

**Marx: “Critique of Hegel’s Philosophy of Right”** in Karl Marx: Early Writings. Edited by Quintin Hoare, introduced by Lucio Colletti, translated by Rodney Livingstone and Gregor Benton. New York: Vintage.

Key:

H = Hegel

M = Marx

() = parenthetical argument made by the author

[] = my comment

OJQ = On the Jewish Question

EPM = Economic and Philosophical Manuscripts

A Contribution to the Critique of Hegel’s Philosophy of Right: Introduction

Ed.: Published in 1844 in *Deutsch-Französische Jahrbucher*. Focused on the class analysis and the critique of philosophy

Per Abensour (p. 12): this text is not to be confused with the *Critique of Hegel’s Philosophy of Right* itself, published for the first time in 1927.

Marx:

The goal of philosophy is to expose and eliminate man’s alienation/separation/estrangement from man. In this text, that is done with regard to politics and the State 244-5

and to eliminate the domination, the being-ruled that this alienated power effects 246

and to remind people that they are capable, powerful 247

the doctrine of politics and the State that Marx is working with is Hegel, and German philosophy in general. The modern State theorists (Hobbes and Locke) hover, but they are rarely directly engaged 249

the modern State abstracts from real man and German thought crystallizes this 250-1

the goal is to overthrow all conditions where man is not the root of man, where he is debased and enslaved to a power outside of himself [his own powers, alienated] 251

we must struggle with the priest [state official] outside ourselves, but also with our own inner priest [state official] [i.e., a la D&G, we desire our own repression] 252

there is a gap [in H’s State Idea and in the actual State] between civil society [i.e. the non-State or private sphere of the family and business] and the State 252

the modern dream is to liberate man politically, as a free citizen of the modern State, but not to touch the question of liberation in civil society [a complaint he develops further in OJQ] 253

this dream is the dream of the bourgeoisie, who universalizes their interests as the interests of the whole society 254

M’s goal is to refuse to believe that the conditions of our life are created and managed externally to us. Rather, we must see that we created the conditions in which we exist. We can, therefore, revise them, organize them differently, “on the basis of social freedom” 256

the proletariat [not named as such here] is the class that can dissolve all classes, and also dissolve the existing world order 256

our theory must declare man to be the supreme being for man 257

### The Critique

Ed.: Hegel wanted the State to absorb civil society, Marx wants the opposite, a revolution in which all are active participants in politics, in which all are legislators, and the State disappears 58

Again, this is the text that Abensour focuses on, the one that was unpublished until 1927. The text in the Hoare collection (pp. 57-198) is the whole of Marx's work, which itself focuses on only those parts of Hegel's *Philosophy of Right* that focus on the State (§§261-313)

H: State and civil society are divided, external to each other

H: system of particular interests (family and civil society) and the system of the general (or universal) interest (the State) 58

H: the former should be subordinate to the latter 59

M: but the State emerges from the ground of civil society [as in Hobbes and Locke], from real, material life, on which the State is dependent 61

but H wants the State Idea to be the ground, the 'true' Society, and civil society to be secondary, the mere empirical manifestation of the Idea 62-3

this Idea is then imagined to be an external [and just] power to which people are subordinated 63

[here it is Hegel's idealism that Marx hates: the Idea of the State is taken to be the *true* community, and the material community is taken to be epiphenomenon; and so, for M, the artificial, imagined State rules over the real, concrete community of humans] 63ff, esp. 67

M: I approve of how Hegel sees the State as an organism in that it allows us to see the State as organic, as having been born, and so it allows us to imagine that it can be different (or not exist at all) 66

Hegel's idealism—the Idea is real and material/concrete things are crude and misleading copies of the Idea—is deeply Platonic 67, 98

so the State Idea comes first, and all actual States are empirical manifestations of the Idea 70

and there is a sense in which these manifestations are necessary, in a way, unchangeable, insofar as they derive from the Idea 70

H is very akin to Aquinas: the State is a good one insofar as it concords with the State Idea 74

and the legitimacy of its sovereignty, for H, is rooted in its universality, in its concordance with the State Idea 76, 78

but for Marx this universality is an illusion: sovereignty is always particular, sovereignty is always rooted in the capricious decision of a monarch [cf. Agamben's *Homo Sacer*] 76, 81, 83, 94

