomous and heteronomous, relation of civil society *and* the state, or the economic *and* the political.

But – and this is the last but not at all least significant insight emerging from the research of this thesis – as clearly as we have articulated our criticism of Balibar's Kantian-Derridean positing of the primacy of politics, our critique by no means implies any outright rejection of Balibar's defence and radically democratic re-casting of a politics of transnational citizenship. Nor do we intend to issue a call to simply return to Marx's

demand for human emancipation qua revolution, as the only truly radical politics of emancipation. The two parts of the thesis in this sense allow for a result that crucially depends on the constellation of the two thinkers within the two historical moments, Marx and Balibar, and their diverging concepts of emancipation, split along the line of revolution and citizenship. An argument no doubt in need of further elaboration.

A large part of the research has been concerned with articulating the existence of the dividing line citizenship/revolution and with spelling out where it runs, within Marx's own early works and between his and Balibar's diverging interpretations of the French revolution, their antithetic understanding of the implied relationship between man and citizen and the overall significance of this disagreement for a contemporary emancipatory politics. The question that remains to be confronted is thus what kind of conclusion we can draw from the divergence of the two accounts across the two historical moments if the results of our research make the simple taking of either side impossible, in that it would falsely reduce the complexity of the reading that was put forward throughout the thesis.

We are today in yet again another political moment from those of the 1840s or the 1980s and 90s, even though Badiou suggests that the ruthless and "cynical" capitalism of today, in conjunction with the decline of workers' political organisation or other forms of lasting and visible class struggle, looks a lot like that at the time of the Young Hegelians.<sup>1063</sup> And it was certainly not necessary for the so-called "refugee crisis" to be declared in 2015 by a majority of European nation-states in order to understand that the struggle for citizenship is a deeply political struggle and a question over life and death for millions of people. A demand for transnational citizenship, or for political citizenship that reaches beyond nations and their borders, beyond ethnicities and other forms of identitarian belonging, as Balibar formulates it, is thus a radical and necessary counter-voice to those who simply 'manage' the situation in the best interest of each national government, and those who try to exploit it for their own, nationalist and racist agendas.

On the other hand, we cannot ignore the challenge that Marx's emphasis on the limits of a politics of democratic citizenship poses to Balibar's position, even if, as we have seen, the latter's politics of equaliberty cannot be simply equated with what Marx called

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<sup>1063</sup> Badiou 2010, 258–259.

political emancipation. Marx's view is based on the conviction that, in modern society, citizenship and the state on one side and what he called civil society and later economic society on the other are separated but dialectically intertwined, whilst the economic relations are determining (but not dominant)<sup>1064</sup>. This understanding causes him to see the possibility for truly human emancipation only in a revolutionary project that aims at ending the intertwining of economic exploitation *and* political domination through taking seriously and opposing the entire relational structure with its determining and determined parts. The key is to see this argument for what it is. It is, first and foremost, a critique of those positions that defend a political dialectic, e.g. of man and citizen and equality and liberty, as holding the ability to challenge the bourgeois juridical universalism by affirming another, more radical political universalism immanent to but in conflict with the given democratic order; a critique of those positions that assume the possibility of going beyond the bourgeois political form of the state, the people and the political mechanisms of representation by invoking a different humanity, one that is not currently represented but that exists. Marx is not in this regard the revolutioniser of natural rights theory that Bloch tried turn him into.<sup>1065</sup> The separation of man and the citizen is not for Marx a potentiality that allows one side to challenge the other, but a problem on both sides of the divide: man and citizen are, as we have seen, both equally subjected by the economic and ideological mechanisms of civil-bourgeois society, which is why the political power to emancipate humanity from this societal form will need to emerge in opposition to both sides of 'modern man': man and citizen. It is in this way that I want to suggest we understand Joan Scott's invocation of a refusal of the separation as essential to Marx's account of human emancipation – a problem that Balibar renounces when he focuses primarily on the political power of the enunciated equation of man = citizen.

