

# LIBERAL RIGHTS AND SOCIALISM\*

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## 1. Introduction: capitalism, socialism and liberal democracy

The view that there is some intrinsic connection between liberal-democratic political systems and a capitalist economy is one that has been shared by many theorists of both the left and the right. Thus, for example, whilst Lenin wrote that a ‘. . . democratic republic is the best possible political shell for capitalism, and therefore capitalism, once in possession . . . of this very best shell, establishes its power so securely, so firmly, that no change of persons, of institutions, or of parties in the bourgeois democratic republic can shake it’ (Lenin 1963, p. 296), Milton Friedman argues that only a free market economy, with minimal state intervention, can guarantee the preservation of individual rights and political liberties:

Historical evidence speaks with a single voice on the relation between political freedom and a free market. I know of no example in time or place of a society that has been marked by a large measure of political freedom, and that has not also used something comparable to a free market to organize the bulk of its economic activity. (Friedman 1962, p. 9)<sup>1</sup>

This supposed link between capitalism and liberal democracy has been reflected in the way that many Marxist socialists have viewed these liberal rights with the greatest suspicion, in relation both to their function in capitalist societies, and their possible place in a socialist society. The suspicion is encapsulated in the phrase ‘bourgeois democracy’. Conversely, opponents of socialism have tended to argue that one of its central defects is the impossibility of maintaining these rights in such a system, and have pointed to the experiences of, for instance, contemporary East European societies to support this claim.

Recently this question of the relations between socialism, capitalism and liberal rights has emerged with considerable force in a number of areas of theoretical and practical engagement: in the attitude of the West European left to Carter’s ‘human rights’ policies, and to the activities of political dissidents

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in the USSR and East Europe; in the Eurocommunism debates;<sup>2</sup> and in Britain, for example, in the attempts made by E. P. Thompson to ‘steer the left’ towards a major emphasis upon the significance of civil and political liberties.<sup>3</sup> It is my aim, in this paper, to examine one particular area of Marx’s work that has an important bearing on many of these issues, his discussion in certain early writings, especially ‘On the Jewish question’ (Marx 1975), of the relations between ‘civil and political society’ — roughly, between the social relationships of a market economy, and the political institutions of a liberal-democratic state.

I choose this particular area partly because I believe it is liable to misinterpretations that can generate, and have generated, a misplaced hostility towards liberal rights amongst Marxist theorists; and partly because it has recently been used by a well-known critic of (certain features of) Marxism, Leszek Kolakowski, as the basis for claiming an inherent totalitarian tendency within Marxist theory. I shall shortly present the main elements of his argument, and go on to respond to it through a fairly detailed critical exegesis of ‘On the Jewish question’ itself. But first, a few more preliminary remarks.

Marx’s analysis of the relations between civil and political society — and, in particular, his claim that the separation of one from the other must be overcome to achieve ‘human emancipation’ — is one, but, only one, of the major elements in his work that is relevant to the overall question of liberal rights and socialism. Amongst others, there is the question of his view of the ‘transitional phase’, and the dictatorship of the proletariat; and also of his apparent attitude towards any system of (legal) rights as inherently bourgeois.<sup>4</sup>

I shall have nothing to say about either of these themes in Marx’s writings; so in this, and no doubt in other respects, my focus is subject to very definite limits. Further, most of what I say will be tied to the interpretation of one particular text, and to evaluating Kolakowski’s objections to its claims; though I will also suggest how, properly understood, these claims provide an important basis for criticising some central features of John Rawls’s major work of liberal political theory (Rawls 1972). However, though I will offer little in the way of direct argument for this I should make clear my own political standpoint as it relates to the issues discussed. I basically support the conception of political rights and liberties characteristic of much liberal political writing and practice; and I see them as, historically, one of the major progressive features of capitalism, and as something to be preserved in the construction of a socialist order.<sup>5</sup> Preserved, but in a ‘transcended’ form: I use the Hegelian concept here, because I find it the most illuminating way in which the relationship between socialism and capitalism can be conceptualised, a point which I explore briefly towards the end of this paper. And I hope to show how this concept of transcendence operates, at least implicitly, in ‘On the Jewish question’, which is, I think, an exemplary piece of political theorising despite certain flaws.

So I begin with Kolakowski. In 'The myth of human self-identity' (Kolakowski 1974) he argues that the totalitarian character of many self-proclaimed 'socialist' societies is an inevitable consequence of any attempt to realise in practice a central ideal in Marx's early political writings: to overcome the separation of civil and political society.

