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**The Concept of Political Representation
from Hobbes to Marx**

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Doctor of Philosophy

UNIVERSITY OF SUSSEX

2011

I hereby declare that this thesis has not been and will not be, submitted in whole or in part to another University for the award of any other degree.

Signature: **Georgios Daremas**

**To my little daughter Elpida
And to my beloved wife Angeliki**

UNIVERSITY OF SUSSEX

GEORGIOS DAREMAS

DOCTOR OF PHILOSOPHY

The Concept of Political Representation from Hobbes to Marx

SUMMARY

The object of this thesis is the examination of the concept of political representation in the *corpus* of Hobbes, Locke, Hegel and Marx. Through the method of textual reconstruction I foreground the concept's salience in their writings. Political representation constitutes a unitary political society as the basis of representative government by entrusting to a separate part of the political community the exercise of the legislative and executive functions on behalf of the political society.

Hobbes's author-actor model grounded the concept of political representation by introducing the act of the transfer of will to a representative by authorisation. Thereby he established the problematic relationship of permanently alienated, absolute, representative power acting *in the name* of the political community. Locke conceptualised political representation in a way that restored to political society the power to determine the legitimacy of its representative government in case the latter transgressed the norm of acting for the public good of society. Hegel, in turn, assigned to political representation the crucial function of integrating civil society into the power system of the state thus securing the identity of subjective and objective freedom in the rational state, though political representation bestows only formal freedom to civil society's involvement in the affairs of the state.

For Marx, the relationship of political representation makes the representative polity appear as a democratically governed political society within which individual freedom and the public good are secured. This is vitiated by the rift between political society/state and civil society. Marx censures liberal and republican theory for ignoring the primacy of civil/bourgeois society over the representative political society. As a consequence, he argues, the representative polity is not a form of self-government but other-determined and neither freedom nor the public good are realised. Instead, under the regime of private property, *money* assumes the authorial function of organising social exchange and human relations, shaping the representative polity after its own image, and thus it renders democracy as popular sovereignty a lie.

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LIST OF ABBREVIATIONS

HEGEL

- GC* ‘The German Constitution’ in *Hegel: Political Writings*, edited by L. Dickey and H.B. Nisbet, translated by H.B. Nisbet (Cambridge University Press, 1999).
- PR* followed by paragraph (§) and page. *Elements of the Philosophy of Right*, edited by A. W. Wood, translated by H. B. Nisbet (Cambridge: Cambridge University Press, 1991).
- A* Additions to *PR* drawn from notes taken at Hegel’s lectures.
- R* Remarks: Explanatory notes added by Hegel to paragraphs.
- Z* *Zusätze*: Hegel’s own lecture notes, and those of students who attended his lectures, along with other addenda annexed to Hegel’s text by his editors.

HOBBS

- Lev.* followed by chapter in Roman numerals and page. *Leviathan*, edited by Richard Tuck, rev. student ed. (Cambridge: Cambridge University Press, 1996).

LOCKE

- ELN* followed by essay number in Roman numerals and page. *Essays on the Law of Nature*, in *Locke: Political Essays*, edited by Mark Goldie (Cambridge: Cambridge University Press, 1997).
- LPE* *Locke: Political Essays* (Cambridge: Cambridge University Press, 1997).
- TG I* followed by § and page. First Treatise in *Two Treatises of Government*, edited and introduced by P. Laslett, amended student edition (Cambridge: Cambridge University Press, 1994).
- TG II* followed by § and page. Second Treatise in *Two Treatises of Government* (Cambridge: Cambridge University Press, 1994).

MARX

- MECW* followed by volume number (v. 1 or v. 3) Karl Marx, Frederick Engels, *Collected Works* (New York: International Publishers, 1975).
- CHDS* ‘Critique of Hegel’s Doctrine of the State’ (1843) in *Marx: Early Writings*, translated by R. Livingstone and Gregor Benton, intro. by L. Colletti (Middlesex: Penguin/NLR, 1975).