H thus conceives of sovereignty as independent of us, of our material existence 80

for Hegel the people themselves are not sovereign, the State is 85

which reveals, for Marx, that the people and the State are two separate things 85

since sovereignty cannot be double, one or the other must be sovereign 86

for Hegel popular sovereignty is wild, changeable,  
not good 86

for Hegel no sovereignty would imply a community  
that is a formless mass [i.e. the SoN] 86

for Marx *man* must become the principle of the constitution,  
rather than the State Idea 75

For M the essence of a person is his *social* quality, his  
existence-in-the-world-with-others 78

the universal, for Marx is "the real essence of the  
finite real" [i.e. the bulk character of actually  
existing things of some type? Or maybe, per 99, what is  
common to all really existing instances] 80

H's idealism 'mystifies' the State 73

of course Marx wants to emphasize that the State is only the sum of its  
material manifestations, each of which could be other than it currently is  
71

here we arrive at Marx **on democracy** 87

democracy is the generic constitution [the original condition, if  
you will], monarchy is an unstable mutation of democracy, the  
original constitution 87

in democracy the people remains itself and constitutes *itself* as a  
constituted people (i.e. the constitution is their own creation)--  
that is, the people are the active subject; in a monarchy the people  
are not the active subject, they are subsumed under and subordinated  
to the constitution (the constitution is created for them, and then  
creates them as something else, as 'the people') 87

Hegel starts with the State, and sees man as the subjectivized  
State; democracy starts with man and conceives of the State as  
objectivized man 87

in democracy the people are not constituted by the  
constitution, the constitution is constituted by the people 87  
[he does not say constituent and constituted here, but you can  
see the resonance with H&N]

democracy is socialized man that *forms itself* into a  
constitution, with laws, etc. 88

in a monarchy, there is political/public man that is separate  
from social/private man 88

in democracy the political state exists as a particular  
manifestation of the people 88

the political state disappears in the sense that it is  
no longer universal, it is particular, it is one among  
many possible modes of existence for the people 88  
[it is, M implies, optional, it exists on an as-needed  
basis]

the State, constitution, law are not dominant, they are  
merely the self-determined attributes of the people 89  
all actually existing forms of State are untrue to the  
extent they are not democracy, to the extent they  
separate the State from the people, make the State  
abstract, make it universal, make it sovereign 89

this abstraction/separation, wherein the  
constitution and sovereignty are  
different/separated from the people and from their

real lives, is a modern device 90  
 in democracy the people and the state (and the people's  
 power) are no longer estranged 90  
 for H the unity of the State is paramount, and he works hard to devise a  
 State Idea that preserves it 94  
 Marx thinks his hard work is telling, because it suggests the task  
 is impossible: H thinks he has demonstrated the legitimacy of  
 sovereignty, but M thinks H has only asserted it [in an effort to  
 paper over its contradictions] 96  
 also for H the State is supposed to subsume particularity under  
 universality, the private under the public, civil society under the State,  
 the real man under the citizen, the subjective under the objective [here  
 the planners stand and cheer] 100-1, 110  
 H's civil society is like Hobbes and Locke's SoN (the absence of  
 State), H's State is civilization 101  
 and so the deeeeep Platonism of H: the whole game is to design a  
 State that will ensure that the universal interests of the whole  
 society are met, not one that will further particular interests 103  
 [cf. also p. 122, where H himself refers to the *Republic*]  
 H obsesses about this issue, as Socrates does: we must give  
 the governors rigorous education 104, bureaucratic  
 examinations to make sure they act in the public interest 113  
 we must create bureaucratic institutions with strict rules  
 that prevent tyranny (kingship in the service of a particular  
 interest) 104  
 again Marx complains: Hegel separates the State from civil society, the  
 particular from the universal 106  
 the State becomes its own thing, an entity with its own logic, which  
 acts for itself (which H (and Plato) thinks is = acting for the  
 universal interest) 106-9  
 antithesis also between private property and the State 110  
 the State exists outside of civil society 111  
 so particular interests in civil society (the Estates) must  
 send *representatives* to act in their stead in the State sphere  
 111  
 and State laws/directives are likewise outside interventions  
 into civil society 111  
 [positing this antithesis is a break from Hobbes, L, R, who  
 all see State society=commonwealth=civil society=political  
 society as against the SoN]  
 now, M says, this civil society/State separation really *does*  
 exist in the actual State today [what's bad is that H accepts  
 and defends this separation in his Idea of what the State  
 should be] 112  
 unlike H (and Plato), who worries about the emergence of particular  
 interests among the State officials, Marx worries about the authority that  
 will be wielded in civil society in the name of the public interest (that  
 the State purports, falsely, to further) 115  
 M says that Hegel's move, to show that existing State forms are  
 better or worse manifestations of one State Idea, is riddled with  
 contradictions because the whole concept, that there is one Idea, is  
 false 117  
 H's other move, to equate the State's interest with the universal