Kolakowski says that Marx's basic conception of the relationship between civil and political society, as presented in these texts, persisted intact throughout his intellectual development, though it required some adjustments in the light of his later adoption of a class analysis. He implies that the ideal of the unity of civil and political society involves another unity, 'the perfect unity of the personal and communal life of every individual', which he defines as 'the perfect, internalized identity of each person with the social totality, lack of tension between his personal aspirations and his various social loyalties' (ibid., p.32). He argues that this latter unity is incompatible with the existence of those differences of interests and values that are (in his view) an ineliminable feature of social existence, and concludes that:

The dream of perfect unity may come true only in the form of a caricature which denies its original intention: as an artificial unity imposed by coercion from above, in that the political body prevents real conflicts and real segmentation of the civil society from expressing themselves. This body is almost mechanically compelled to crush all spontaneous forms of economic, political and cultural life and thus deepens the rift between civil and political society instead of bringing them closer to each other. (ibid., p. 34)

Thus Kolakowski believes that the absence of liberal-democratic rights in societies constructed self-consciously on Marxist principles is no 'accident', but an expression of certain aspects of Marx's political theory. Against this, I will argue that there is nothing in the ideal of overcoming the separation of civil and political society, as such, that has these practical implications; but that (and here I partly agree with Kolakowski) there are important defects in the way Marx characterises and criticises civil society, with potentially dangerous political consequences. First, though, we need a fuller account of Marx's claims.

## **2. Marx on the separation of civil and political society**

Marx criticises Bruno Bauer's response to the demands being made by Jews in Germany for religious freedom (Marx 1975). Bauer, says Marx, had argued that what was needed instead was complete 'political emancipation' for all Germans. This political emancipation would involve the elimination of all political distinctions based on criteria such as birth, education, occupation and property, as well as religion; and Marx notes how, in the constitutions of some contemporary American states, considerable progress towards this had been made. But he then goes on to argue that political

emancipation is not enough. It presupposes the separation of civil society from the state (or political society), and genuine 'human emancipation' requires the overcoming of this separation. What precisely does Marx mean by this?

For Marx, following Hegel, 'civil society' consists of those areas of a society in which relationships are dominated by the conflicting interests and desires of 'private', egoistic individuals, a Hobbesian *bellum omnium contra omnes*. In modern societies this includes, especially, economic relationships. By contrast, the political realm in these societies displays a quite different conception of social relationships. It is a 'public' realm, composed of equal 'citizens', and expressing the communal, species-being, of authentic humans. Marx describes the situation in modern societies (as compared with feudal societies, where the separation does not exist) like this:

Where the political state has attained a full degree of development man leads a double life, a life in heaven and a life on earth, not only in his mind, in his consciousness, but in reality. He lives in the political community, where he regards himself as a communal being, and in civil society, where he is active as a private individual, regards other men as means, debases himself to a means and becomes a plaything of alien powers. (Marx 1975, p. 220)

However, Marx is concerned not merely with the fact that these two realms are separated, but with their relative significance in the actual, concrete existence of members of these societies. Here, the parallel with the contrast between 'heaven' and 'earth' is revealing: man's political existence is (almost as) unreal and 'abstract' as that in heaven, whilst in his real, earthly life, the relationships of civil society predominate. And Marx conceives of the overcoming of this separation in the following terms:

Only when real, individual man resumes the abstract citizen into himself and as an individual man has become a species-being in his empirical life, his individual work and his individual relationships, only when man has recognized and organized his forces proper as social forces so that social force is no longer separated from him in the form of political force, only then will human emancipation be completed. (*ibid.*, p. 234)

I think it is clear that the ideal presented here — which Kolakowski describes, perhaps rather misleadingly, as the unity of civil and political society — involves 'realising' the at present 'unreal' form of social relationships in the political state, by a reconstruction of the realm of civil society, so that it too manifests this form. In other words, what Marx wants to see is not the simple elimination of the modern political state, together with its various rights and liberties, but of a situation where the authentic, communal existence of humans is confined to a highly abstract realm of political society

and citizenship. However, to support this interpretation, I need to say more about Marx's attitude towards political emancipation, and his view that 'man as citizen' is 'abstract'.

At several points Marx comments favourably, though with qualifications, upon political emancipation and the modern conception of the political state, in which everyone is to participate as equal citizens in the determination of public issues. He says, for instance: 'Political emancipation is certainly a big step forward. It may not be the last form of general human emancipation, but it is the last form of human emancipation within the prevailing scheme of things. Needless to say, we are here speaking of real, practical emancipation' (ibid., p. 221).

Further, he appears to include, amongst the positive features of the modern state, the existence of certain individual rights, namely the 'rights of the citizen' (*droits du citoyen*), which he is careful to distinguish from other such individual rights, the 'rights of man' (*droits de l'homme*), towards which he is highly critical. I will discuss later the significance of this distinction, and Marx's view of the 'rights of man', but for the moment will simply note his comments on the former. In clearly approbatory terms, he describes them as '. . . rights which are only exercised in community with others', and goes on: 'What constitutes their content is participation in the community, in the political community or state. They come under the category of political freedom, of civil rights, which as we have seen by no means presupposes the consistent and positive abolition of religion and therefore of Judaism' (ibid., pp. 227—8).