- OJQ* 'On the Jewish Question' (1843) in *Marx: Early Writings* (Middlesex: Penguin/NLR, 1975).
- EJM* 'Excerpts from James Mill's *Elements of Political Economy* in *Marx: Early Writings* (Middlesex: Penguin/NLR, 1975).
- EPM* 'Economic and Philosophical Manuscripts' in *Marx: Early Writings* (Middlesex: Penguin/NLR, 1975).
- CS* 'The Class Struggles in France: 1848 to 1850' in *Surveys from Exile: Political Writings*, Volume 2, edited and introduced by D. Fernbach (Middlesex: Penguin/NLR, 1973).
- EB* *The Eighteenth Brumaire of Louis Bonaparte* in *Surveys from Exile: Political Writings*, Volume 2, edited and introduced by D. Fernbach (Middlesex: Penguin/NLR, 1973).
- GR* *Grundrisse: Foundations of the Critique of Political Economy* (Rough Draft), translated with a Foreword by M. Nicolaus (Middlesex: Penguin/NLR, 1977).
- CCPE* *A Contribution to the Critique of Political Economy*, edited and introduced by M. Dobb (New York: International Publishers, 1981).
- Cap. I* *Capital: A Critique of Political Economy*, Volume 1, translated by B. Fowkes and introduced by E. Mandel (Middlesex: Penguin/NLR, 1976).
- Cap. III* *Capital: A Critique of Political Economy*, Volume 3, translated by D. Fernbach and introduced by E. Mandel (New York: Vintage Books, 1981).

Introduction

The concept of political representation has remained largely under-researched in recent political theory. There is certainly a wealth of book-length studies and collections of articles on democracy and representation, on representative government or on representative democracy¹ but there is dearth of research on the issue of political representation in connection with the modern political philosophers I discuss in the thesis. Though there is abundant literature for each of the four philosophers (Hobbes, Locke, Hegel, Marx) I engage with, hitherto there has not been any significant study addressing these four thinkers together, let alone in connection with the theme of political representation.

On a general level, a reason for the relative absence of an explicit focus on the concept of political representation may be the difficulty of constructing a concept of representation that can capture the wide gamut of forms of representation in existence in modernity. The ubiquity of the social and political relations of representation which organise the contours of modern life has made representation a kind of ‘second nature’ inscribed in mundane activities and so rendering it invisible to reflection. The ubiquitous presence of representation is surmised if we consider the fact that all persons and objects are involved in various kinds of representative relations throughout their lives. The parent-child relationship involves a relationship of trusteeship (according to Locke at least) where the parents are the child’s representatives not only in regard to the public authorities but also in regard to the child’s best interests rather than their own. All public officials are representatives of the state. All employees of private firms are taken to be either authorised or unauthorised representatives of their corporations during work. All enfranchised citizens are entitled to participate in the election of their governments and in the selection of political representatives responsible to voice the interests or concerns of their constituencies. Last but not least, property ownership involves a connection of representation between the owner and his property whilst the commodity world achieves its integral character due to the mediating function of money as the universal representative of any and all commodities. This diversity of forms of representation shows the open-ended character of the

¹ See for example, A. Przeworski, S. C. Stokes, B. Manin, eds., *Democracy, Accountability, and Representation* (Cambridge: Cambridge University Press, 1999), Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), Paul Hirst, *Representative Democracy and Its Limits* (Cambridge: Polity Press, 1990).

concept of representation. Such diversity has been theorised recently to consist in three prevalent modes of representation designating representation as ‘authorization’, as ‘trusteeship’ and as ‘identity’.²

Political theory has focused primarily on political representation as a set of techniques and procedures through which the ‘democratic game’ is conducted in contemporary political life. Such focus came as a consequence of general enfranchisement that ushered in the citizens en masse into political life. Because of the historical newness of the phenomenon of representative politics, political philosophy has deemed insignificant the presence of political representation in the thought of the modern political philosophers especially when they have not propounded an explicit political doctrine of representation. This gap in theoretical engagement with the question of representation and its significance in the work of Hobbes, Locke, Hegel and Marx, is the present thesis’s aim to address by demonstrating the constitutive role played by the concept of political representation in their work. Wherever it is necessary I also examine relevant forms of representation which subtend their understanding of the civil and political life in the modern state. In my conceptualisation political representation is a macroscopic concept which rests at the basis of the constitution of the state and grasps theoretically the tie which binds the political community to the sovereign power of the state.