interest, is also bunk for Marx, and so all of H's efforts to build a system that binds those things together will fail 118

e.g. the constitution is immutable in theory but everyone knows it constantly develops 117ff

Marx is keen to argue that the people has the right to make a new constitution [does not draw on Locke here]; for M the constitution *should be* a true expression of the will of the people 120

but what constitutions are in actual fact is just a mediation between the (separated) State and civil society 120

he refers to a difference between constituent assemblies and constituted assemblies 121

H: the law is not merely a command, it is The Command, the imperative of a universal will 121

a long discussion of 'the Estates' (i.e. a collective, but particular, interest in civil society) and H's problem of how the Estates should interface with the State 124

H wavers between: representatives of Estate X should advocate in the public realm for Estate X's private interests, and the representatives should advocate for the public interest 126, 130

M thinks the problem is that this idea of the universal interest is a phantasy, and anyway it could only be enacted in real/material life by an embodied, particular subject, as so you get endless angst in political theory about how to get these real, embodied persons, who represent real, particular interests to act instead in the name of 'the public interest' 128, 152

M thinks there is a different way to understand 'universal' interest, which is something like: a socialized interest, an interest that is shared in common by a network of socially embedded people 128

[this is perhaps a materialist conception of a universal rather than an Idealist one]

"the self-conscious will of the people" 128-9 [cf. H&N's multitude becoming aware of itself]

H is worried about individuals taking on "the appearance of a mass" in powerful opposition to the organic state [which for H is the true force for good in the world] 131

for H the Many can only be formless, barbarous, irrational, frightful [they need to be made into One instead] 136

M: but the estates organize the masses as disorganized and turn their gaze toward the State instead of toward each other 132

the estates are a represented people that exists as different from the actual people, who thus appear "trussed and dressed" 134

private citizens have no political significance until they are represented, then they exist as a represented Estate, or people 135

H hopes to heal the split between civil and political life, but by enfolding the latter up into the former 137-9

H hopes to harmonize society under the sovereignty of the universal interest, embodied in the State 139

Marx likes the modern representative constitutions because they make plain the fact that the people are not the State 141

For H the class distinctions of civil society are non-political distinctions; they would only be political if they were to abandon what they are and become something else, by becoming something encoded in the

State (e.g. party distinctions), something that only has meaning in the world of politics, not in the real world 142, 148

a man must leave behind his civil society self, abstract himself from himself, withdraw from the social relations in which he is embedded, in order to become a citizen [esp. in France] 143

[he does gain what M calls in OJQ 'political emancipation' but the abstraction is a high price to pay]

he must abandon his real community for the fake/artificial community of the State 143

[all of this is covered in OJQ]

that real community is separated from the State; the State is an abstraction from the real community 145

each citizen is equal to every other in this abstract political community, but not in real (capitalist) community 146

again, this split is a very modern condition 146

analysis of class: the distinction between property owners and non-property-owners 146

in this form of (capitalist) civil society, individuals are not sustained as communal beings; they are atomized as independent individuals 147

they abandon their real condition to be citizens, where they do in fact gain political equality [but only in the public sphere, their private/civil inequality is untouched] 147

the real human being, for M, is he who exists in civil society 148

the political subject is hollow, unreal, mystified, and does not have self-determination, but is instead determined by the State 149

the idea that the current state, with its separations and abstractions, "is no true state," implies that a state without these separations *could* exist, and would be a "true state" 151