The phrase 'as we have seen' refers the reader back to the preceding discussion of religious freedom during which, amongst other points, Marx discusses how some contemporary American states had abolished property qualifications, as well as religious ones, for political rights. He notes that this 'political annulment of private property does not mean the abolition of private property': in other words, the existence of suffrage rights that do not involve distinctions based on property ownership in no way implies the abolition of those distinctions, and their consequences, in the non-political sphere of civil society. The same goes for 'distinctions based on birth, rank, education, and occupation' (ibid., p. 219). Marx indeed makes a further claim in this passage, namely that the political state actually presupposes the existence of these 'distinctions', in civil society: I will return to deal with this in section 5.

Finally, Marx's favourable attitude towards political emancipation is indicated by the fact that he is clearly critical of the way that, amongst theorists of the French Revolution, the character of the political state is justified by presenting it as a means for the preservation of civil society and its 'rights of man'; for instance, in Article 2 of the 1791 Declaration of the rights of man, 'The goal of all political association is the conservation of the natural and imprescribable rights of man', which Marx

quotes (with his own emphases), and comments upon as follows:

we observe that citizenship, the political community, is reduced by the political emancipators to a mere means for the conservation of these so-called rights of man and that the citizen is therefore proclaimed the servant of egoistic man; that the sphere in which man behaves as a communal being (*Gemeinwesen*) is degraded to a level below the sphere in which he behaves as a partial being, and finally that it is man as bourgeois, i.e. as a member of civil society, and not man as citizen who is taken as the real and authentic man. (*ibid.*, p. 231)

Given that Marx adopted this partly favourable attitude towards political emancipation and the rights of the citizen, what were the qualifications to this approval? These seem mainly to consist in his general claim that the political state, and its conception of citizenship, is 'abstract'. It is worth distinguishing several somewhat different elements in this claim, which are suggested at various places in the text.

First, political emancipation (and with it, the value of the political rights it establishes) is a highly limited form of human emancipation, because the model of human relationships it espouses, involving equality, participation and communality, is restricted to a single sphere of activity that represents a relatively minor part of people's lives. Thus Marx talks of '... the spirit of the state where man behaves — although in a limited way, in a particular form and a particular sphere — as a species-being, in community with other men' (*ibid.*, p. 221).

Second (and this is really the corollary of the first point), political emancipation is limited in that, in the vast spheres of social existence that are non-political — that is, in civil society — the character of human relationships is quite the opposite of that involved in political society. Here, there is inequality, egoism, the war of all against all: and it is in civil society that the major part of people's lives takes place. (I will be discussing Marx's characterisation of civil society later on.)

Third — though here the direct textual evidence is rather unclear — the nature of social relationships in civil society actually undermines the practical effectiveness of the alternative form of relationships in the political sphere itself. That is, it is not merely that political society is limited in its scope, but that even within it, its ideal conception of social activity is under mined by the character of civil society. For instance, Marx says of the political revolution through which the separation of civil and political society was achieved, that:

it unleashed the political spirit which had, as it were, been dissolved, dissected and dispersed in the various cul-de-sacs of feudal society; it gathered together this spirit from the state of

dispersion, liberated it from the adulteration of civil life and constituted it as the sphere of the community, the universal concern of the people IDEALLY [my emphasis] independent of those particular elements of civil life. (ibid., p. 233)

The ‘ideally’ that I have emphasised suggests to me that Marx is here implying that this separation of the political spirit from the particularities of civil society was not altogether real; that, in practice, political life remained ‘adulterated’ by civil life.

### **3. Marx’s analysis as a critique of Rawls’s liberalism**

In the preceding section I have been arguing, in effect, that when Marx rejects political emancipation in the name of human emancipation, he is proposing the extension and realisation of the conception of social relationships already expressed, as an ideal, in political society, and in which the ‘rights of the citizen’ are guaranteed. It is not that this conception is itself to be replaced by another, but that its ‘abstract’ character (in the senses I have tried to outline) is to be removed. Thus, so far, there are no grounds for believing that ‘overcoming the separation of civil and political society’ has the kind of practical implications, in terms of the undermining of political rights, that Kolakowski suggests. However, before going on to examine Marx’s characterisation of civil society and ‘the rights of man’ — which does, I believe, provide some grounds for Kolakowski’s claims — I will illustrate the significance of the aspects of Marx’s analysis (Marx 1975) so far presented, by discussing some central difficulties in a contemporary political text (Rawls 1972).