In the first chapter, divided into two sections, I engage with H. Pitkin’s work on the concept of political representation that has become a classical reference for any attempt to theorise the function of representation in politics. The central concern of Pitkin’s philosophical endeavour is to distinguish between the notions of ‘symbolic representation’ and ‘political representation’ in order to grasp the specific essence of the concept of political representation. I argue that this is an impossible task to achieve by showing certain inconsistencies to which Pitkin is led by her analysis. Symbolic and political representation share the attribute of a ‘standing for’ relation between two entities that makes possible the essential feature of the concept of representation which is the rendering of the absent as present by re-presenting an entity in a locus where it is literally absent. The distinguishing features of ‘representing’ as against ‘symbolising’ are claimed by Pitkin to be the attributes of ‘substitution’ and ‘resemblance’ which specify also the character of political representation. Nevertheless, it is shown that the elements of ‘substitution’

² Monica Brito Vieira and David Runciman, *Representation* (Cambridge: Polity, 2008), p. 65.

and ‘resemblance’ are not really absent from the symbolisation process and so they cannot define rigorously the dimension of ‘representing’ as distinctive from ‘symbolising’. Consequently, on the formal level the notion of the ‘symbolic representative’ cannot be disambiguated from that of the ‘political representative’ as in the case of a king being a ‘symbolic representative’ of his nation. Political representation emerges as a subspecies of symbolic representation rather than as an independent category. Lastly, the general point is made that symbolic representation instead of condoning affective and irrational attitudes as Pitkin thinks, it provides the political community with the freedom to evaluate, judge and contest the representative character of political power while it opens up the domain of the political as a whole to a politics of representation.

In the second section I take up Hobbes’s conception of representation as ‘authorisation’. He is the first modern political philosopher who constructs a general theory of representation applicable also to the constitution of political society. It is shown that his conception of representation is grounded on the possibility of the modern self to double himself by someone else and/or as another ‘person’. The Hobbesian schema of representation is encapsulated as an ‘author-actor’ relationship. The ‘author’ authorises an ‘actor’ as his representative to act ‘in his name’. The authorisation of someone to act as a representative involves a transfer of will or ‘substitution’ of one’s will for the other’s with the attendant moral obligation to accept the acts of the representative as one’s own. The political application of the author-actor model as an account of the origination of political society or of the ‘civil state’ involves unlimited authorisation of the representative sovereign power. From this condition result two basic defects which mar the legitimacy of the instituted representative government. Firstly, the citizens as political subjects have alienated their will permanently and there is no possibility to retract their authorisation for they do not possess a political will of their own anymore. The representative ‘actor’ has turned into the real ‘author’ of all permissible actions of the subjects bound to his will.³ Secondly, the representative power in Hobbes’s theory of sovereignty is revealed to be an absolute ‘arbitrary government’. The social contract binding the political community to the sovereign power is completely unilateral. The political subjects are absolutely bound to the Representative’s will whereas nothing binds him to the subjects. It is shown that all conditions

³ Throughout the thesis I use the masculine pronoun in a generic sense unless otherwise indicated by the context.

which could function as moral constraints obligating the sovereign will, namely, civil law, the precepts of natural law, God's divine commandments, the political ends for which the commonwealth was instituted in the first place and reason, are methodically deconstructed by Hobbes so as to consolidate the absolute rule of the sovereign.