[cf. his comment that democracy is 'the truth' of monarchy on 87]

the latter might have, not abstract laws, but rules of thumb [he seems to intimate] 151

if the classes of civil society did not receive their political/public character from the State, but instead themselves determined their own political character, and indeed themselves determined the State, if the particular gave rise to the universal...[then you might have something doable, for M] 157

not one legislature, but many, and these would come to understandings among themselves 158

but H wants the unified State to determine civil society 158

the Estates mediate, for H, between the separated civil society and the State, but their existence, for M, only highlights the problem that this separation continues to cause for the State 152

they are themselves (i.e. private/real), and at the same time they are also their political/public persona...like Snug is a lion and also not a lion [this applies as well to any real person and their citizen counterpart] 154

the Estates must undergo 'transubstantiation' to become public things [which M portrays as a sort of parlor trick] 163

while H wants to mediate the antitheses, M wants to highlight them 156

the Estates are thus the organized political antagonism of society

160

but they are asked to be something (stewards of the public interest) they are not (private concrete interests) 160  
they existence tries to create the illusion of unity [or at least concord] within the body of the State, but their very presence shows the lie of this unity 160

H is trying to build a solution to these problems, and his failures are inevitable, for M, evidence that his task is impossible 163  
for M, again, H is revealing conflicts (e.g. State-civil society, private Estates/public Estates) that we can nurture, and so he is useful 158

true criticism, for M: discovers *why* we have created for ourselves structures that oppress us 158

so we must do more than simply point out the contradictions of the modern State, we must understand their genesis and grasp their significance, their particular logic (and of course detailing that logic is what H is doing) 159

H likes primogeniture, because he thinks those who inherit wealth are secure in it, and so can more easily be public-minded [here he does break with Plato a bit] 164

H says philosophy was, for the Greeks, a private/civil society affair, but for we moderns [maybe just we Germans] it is a public/State affair: it must be an activity in the service of the State 165

M also thinks H reveals that wealth is fundamentally social/collective, or, for H, universal, while at the same time there are **rights of private property** and these are fundamental to the constitution 166

M: primogeniture is a private right that has liberated itself from all social connection 168

H: my person is mine, inalienably 169

M: a property right is a right to decide what to do with a thing 169

H: property is alienated, external, a thing—and the concrete embodiment of a personal will, of freedom 170

M: property is removed from its commonness, from its social embeddedness 170

property *is in fact* a social relation among men, a complex negotiated network 170

but the individualization of property rights tries to treat each individual as atomic, as independent of others 171

M: an individual holding a property right is the apex of the logic of the political State 173, 176

rights by birth/nature vs. rights by agreement/[artifice] 174ff

M: there is a contradiction in H's argument that those with primogeniture property rights make the best governors: and that is that their political freedom and independence is rooted not in their relation to the State and public society, but in their birth, family, estate, and private society 176

H wants to argue that the true meaning of something is realized in its existence in the State, but it seems that in fact any State existence is dependent on that thing's civil-society existence...176

Marx emphasizes that property rights are merely justification after the fact of a fact of possession: society bestows *right* on this fact of possession after it already exists 179

[H seeks to locate right, instead, in an *a priori* sphere of Ideas]  
again: the separation between the real/private/civil-society person and the

political person, the citizen 177

the Estates (i.e. the House), unlike the landed gentry (i.e. the Senate), are elected to represent others in the State realm, so voting is the transubstantiating act, that which turns a private entity into a political one 181

the whole edifice of representation is the parlor trick of turning something into that which it is not 182

the chamber of deputies (i.e. House) is thus the quintessentially modern State entity here, because in representing a civil-society entity, the Estate-representatives are civil society abstracted from itself 183

[hovering here is the idea that the concrete power of people themselves is abstracted/alienated/estranged from them and made into an abstract political/State power]

the Estates show a contradiction: State entities exist as universal entities, concerned with universal interests, and yet here you have these particular interests embodied/represented by State entities 185

the problem is endemic to the modern State: it separates real life from political life 185

instead of this split, for M, the real/private/civil entities should, as a whole, impose their will on the State (instead of the other way around), but in fact particular Estates enter into the State and represent *only a part* of civil society, and thus they are captured, tamed by the State apparatus 187

here is the key political choice, for M: either the Many participate directly in deciding political matters, or they let representatives do it for them 186

that is, either all act [democracy], or a few act [oligarchy] 187

[in practice, only a few act]

but all *in fact* have a stake in these political matters, just by virtue of being participating members of civil society 187

this problem highlights the gap between the State as stand-in for the people, and the actual people themselves, since in practice the people virtually never all participate in political decisions 188

it is the will of all to be active, M says, but they are not all active, only a few are 188

this gap would be closed if all of civil society showed up and began acting, if they replaced the “fictitious civil society” of the legislature with the “real civil society” 188

civil society would thereby create a political existence for itself 188

civil society would *transform itself* into a political society (and thereby eliminate the gap between the two) [rather than *be transformed* through a process of representation], civil society would make political society into a real society by achieving as general a participation as possible in the legislature 188

and so no longer necessary would be the fantasy that the legislature is the same thing as the people itself 189