In this work, Rawls proposes the following two principles of justice:

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all. (Rawls 1972, p. 60)

Much of Rawls’s book consists in the attempt to justify these principles, partly by showing that they would be chosen by rational, mutually disinterested individuals in a hypothetical ‘original position’, but this need not concern us here. Instead, I want to point out how the differentiation of the two principles — the former insisting upon equal liberties, the latter specifying the conditions under which inequalities of income, wealth, power, etc., can be legitimated — presupposes a separation between two spheres of society that correspond very closely to the political state and civil society. For, as Rawls himself puts it:

As their formulation suggests, these principles presuppose that the social structure can be divided into two more or less distinct parts, the first principle applying to the one, the second to the other. They distinguish between those aspects of the social system that define and secure the equal liberties of citizenship and those that specify and establish social and economic inequalities. The basic liberties of citizens are, roughly speaking, political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. (ibid., p.61)

But this presupposition in fact proves to be highly problematic, in ways that Rawls only partly recognises, and with consequences that he is very unwilling to accept. To see this, we need to focus upon his conception of 'self-respect'. Rawls defines self-respect, which he regards as the most important social good, as consisting in two elements: 'First . . . it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfil one's intentions' (ibid., p. 440). He rightly emphasises that, for people to have such self-respect, it is essential that they engage in activities and relationships in which their feeling of significance and competence is affirmed by others; and that this itself requires a mutual, reciprocated sense of equality.

Now, Rawls argues that self-respect will normally be ensured by the operation of the first principle of justice, which specifies equal liberties. Thus: 'The basis for self-esteem in a just society is not then one's income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society' (ibid., p. 544: my emphasis). But how is Rawls to justify the part of this claim that I have emphasised: why is it that people would not, in a Rawlsian society, find their self-respect related, not exclusively to their status as equal citizens, but also — or even, instead — to their relative position in the distribution of income, wealth or economic power? And if this were to be so, surely the inequalities legitimated in these areas by the second principle would serve, on Rawls's own account, to undermine self-respect, through the absence of reciprocally affirmed equalities?

Rawls eventually concedes that 'to some extent men's sense of their own worth may hinge upon their institutional position and their income share', and that inequalities otherwise legitimated by the second principle may have to be adjusted if the self-respect of the worst-off is undermined by them. He says though, that 'this problem is an unwelcome complication', and argues that such situations are rather unlikely to arise in practice (ibid., p. 546). I cannot explore the reasons he gives for this (in his terms) optimistic view, though I think they can be shown to be inadequate.<sup>6</sup> What should be clear,



however, is that this ‘problem’ indicates one important respect in which Rawls’s conception of the division of society’s basic structure ‘into two more or less distinct parts’ is both crucial to his theory of justice, and *prima facie* implausible.

But there is a further problem concerning this presupposed division. Not only may the inequalities of (Rawls’s version of) civil society counteract and override the self-respect said to be generated by the equal citizenship of political society, but they may also directly undermine the equality of the rights and liberties constitutive of that citizenship. For, as Rawls himself recognises, inequalities of income, wealth and power may affect the degree to which different groups and individuals can make use of their formally guaranteed liberties, thus generating differences in what he terms ‘the worth of liberty’. He says that ‘. . . the worth of liberty is not the same for everyone. Some have greater authority and wealth, and therefore greater means to achieve their aims’ (*ibid.*, p. 204), and notes some of the potential dangers of the unequal worth of liberty: ‘Political power rapidly accumulates and becomes unequal; and making use of the coercive apparatus of the state and its law, those who gain the advantage can often assure themselves of a favoured position’ (*ibid.*, p. 226).

However, Rawls’s attempts to deal with this problem seem inadequate. Instead of insisting that no inequalities otherwise allowed by the second principle should be permitted if they generate inequalities in the worth of liberty, he introduces what is, in effect, a compromise proposal, that what he calls ‘the fair value’ of political liberties must be maintained. This involves ensuring that ‘. . . those similarly endowed and motivated should have roughly the same chance of attaining positions of political authority irrespective of their economic and social class’ (*ibid.*, p. 224), a definition which, as he notes, is analogous to his earlier definition of the ‘fair equality of opportunity’. And he mentions a number of measures which he thinks would be helpful in maintaining this fair value, such as the public funding of political parties and ‘government monies provided on a regular basis to encourage free public discussion’ (*ibid.*, p. 225).

Whether or not such relatively superficial measures could in fact ensure the fair value of political liberty (which I doubt), it is clear that they could not — and neither is it Rawls’s intention that they should — ensure equality in the worth of political liberties. In this respect, then, the conception of citizenship in Rawls’s theory of justice remains ‘abstract’ in a sense corresponding to the third element of this concept distinguished in my discussion of Marx (1975) in section 2. Likewise, my comments on his account of self-respect suggest that this displays the second of these elements. That Rawls’s citizens are ‘abstract’ in the sense of the first element, I will not argue for here, though I think it can be successfully shown in a number of ways.

#### **4. Problems in Marx’s critique of the ‘rights of man’: individualism v. community**

Having discussed Marx's account of the relationship between civil and political society, and his view of both the virtues and the limitations of political emancipation, I will now examine his critical remarks on the nature of civil society and the 'rights of man'. His general claim is this: 'The first point we should note is that the so-called rights of man, as distinct from the rights of the citizen, are quite simply the rights of the member of civil society, i.e. of egoistic man, of man separated from other men and from the community' (Marx 1975, p. 229). Clearly, Marx regards this claim as constituting a major criticism of these rights which, following Article 2 of the 1793 Declaration, he specifies as equality, liberty, security and property. I will argue, against this, both that Marx is mistaken in claiming that the rights of man are, necessarily, the rights of egoistic man, separated from others and the community; and also that his systematic use of 'egoism' as a critical, negative term indicates a normative framework which is seriously inadequate.