Before I introduce the argument developed in the chapter on Locke, I seize the opportunity to clarify some methodological issues that have exercised the recent Locke literature, whose methodological import has general applicability and permits me to elucidate my methodological standing and the way I approached the thought of the philosophers analysed in the thesis. Ashcraft's powerful interpretation of Lockean thought on the basis of an exhaustive historical reconstruction of the intellectual and political climate of the era and the unearthing of the subterranean political activity of a radical Locke has shaken traditional modes of text-based interpretations of the thinker's intentions out of their theoretical 'slumber'. Such kind of research highlights the importance of the historical and political contextualisation of an author's thought. There are two significant dimensions in how the context influences the shape of the thought. Firstly, it illuminates the contemporary dominant ideas and their specific content in circulation as well as the political debates and the stakes involved and taken up by the political philosopher in view of the fact that his work, at least, addresses itself to the spirit of the age, and at most it may be construed as an active 'intervention' seeking to affect the existing state of affairs. In a sense all four political philosophers analysed here had a strong disposition, often explicitly declared (by Hobbes, Locke, Marx and tacitly by Hegel), to critically affect the extant political spirit of their epoch. The intellectual and political context provides therefore a better grasp and ensures a more complete interpretive framework of the examined thought. The second contextual dimension concerns the impact of the intellectual and political biography of the thinker on his thought. Surely, it cannot be supposed that the concrete life experienced by the thinker does not influence or leave its 'traces' in the content of his thought as if he were someone else who did the thinking which resulted in the specific thought product. Nevertheless there are three defects in prioritising context over text. Firstly, there is the tendency to reduce the text to the context. Instead of interpreting the text itself, the contextual prism may tend to 'bend' the understanding of the text in order to fit into the contextual contours and thus its specificity or potential 'originality' may be lost. In my view this is the major methodological error committed by Macpherson who reads Locke through the prism of a developed capitalist society, a kind of

anachronistic reconstruction of the socio-economic context of the late sixteenth century English society and distorts Lockean thought to fit the categorial framework of a society premised on the logic of accumulation. Secondly, however useful the context may be in reconstructing the intentions of the author it cannot be claimed that a philosophical text is reducible to the intentions of the author. This reduction supposes that the thinker has total control over his thought and consequently no unintended conceptual consequences and effects are possible. It follows then that no contradictions could ever exist, or 'grey areas' left unexplained or significant issues silently by-passed. This is not the case as the history of philosophy and the critical thinking of philosophers themselves exercised on others has shown. Even if a contradiction is identified which reflects the existence of a general contradiction pervading the era still the context cannot provide the reasons of how it is inscribed in the text and it can only partly account as to why it is located in it. Thirdly, philosophical discourse stakes out the claim that it demonstrates a more or less systematic character. It presumes to have a conceptual articulation based on internal consistency and an underlying theoretical unity. Contextual thinking in the sense of the history of ideas which mobilises comparative frames of reading, though profusely illuminating as far as the history of concepts and philosophical themes are concerned, tends to slice up or ignore such systematic character and thus to denigrate the integral structuration of philosophical thought. A last reason that should make one reluctant to overstress contextual interpretation is the problematic character of the concept of context itself. The specificity of context quite often calls for its own contextualisation, the context of the context and this may lead to a devastating 'infinite regress'. For example, in 'new historicism' the relevant context is primarily conceived as the 'linguistic vocabulary' of the era that captures its linguistic and cultural conventions.⁴ This leaves outside of the 'context' the social determinations exercised by the dominant social relations of power, hierarchy and exploitation of the society in question. It also shows that no 'context' is simply given historically but it involves the necessary mediation of a theoretical prism which contextualises the 'context' accordingly. Lastly, the question of the historical scope of the 'context' remains unresolved. For instance, the political debate around the time of writing the *Two Treatises of Government* is obviously contextually relevant. But this can be also claimed for the political debate and its terms during the civil war

⁴ Duncan Ivison, *The Self at Liberty: Political Argument and the Arts of Government* (Ithaca: Cornell University Press, 1997), pp. 12-19.

which took place few decades earlier and for the pro-monarchical theories of divine right originating few centuries before, let alone the adoption or contention with arguments originating in ancient Greek and Roman theories of the state. Lastly, the very emergence of modernity as a radical break with the past with its attendant processes of secularisation, state centralisation, universalisation of the idea of subjectivity, of private property, of right, of freedom, of equality invites the activation of a philosophy of history capable to account for a meaningful historical periodisation between eras and the appropriate context corresponding to each of these.