Beyond this clarification, we are left to address the problem of the seemingly temporal succession of the different forms of emancipation in Marx's portrayal that strongly suggests a teleological outlook onto historical development that has lingered over this thesis from the very beginning: religious emancipation is superseded by political

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<sup>1064</sup> See Althusser's differentiation, which I am adopting here; Althusser and Balibar 2009, 319.

<sup>1065</sup> See Bloch 1996, 125 and p.120 of this thesis.

emancipation is to be superseded by human emancipation. Having gone through Balibar's critique of this early Marxian conception and his own account of a radically democratic politics of citizenship qua equaliberty leaves us with the challenge of confronting the Marxian schema not only as a problem internal to his account of emancipation. Instead, the question becomes how we will be able to conclude on the relationship between the Marxian and the Balibarian conflicting concepts of emancipation from a contemporary perspective against the background of Marx's seemingly clear teleological schema of supersession. In other words: How can we take the challenge that Marx's critique of political emancipation poses for a Balibarian politics of citizenship seriously, without reducing the latter to nothing but the antechamber of the revolution that will bring about truly human emancipation?

In concluding the first part of this thesis, we already showed that the apparent linearity of Marx's conceptualisation of emancipation is complicated by the fact that Marx nevertheless does not allow any sacrifice or subordination of politically emancipatory projects, e.g. the struggle of the Jewish community for full citizenship rights, which Marx strongly supported, to the ultimate goal of human emancipation. Extrapolating from this insight when casting our judgement on the significance of the Balibarian politics of citizenship for a project that aims to think emancipation 'after Marx', we are able to conclude that the two thinkers' political approaches are not mutually exclusive, but they both have their place within an emancipatory *and* revolutionary politics. Whether the struggles of women, people of colour, of the disenfranchised and the displaced focus on challenging the border that is drawn between what counts as private and what counts as public, as political and non-political, between activities remunerated by a wage and those that are unwaged, or on who is granted access to either side; whether they focus on challenging the very definitions of freedom and equality that reign on either side of the divide or precisely through upholding the separation; whether they focus on gaining something the existing social order denies them but grants others or on abolishing the order as such: neither the struggle for equaliberty, nor that for human emancipation leaves the socio-political order or the individuals concerned unchanged or unchallenged, which is what counts.

This seemingly conciliatory conclusion is not to be misunderstood as an attempt at levelling out the disagreements that we have so painstakingly unearthed. We instead want to apply the important lesson contained in reading Marx's theoretical and practical approach to the 'Jewish question' alongside the critiques that have been directed at Marx's work by French Post-Marxism (alongside other strands of course) starting from the mid-1970s, which both confirm that one would be mistaken to conceptualise the emancipatory nature of struggles as well as the development of the civil-bourgeois or today capitalist society in a linear and teleological manner based on having identified the structures of the society in question. The temporalities and the modalities of revolutionary politics have to be captured as multiple, non-linear and specific to the particular historical conjuncture – a lesson that recent research into the global history of the development of capitalism has already learned,<sup>1066</sup> but that can now be extended to researching further into the relationship between this development and the manifestations and imaginations of emancipatory politics.

The achievement of this thesis is then to have distilled a disagreement that maintains its pertinence beyond the historical-conjunctural specific difference between the two accounts of emancipatory politics of the young Marx and Balibar: namely a disagreement over how the universal structure of the modern, post-revolutionary society is to be defined and where a revolutionary project that wants to challenge and remake this structure is thus to be anchored. The recognition that this is a problem that needs to be confronted had as good as disappeared under the larger Post-Marxist embrace of a radical democratic approach to emancipatory politics that developed from the mid-1970s onwards and has by today become largely hegemonic in the Marx-inspired fractions within political thought. But only by challenging the hegemony and returning to this disagreement with all the theoretical and practical resources available to us, over and over again, we can continue to speak of a commitment to an emancipatory politics in the Marxian sense, aimed at a world in which individual and collective freedom do not contradict each other and at searching for the means to make such an imagination reality.

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<sup>1066</sup> See Harootunian 2015; Tomba 2013; Anderson 2010.

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