Marx argues that, of the four basic rights just mentioned, those of equality and security have little content independently of the other two, liberty and property. So he confines most of his remarks to these, and I will follow him in this, ignoring the others. He quotes two more or less equivalent definitions of the right to liberty, and in effect discusses the second, from the 1791 Declaration: 'Liberty consists in being able to do anything which does not harm others.' He then makes the following claim:

The liberty we are here dealing with is that of man as an isolated monad who is withdrawn into himself. . . [it] is not based on the association of man with man but rather on the separation of man from man. It is the right of this separation, the right of the restricted individual, restricted to himself. (ibid., p. 229)

This is surely mistaken. The right to liberty, as defined above, is the right to do anything that does not harm others. This in no way excludes activities which involve 'associations' with others. There is no presumption behind this right that any interaction between individuals is typically, let alone necessarily, harmful to one or another participant, so that only the actions of an entirely isolated individual could be free. All that is presumed, for this right to liberty to be relevant, to be worth having and enforcing, is that some activities that an individual may otherwise wish to engage in may have harmful consequences for others: not that all of them always will.

It is of course true that the degree of significance attached to this right to liberty is partly a function of how conflictual a view is taken of the typical character of relations between individuals or groups; and that those who regard this right as the primary foundation of the social order have tended to assume a highly conflictual model of 'human nature'. But support for the right to liberty does not presuppose this Hobbesian picture. It requires only that another (in my view equally mistaken) model is rejected,

namely that of ‘rational harmony’, according to which an incompatibility of interests is necessarily a sign of some (in principle) eliminable defect in the rationality of either individual character or social structure.

Marx proceeds to link the right to liberty to that to property by saying: ‘The practical application of the right of man to freedom is the right of man to private property’ (ibid.). This seems to me misleading. For whilst it is true that in societies based upon private property, the exercise of the right to freedom will frequently involve property rights (though not always, since not every social relationship in such a system involves their exercise), it does not follow that only in these societies can a right to freedom be relevant. Thus, whatever the merits of Marx’s subsequent criticisms of the right to property, they do not apply ipso facto to the right to freedom, as they would do if his claim quoted above were correct. So let us look now at these criticisms.

Marx takes the definition of this right from the 1793 Declaration: “The right of property is that right which belongs to each citizen to enjoy and dispose at will of his goods, his revenues and the fruit of his work and industry” (quoted, ibid., p. 229). His initial comment is that this is ‘the right of self-interest’, to act ‘as one wills, without regard for other men and independently of society’ (ibid., p. 229). Again, this is slightly misleading. For although the right to property clearly does protect this kind of activity, it is not necessarily the case that it will be exercised in only this way. Further, it may seem to be implied that any self-interested exercise of the right will be inimical to anyone else’s interests, and this, as I shall shortly suggest, may not be so. But what is perhaps more important here is that Marx in effect ‘misses an opportunity’ for a different kind of criticism concerning the relationship between the rights to liberty and property: namely, that exercise of these two rights will tend to conflict with one another. For it can easily be shown, I think, that an economic system based on private property generates systematic ‘harm’ through exploitation.<sup>7</sup> That is, the exercise of private property rights (unless these are hedged around with such extensive qualifications as to render them practically meaning less) is incompatible with the maintenance of an (equal) right to liberty. It seems that Marx’s near-identification of the rights to property and liberty excludes the possibility of this kind of criticism of the former by reference to the latter

Marx then goes on to claim that, taken together with the right to property, the right to freedom ‘leads each man to see in other men not the realization but the limitation of his own freedom’ (ibid., p. 230). But it is hard to see why this should be so. Consider, for instance, property transactions involving legal contracts. Here, the two parties will typically regard each other’s agreement as enabling them to do what they want and which, in the absence of the other party, they would be unable, or less easily able, to do. In this activity, then, each ‘sees the other’, not ‘as a limitation’, but ‘as a realization’ of

their freedom.

However, an adequate assessment of this criticism would require examination of the conception of freedom that is operating here. For both in Marx (1975) and in other writings, it seems that Marx is unwilling to accept that the social relationships involved in (economic) exchange can properly be said to display genuine freedom. This is so, whether or not these exchange relationships include the sale of labour-power itself.<sup>8</sup> That is, Marx's view of the kind of communal, co-operative activities expressive of a realised human species-being is such that typical forms of mutual self-interest are excluded. I cannot go into this issue here; but some of my remarks in what follows may be relevant to it.