For these reasons, my methodological stress has been shed on a close reading of the texts of each thinker striving to elucidate the relative centrality of the concept of (political) representation and its ramifications in their thought. This does not mean that I disregarded the socio-historical and political context in my analytic focus. I have followed Marx's methodological proviso that however abstract and deductively organised a mode of thinking may appear to be, the society within which it is produced must always be in the analyst's mind. Such advice is always helpful in avoiding anachronisms as in the case, for example, of liberal defenders of Hegel claiming permanency of his representative assembly when in fact its convocation is dependent on the will of the sovereign power in Hegel's account. Nonetheless, I have not emphasised the influence of the contextual aspects in my exegetical account but rather the logic of the text. If the context circumscribing the text can validly illuminate it then one could perhaps equally argue that the text can illuminate the context (as in W. Benjamin's 'micrological' approach) though I have avoided doing so. Rather, I acknowledge the entrance of the context into the text as a subtext. In all four theorists, internal to the normative conceptual construction of the state lurks a conception of an empirical (contemporary) state in regard to which the rationally constructible state is an idealisation of it (as in the cases of Hobbes and Hegel) or an opposing, critical appraisal of it (as in the cases of Locke and Marx).

The state of nature in Locke is both an actual social state of existence and a normative construction regulated by the universal law of nature that unites mankind into one 'natural community'. The law of nature is the manifestation of the divine will of the world-maker. Locke's ontology is a Christian onto-theology. At its basis rests a relationship of representation between God and humanity. Human beings are meant to be the actors executing the teleological

designs of the author of the cosmos. There is an apparent antinomy in the Lockean onto-theological conception. On the one hand, mankind is the created product of divine Workmanship. In consistency with the Lockean labour theory of property use, human beings being the outcome of divine labour are ‘his property’. They are construed as ‘servants’ of God. On the other hand, the Lockean natural individuals are seen to be free, self-governing agents. How can they be self-governing agents when they are not proprietors of their own life but ‘servants’ duty-bound to the superior will of their creator? I argue that this antinomy can be resolved due to the mediation of human reason. Natural law is the declaration of the divine will. Natural law is not a positive law explicitly set down. It can be known through two distinctive sources, reason and revelation. Revelation entails a) intuitive access to divine instructions, b) miracles, c) the holy texts. All three knowledge procedures of revelation are subordinate to reason and do not possess independent validity as knowledge routes to divine will. Therefore reason is the exclusive guide to knowledge of the natural law and thereby of the unwritten divine will. A space of indeterminacy is opened between the tacit declarations of the divine will and human Reason’s solemn power to construe them. The divine will binds humanity ‘effectively’ as the formal cause of moral obligation but as what the contents of the superior will might be it is the prerogative of human reason to tell. All (adult) human beings are carriers of natural reason. They are ‘servants’ under the moral obligation to follow the decrees of divine will but they are free and the sole rational judges to interpret the imperatives of natural law. At the same time the Lockean God is a rational entity bound to ‘his’ will. Thus humanity through the exercise of natural reason can reconstruct God’s will. The political consequence of the rational nature of the divine will known exclusively by human reason is that it could never have endorsed any form of ‘absolute arbitrary’ political power on earth. Thus the justification of absolute monarchy that it represents the will of the creator falls to the ground. The way is opened for human communities to freely set up political societies establishing in common and by majority rule the set of political obligations in the form of civil laws which limit the functioning of legitimate governments and ‘enlarge’ the political freedom of the members of commonwealths.