[man and citizen would be one]

so, to recap, either civil and political society are separated [as in the modern state] and all cannot participate, so only a few do; or civil society and political society are made one when civil society takes on, for itself, the work of deciding matters of general concern 189

[the former choice is the modern State, the latter is democracy. There is a

real question, that I have, about whether the latter would be a State at all...maybe, better, it would be a state, but not a State]

when civil society achieves “unrestricted, active and passive suffrage” will it abstract *itself* from itself, and thus transcend abstraction, such that civil society and political society become identical, so that they both collapse as opposed ideas, which would mean the collapse of the abstract political State

[so the state, if it still existed, would be somehow 'concrete']  
for H the few deputies are preferable to the many people (as deciders) because they are better at thinking universally 192

M: Hegel says both that deputies should represent private interests, and that they should represent the general interest 192

in the latter case (which is preferred by H) the political is nothing other than the abstraction of civil society from itself 192

interesting question: what if people had the choice between 1) governing for themselves and 2) having someone govern for them? 193

it is hard to know, because the modern State has representation as an essential feature, it presupposes representation, and so no one ever asks themselves which option they would prefer 193

in the modern State deputies are authorized by their Estates, and can participate in the State because of that authorization, but as soon as they think and act in the general interest, they breach the faith of that authorization 194

the upper chamber's [senate] public mindedness will check the lower chamber's [house] private mindedness 194

H: heavy dose of State arrogance: we officials know better than the masses because we think in terms of the universal interest [the mind of a planner] 196  
[H functions for M as the voice/conscience/avatar of the modern State, just like Hobbes functions for the Italians] 197

## GENERAL NOTES

Hegel is essentially the voice of a state-socialist logic, or, more contemporarily, a Keynesian central-managementist logic. The State exists to champion the universal interests of all (i.e. the 'public interest') against the multiple private interests that swirl in civil society. The power of the State is thus imagined by Hegel as necessarily a power for good, and so any sense that the State has too much power is nonsensical to Hegel. This is precisely the imagination of your typical planner, or any sort of bureaucratic expert.

This realization, that Hegel is the theorist of apology for State command in the public interest, sheds quite a bit of light on those contemporary leftists who are enamored with Hegel (well, Zizek, Dean, lots in the left press)...I suspect they find in him what they want to find in the wake of the debacle of state socialism: an argument that it is ok again to think of State power as a good force in the world.

If that is right, then this text of Marx, which establishes an argument against State power itself, which argues that the State is itself *necessarily* oppressive and inhibits human flourishing, is a very important counter argument against this emerging (or perhaps just still-lingering, in the case of your run-of-the-mill Nation/Jacobin/Red Pepper old-leftist journalist type) return to the State

among leftists, a trend that is a reaction to the wave of left theorists who tried to think against the State (D&G, Lefebvre, Foucault, the Italians) in the wake of State socialism. In addition to Marx's text, also important is follow-up work like Abensour's that rediscovers this argument of Marx and solidifies it.

To reiterate, Marx is not arguing here against the *bourgeois* State, against the particular form the State takes in capitalism. At this point, in 1843, he has not really formulated his critique of capitalism. He is, rather, arguing against the modern State form as Hegel is formulating it in the German context, which is a weird amalgam of *ancien regime* (monarchy, aristocracy) and an emerging capitalism (bourgeoisie). (To a lesser extent he is critiquing the State as it was being set down in France after the Revolution.) Marx is not worried about the State because the bourgeoisie control it and use it to further their class interests; he is worried that the State is itself an oppressive force, a force that alienates man from himself (just as capitalism does, as M will argue in EPM), a force that separates man's power from himself, that estranges man from his own power and then uses that power to rule him. There is nothing necessarily capitalist about the State as it appears in this text. This (young) Marx could never have accepted the idea that a workers party must seize the state and use its power to abolish classes.