The frequency with which Marx describes the members of civil society as self-interested or egoistic and the absence, in these cases, of any further explication of the concept, indicate that he took this to be a serious condemnation of civil society and (what he regarded as) its rights (Marx 1975). I will suggest — though only in a very schematic and assertive fashion — that in doing this, Marx was mistakenly adopting a simple, mutually exclusive and exhaustive dichotomy between self-interested and other-interested motivations, whereas what he needed (and elsewhere partly approached) was a properly dialectical grasp of the (partly) progressive and valuable features of the egoism of civil society.

The danger in using egoism as a purely negative category is the implicit endorsement of altruism as its preferred alternative. For this is to remain trapped in a form of 'moralism' in which any kind of self-concern is automatically rejected as morally unacceptable, and to take as one's ideal a society of selfless, other-regarding agents. Such an ideal does, of course, have the apparent virtue of guaranteeing co-operative harmony as the general condition of society; but at the cost, it could be argued, of any genuine differentiation and sense of autonomy amongst its individual members.

I will give just one example to illustrate some of what is at issue here. A recurrent criticism of socialist ideals of economic distribution, such as 'from each according to their ability, to each according to their needs' is that these are entirely impracticable, given the 'egotistic' nature of humans. Socialism, it is objected, requires of human beings a degree of altruism in their attitude towards work that is quite impossible to achieve. There are at least two responses that can be made to this. The first is to argue that egoism is not 'natural' to humans, but the product of a historically specific form of social existence; and that, with departures from this form, the necessary degree of altruistic motivation will readily emerge, with individuals working 'for the sake of the community', 'the revolution' and so on. The second challenges the assumption in the initial objection — which is in effect shared by proponents of the first response — that socialism requires the replacement of egoism by altruism. Instead, on this view, what is required are radical changes in the character and

organisation of work itself, so that it becomes an activity that will be freely engaged in by self-interested individuals, because they find it intrinsically satisfying, and need neither special financial incentives, nor altruism, to motivate them to do it.

Needless to say, versions of both responses may well be combined: I do not present them as mutually exclusive. But whereas the former — in my view — remains trapped within the egoism v. altruism opposition, the latter may suggest that there is nothing in itself undesirable about the pursuit of self-interest, whilst of course ‘reserving the right’ to discriminate between acceptable and unacceptable forms of self-interest.

However, a fuller analysis of Marx’s use of the concept of self-interest in the critique of civil society would require an adequate treatment of the historically changing character of the concept of selfhood itself, and particularly of the changes in this during the period of development encompassing feudalism and capitalism in Western Europe. For this is the period during which the set of values loosely grouped under the heading ‘individualism’ were developing; and this, of course, was related to changes in the character of social relationships (especially those influenced by the emerging market economy) which also involved changes in people’s conception and experience of themselves as individual and social agents.<sup>9</sup> indeed, as is often now pointed out, the term ‘individualism’ itself was introduced into the vocabulary of social and political theory by early nineteenth-century French conservative writers, such as de Maistre, in their opposition to the values and practices of the Revolution; and it soon became an important conceptual element in the European conservative critique of the developing market economy, and the consequences of the industrial revolution.<sup>10</sup>

If we place Marx’s attitude towards civil society and egoism within this broader context of social and theoretical developments, we become aware of certain dangers in the use of these concepts. There are, after all, important parallels between his characterisation of civil society (Marx 1975), and the theoretical categories of conservative thought that emerge most systematically, later in the nineteenth century, in Tönnies’s distinction between *Gemeinschaft* and *Gesellschaft*, ‘community’ and ‘society’ (or ‘association’). The latter concept of the pair is taken to be most clearly exemplified in the contractual exchange relationships of the market economy: and it is Tönnies’s claim that social relationships of this kind are coming to predominate in modern society, replacing those of *Gemeinschaft*—exemplified by institutions such as the medieval guild, or monasteries.

But it is crucial that any socialist opposition to the character of the social relationships of capitalism does not involve the essentially backward-looking, conservative critique of individualism and self-interest. It must instead take up a standpoint (usefully, I think, termed ‘dialectical’) that emphasises the progressive aspects of ‘individualism’, and attempts to specify a socialist conception of

community which, whilst critical of certain elements of capitalist 'individualism', does not involve any return to the pre-individualist social relationships of feudal society, with the correspondingly pre-individualist nature of individual selfhood itself.

These remarks about self-interest, individualism and community are, as I said initially, extremely schematic. They are intended mainly to suggest that an adequate analysis of the place of individual rights in a socialist society — both 'rights of man' and 'rights of the citizen' — must be placed within a much broader historical and normative framework than is usually employed, and to indicate some of the main elements in such a framework.