In the third section I argue for the foundational role representation has in Locke’s social and political theory. The political community is grounded on a relationship of political representation. The government established by the self-constituted ‘political body’ of society is legitimate only to the degree it respects the terms of its authorisation. Locke assigns the

governing function to the legislative. The legislative is the ‘supreme power’ in all forms of government. The forms of government available consist in the classical political typology of democracy, aristocracy, monarchy and any possible mixture of them. Whatever the form of government, each and any form of government has to abide to the conditions of political representation, to the trust bestowed upon it by the political society. The trust bestowed on government is not unconditionally given so as the government could rule at its discretion. There is an overarching principle circumscribing the conditions of exercise of the political power, its lawmaking activity. Every political regulation enacted by the government must cater to the promotion of the public good. The supreme good for any commonwealth is the ‘preservation of society’. The structure of the relation of political representation is teleological not instrumentalist. The author entrusts the governing actor to act for the public benefit of the whole society, rather than to execute the represented body’s temporary and contingent will. The relationship is triadic not dyadic. The representative government is commissioned to act in order to realise a permanent deontic good not to fulfill the instructions of the represented. This schema of political representation grounds the reciprocal obligations that the represented and the representative owe to each other. I focus on the obligations the representative government has assumed vis-a-vis the represented, the violation of which justifies the right of revolution and the legitimate overthrow of the standing government. Transgression of the trust restores political power to its original source, the people and allows the political community to either change the government or change the form of government or even dissolve the commonwealth and revert to the state of nature.

In chapter three I examine the place representation has in Hegel’s political thought. I discuss four different forms of representation that roughly correspond to the four sections into which the chapter is divided. These forms are a) the modern principle of political representation which ties the sovereign power of the state to the territorial community, b) the form of representation which Hegel sees to hold in the dispensation of ‘concrete justice’ and ties the ‘criminal’ with the ‘jury’ which judges him and both with the social estate to which they belong, c) the form of intra-corporate representation through which civil society is organised in corporations and communities in tandem with the issue of who enjoys the right of suffrage in the Hegelian state

and d) the structure of political representation through which incorporated civil society participates in the 'political organism of the state'.

Hegel is the real antipode to the social contract tradition in which political society constitutes itself and posits the representative power as a separate expression of itself. This is one of the reasons I chose his philosophy of state as a counterpart to Locke's theory of political society. The other reason is that the examination of his political philosophy is the necessary presupposition for the understanding of Marx's concept of democracy and his idea of representation built upon a critique of Hegel's *Philosophy of Right*. Nevertheless, Hegel's philosophical stature is such that he cannot be reduced to a mere transitory link and hence I examine his political conception on its own. For Hegel the state-of-nature is a myth and the community has always existed historically in a form of state, at least to the degree the spirit was active in it (the exception concerns African tribes or communities living in 'natural immediacy' and whose spiritual life had not yet broken the immediate identity with nature).

Political representation plays a far more crucial role for the constitution of the Hegelian State than it has been traditionally believed. In his first major political essay on *The German Constitution* he queries whether the German Empire is a 'real' state or not and this leads him to identify the principles constitutive of the state which consists of two elements inexorably interconnected. The state is always a 'mass of people' under 'political authority'. Each element is a mutual presupposition of the other. No 'political authority' exists without a 'mass', no community is a state without 'political authority' or a sovereign power. The interrelationship of these two elements constitutes the basis of his notion of political representation. It establishes the concept of state sovereignty. The community is the base of state sovereignty and the sovereign power represents the political power of the community (for example in regard to other states). Without a bond of representation to the community the sovereign power is just tyranny. This foundational tie of representation of the sovereign power to the community pre-exists logically and undergirds any and all forms of state. Consequently political representation is coterminous with the concept of the state and it pre-exists the emergence of the modern state. Hegel derives the modern principle of political representation from the historical transformation that the feudal state underwent. It resulted from an internal modification of the feudal state due to two factors. The emergence of a nascent bourgeoisie and primarily the divisiveness of the Christian religion

contributed to the generation of the modern notion of political representation. Two transformations prepared the ground for the establishment of modern representation. Firstly, the representative status of the prince was embodied in his very person. His person became divorced into his private personhood and his public function as ruler. Only under the latter capacity he was recognised as a representative of his state. Secondly, in the transformed historical situation rulership becomes definitively tied to the principle of territoriality. Formerly, the subjects under the rule of a prince (scattered in disparate territories) represented his rule. With the principle of territoriality the sovereign is recognised only if he is a representative of the territorial community over which he rules. Hence, the novel form of political representation in the modern world ties the Sovereign to territoriality and to the political community residing there. This relation establishes the ground of the state's 'inner sovereignty'.