Before returning to my final evaluation of Kolakowski's thesis of the nascent totalitarianism of Marx's view of the unity of civil and political society, I will make two more remarks about the relevance of these schematic comments on individualism to Marx's attitude towards civil society (Marx 1975). First, along side his claims about its egoism are others that, roughly speaking, anticipate the charge of 'alienation' developed in the Paris manuscripts of the following year, 1844. For instance, he summarises his criticism of the 'rights of man' like this: 'Therefore not one of the so-called rights of man goes beyond egoistic man, man as a member of civil society, namely an individual withdrawn into himself, his private interest and his private desires and separated from the community' (Marx 1975, p. 230). Now, although I cannot argue this here, I think that once we reject a single dichotomy between 'individualism' and 'community', this must lead us towards a more dialectical view of the concept of alienation. That is, we should recognise that from one standpoint, the existence of alienated relationships within capitalism reflects certain of its progressive features by comparison with feudalism. In particular, as G. A. Cohen has persuasively argued, Marx rightly viewed the alienated character of capitalist labour as having released humans from the bondage of feudal community, in which individual identity was given by reference to people's pre-assigned social positions in the division of labour.<sup>11</sup> Thus alienated labour is to be transcended in socialist society — both 'abolished' and 'preserved'.

Second, whatever the implications of Marx's conceptual framework (Marx 1975), it is quite clear that in many of his later writings, such as the *Grundrisse*, he himself made considerable efforts to locate the individualism of capitalist society in an essentially forward-looking framework, which emphasised its considerable virtues in comparison with the 'engulfment' of pre-capitalist social relationships.<sup>12</sup> However, I think also that he never got very far in articulating a concrete conception of socialism that transcended the opposition between feudal community and capitalist individualism: that is, one that both negated and preserved each of the opposing pair. Nor has very much progress been made in doing so since.

## **5. Conclusion: socialism's transcendence of liberal rights**

As I noted in my initial account of Kolakowski's view, he seems to regard Marx's ideal of the unity of civil and political society as involving another, perfect unity, that of 'the personal and communal life of every individual', and he argues that attempts to achieve the latter will in fact generate the existence of coercive political bodies which fail to recognise liberal-democratic political rights. In this way, he claims, Marx's original intention of eliminating the existence of 'separate political bodies' by making political power itself unnecessary, was bound in practice to produce its very opposite.

I share much of Kolakowski's antipathy to the way in which, at least in his early writings, Marx often appears to endorse as an ideal just that 'perfect unity' of the personal and the communal which Kolakowski rejects — though I suspect that I would not share some of his grounds for this rejection, since these seem to involve a more fixed conception of 'human nature', the ineliminability of conflicting interests, than I think plausible: to put it crudely, I would prefer to defend (some aspects of) 'the pursuit of self-interest' on directly normative grounds, than claim this as a part of the human condition. And I have suggested that this harmonistic ideal is implicit in the way Marx (1975) characterises civil society. Further, I argued there that Marx is mistaken in claiming that the 'rights of man', especially the general right to liberty (as distinct from the specific political liberties of the citizen), necessarily presuppose the egoism of civil society.

However, against Kolakowski, I claimed that when we examine Marx's attitude towards 'political emancipation', it emerges that in itself, the ideal of the unity of civil and political society — the overcoming of their separation — does not involve the elimination or redundancy of political rights. Instead, we can see this ideal as requiring the ending of the abstractness of citizenship: and this means the extension, and the realisation, of the rights of citizenship throughout the areas of social life previously belonging to the sphere of civil society, whilst also making them more effective in the political sphere itself.

There is, though, at least one major objection to the position I have been proposing, to the extent that it claims to be based upon an accurate exegesis of Marx (1975). As I mentioned in section 2, Marx there says that the very existence of the political state presupposes that of civil society. How then can I claim that 'the unity of civil and political society' can involve maintaining and extending the principles and rights belonging to political society, since these must surely 'disappear' along with civil society, being a presupposition of it?

But I think this objection can be met. First, though, here are two passages where Marx makes this presupposition claim:

This man [i.e. egoistic man], the member of civil society, is now the foundation, the presupposition of the political state. In the rights of man the state acknowledges him as such. (Marx 1975, p. 233)

And:

yet the political annulment of private property does not mean the abolition of private property; on the contrary, it even presupposes it. . .the state allows private property, education and occupation to act and assert their particular nature in their own way, i.e. as private property, as education and as occupation. Far from abolishing these factual distinctions, the state presupposes them in order to exist, it only experiences itself as political state and asserts its universality in opposition to these elements. (ibid., p. 219)

Now, a possible reading of these passages (especially the second) which I wish strongly to resist goes like this: Marx is here arguing that the rights and principles of the modern liberal- democratic state presuppose the existence of an economic system based on private property and other such ‘distinctions’ so that, when that system changes, these rights and principles will become inappropriate, irrelevant or redundant.