In his *Philosophy of Right* Hegel articulates a philosophical conceptualisation of the state as the embodiment of the principle of universal freedom characteristic of the state of the modern world. Such state realises the identity of 'subjective freedom' of the members of civil society with 'objective freedom' inscribed in the institutions of the political state whose function is to promote the 'universal end' of the state as a whole. Only if this identity is secured is the state 'rational'. Rationality entails universality. One major form of universality reigning in civil society is the regulation of social life under the existence of 'abstract right'. The implementation of 'abstract right' involves the 'administration of justice'. The 'administration of justice' follows a certain set of formal procedures. These are handled by administrative experts who look after only the 'formalities' and not the content of the administered judicial cases and thus 'injustice' may result. To redress that civil society must have the right of 'trial by jury'. Trial by jury is a public relationship based on a socio-ethical form of representation that respects the customary ethics characteristic of the various social estates in civil society. Thus the particularity of the ethical substance of civil members is maintained and their subjective freedom is guaranteed by the dispensation of 'concrete justice'.

The role of political representation in Hegel's account is to provide the mediating links that connect civil society to the political state. He argues that estate and corporate representation in the legislature establishes the political representation of civil society and this provides an organic bond between the politicised civil society and the state's political authority such that civil society

is elevated above its particularity of interests and adopts the universal ends of the state community. Since Hegel's rational state is premised on ensuring the freedom of the members of the state community an obvious difficulty which mars its universality is the restricted right of suffrage that Hegel acknowledges as a basic characteristic of the institutional articulation of the state. I argue that this difficulty is the product of a contradiction existing in Hegel's philosophical construction of the state. On the one hand the rational state must encompass universality and on the other hand it must approximate the contours of the empirically existing state forms so that the modern state can be claimed to be the incarnation of the rational state as the apogee of the world spirit.

In the last section I expound Hegel's conception of the political representative and the corporate representative system he envisages. The function of political representation in Hegel's state is neither the representation of the particular interests of civil society in the legislature nor civil society's participation in the legislative power of the political state but the 'educative' role it provides to public opinion about the 'universal concerns' of the state and the semblance it affords to civil society that 'formal freedom' is preserved by its token political representation in the system of political power of the state. The universality of subjective freedom of incorporated civil society remains politically ineffective and unincorporated into the 'objective freedom' of the 'political organism' and the identity of the 'rational state' is unachievable in actuality. Civil society and the sovereign political power do share the concept of subjectivity between themselves. It is a conceptual link uniting them. But what they share conceptually they do not share it as far as the political 'determinate content' of subjectivity is concerned. The real gap between civil society and sovereign power superseded formally by political representation is taken up by Marx's critique of the Hegelian state.

In chapter four I discuss Marx's critique of Hegel's *Philosophy of Right* and the idea of democracy Marx formulates in response to the democratic deficit of Hegel's rational state. Marx follows an immanent type of critique based on the Hegelian conceptualisation of the differentiation of civil society from the political state and he traces the impossibility of an organic state to the fundamental problem of the modern world which is the divided essence of the communal being of society. This dividedness is expressed in the two-fold relationship of civil society to the political state and of the people to state sovereignty. In civil society the individuals

live a privatistic life while in the political state they are supposed to realise their universal political self. The disjunction between the particular private life and the universal political life of the state is reflected within the individual self as a schism between the self-interested individuality and the citizen. The political form of the division involves the separation of the people as a 'demos' from the form of state which rules over them.