This interpretation — associated, of course, with the unfortunately long tradition of supposedly Marxist ‘critiques’ of liberal democracy as merely the political vehicle for capitalism — seems to me quite mistaken. The alternative reading which I suggest is this. What presupposes the ‘distinctions’ of civil society is not the principles and rights of ‘the political state’, but the existence of a form of society in which these principles and rights are confined and restricted to the operation of a distinct and limited set of so-called ‘political’ institutions and practices. In other words, it is the political state as a separate realm operating with a distinctive conception of human relationships expressed in ‘the rights of the citizen’ that presupposes civil society. It is the abstractness of the citizenship embodied in the political state, not the basic character of the rights and principles of that citizenship, that Marx is here objecting to. It is the state as an especially privileged, distinct realm in which humans, qua citizens, are seen as equal participants engaged in communal decisions and relationships, that presupposes civil society — for, were civil society itself to be transformed on the model of political society, the differentiation between political and civil society would no longer exist.

One last comment on Kolakowski’s position arises from this. As was noted, he says that Marx’s vision of the unity of civil and political society involves the elimination of ‘separate political bodies’. Against this, he claims that:



Societies based on a universal — and still spreading — interdependence of all elements of the technological and economic structures are bound to produce separate bodies both for economic management and for mediating the conflicting aspirations of different sections, and these bodies will in turn always produce their own particular interests and loyalties. (Kolakowski 1974, p. 33)

I am inclined to agree with this; but the point I wish to emphasise is that, on my account of the unity of civil and political society, there is no implication of the kind Kolakowski here criticises. For, with such a unity, there may still be an important role for institutions with ‘separate’ or distinct functions; but they will no longer be ‘separate’ in the principles and rights they embody. In other words, there is an ambiguity in the idea of ‘separate political bodies’ here.

Finally, a few comments on the possible implications of my overall analysis of what is meant by overcoming the separation of civil and political society for contemporary socialist theory and practice. First, the simplistic assumptions involved in the concept of ‘bourgeois democracy’ must be rejected. The critique of capitalist liberal democracies must be conducted, not on the basis of an undialectical negation of its system of liberal rights, but by revealing their abstract character in a capitalist society. That is, a certain form of ‘immanent critique’ is necessary, in which the failure of those rights to be realised is demonstrated, together with the inevitability of such failure within capitalism. Take, for instance, the recent dismissal of Derek Robinson, shop-steward at British Leyland, for his part-authorship of a pamphlet criticising the management’s plan for Leyland’s ‘survival’. Here we see a straightforward example of how the supposedly sacred right of free speech is refused application outside the realm of ‘political society’, in that of production. No successful attempt, as far as I know, has ever been made within liberal political theory to provide a coherent rationale for this kind of systematic limitation of liberal rights. This has to be challenged, both theoretically<sup>13</sup> and in collective forms of political action.

At the same time it is essential that, within socialist theory, serious attention is given not merely to the general issue of ‘liberal rights in socialist societies’, but to the specific institutional forms through which the transcendence of civil and political society can be achieved. Clearly, this involves many questions arising from areas that, as I noted at the outset, have not been touched upon in this paper, such as the problems of the ‘transitional phase’, and the place of law, and thus legally enforceable rights, in socialist societies.<sup>14</sup> For instance, it may be that alternative, non- or quasi-legal institutional means for the ‘enforcement’ of rights and the resolution of conflicting rights need to be developed — and not only ‘in theory’, but through attempts to construct and operate versions of such alternatives within (but also thereby in opposition to) a capitalist system. Without this, the effectiveness of a socialist critique of capitalism is diminished, and the prospective character of a socialist society is

rendered seriously deficient.’<sup>15</sup>

## Notes

<sup>1</sup> This apparent agreement between left and right is explored in Jessop 1978

<sup>2</sup> See, e.g., Carrillo 1977.

<sup>3</sup> E.g. in some of his articles collected in Thompson 1980.

<sup>4</sup> See, especially, Marx 1968.

<sup>5</sup> Here, as throughout, I do not try to distinguish ‘socialism’ from ‘communism’, partly, because I am suspicious of most ways the distinction is made or used, and also because I don’t think it affects the level of analysis at which I am operating.

<sup>6</sup> See Keat and Miller 1974

<sup>7</sup> However, it must be remembered that at this point in his development, Marx had not yet introduced the concept of class into his account of civil society.

<sup>8</sup> It follows that, for Marx, full human autonomy cannot be achieved in ‘market socialism’, since, despite the absence of class exploitation, alienation continues through the existence of exchange relationships.

<sup>9</sup> Two interesting interpretations of these changes are: Fromm 1960 and Trilling 1972.

<sup>10</sup> See, e.g., Lukes 1973 and Nisbet 1970— an excellent account of the place of ‘community’ in nineteenth-century conservative thought.

<sup>11</sup> Cohen 1974. I have found this a tremendously illuminating piece.

<sup>12</sup> See, e.g., Gould 1978, who bases her very helpful account mainly on the *Grundrisse*.

<sup>13</sup> A good critique of this kind is Skillen 1977, ch. 2.

<sup>14</sup> See, e.g., Pashukanis (ed.) 1978 and Kamenka (ed.) 1978.

<sup>15</sup> Much of this paper has emerged from a jointly taught course in political philosophy at the University of Lancaster. I am grateful to many students for discussion, and especially to my colleague Geoff Smith.

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