Marx calls into question three basic conditions which Hegel deems sufficient to ground the unity of civil society with the political state. Neither an ethical duty toward the state exists that could motivate the individual to put the state's universal interest over his self-interest, nor the abstract universality of law is an expression of communal integration but rather an abstract bond 'relating' independent individuals. Lastly, corporate representation is not a self-expression of civil society administering its own affairs but a state controlled mechanism of representation harnessing civil interests to the political state's own interests.

Marx's conception of democracy rests on the idea that the foundation of any state sovereignty is the community of people. Consequently the realisation of the essence of democracy must be the political constitution of the people as 'the life-expression of the people' grounding popular sovereignty. In Marxian democracy no independent political power can exist apart from the communal being of the people and thus all must participate in the executive and legislative power of the political society in order to realise popular, democratic self-determination. The realisation of 'true' democracy presupposes the universalisation of enfranchisement and that makes the representative republic or political democracy a necessary stepping stone for the coming of societal democracy and the completion of human emancipation. The supersession of political democracy requires the annulment of the division between the political state and civil society and entails the abolition of the reign of private property that organises civil social life and overdetermines the abstract political state itself.

In chapter five I analyse Marx's critique of political representation as it appears in the theoretical accounts of liberalism and of Hegel's political state. The Hegelian account fails because his notion of political representation does not admit of equality of citizen representation in the affairs of the state and this belies the principle of universality of freedom that must be expressed by Hegel's 'rational state'. Instead of having one principle of representation universally applicable he propounds a dualism of principles of representation, 'hierarchical'

representation (representation by right of birth) and corporate representation (representation by election). Furthermore, Hegel's dualistic conception of representation is pre-modern and inconsistent with the purpose it was designed to serve. Political representation is afforded to social groups which have already been constituted by the state as political entities whereas its purpose as a principle of the modern, post-feudal world is to provide the non-political private civil society with political participation in the state. The liberal account fails because though it acknowledges universality of political representation of the individuals, it assumes this universality to be an aggregate of wills which lacks the necessary unity that renders the political community an organic whole. Neither of the two accounts is a viable solution that could mend the divide of civil society from the political state even though political democracy is more advanced than constitutional monarchy for it gives supremacy to the legislature and thus it allows for an alignment of the state with the popular will and consequently it permits the political constitution to progress in accordance with the historically developing needs of the community.

In juxtaposition to the liberal conception of abstract political individuality as the form of membership in the state Marx suggests his own idea of what membership in the 'really rational state' amounts to. I reconstruct this idea of the democratic state community suggesting that its basic contours are the germ of mature Marx's understanding of communist society. In the last section I develop the implications of the notion of social representation which Marx presages and assumes it would exist among the state members in the hypothetical case of civil society having become the real political society. This notion of social representation underlies the essential structural relation constitutive of the human species-being.

In chapter six I argue that Marx builds his conception of human alienation that pervades civil society under the regime of private property on the omnipotent role money assumes as the mediator of commodity exchange. Against political economy's concept of money as a mere 'medium of exchange' Marx argues that in the society of private property money becomes the aim of exchange instead of a means. As a means of exchange, money functions as a representative of the value of the exchanged goods. By becoming the end of exchange its representative function turns into an omnipotent force which determines by itself the social worth of the man-made products. For if any human product cannot obtain value representation by money it cannot enter into social exchange and thus it becomes worthless and effectively

useless, as if it had not been produced at all. Since the produced goods are the self-expression of the human producers, the power of money to determine the social worth of products suggests that human producers have lost the power to control the exchange of their own social activities and they are alienated.

Marx claims that there is a structural analogy between money and Christ in their function as mediators in alienated society. Both are transformed from representatives of the represented entities (the commodity world and the religious community respectively) into controlling agents of the latter. In the first section I examine basic aspects of the relationship of transposition that takes place in the figure of Christ as a 'representative mediator' between God and alienated Man. In the second section I develop the conditions which associate money with alienation and allow money to obtain an authoritative power over the commodity world of the society of private property. In the last section I analyse the dual form of 'surrogate' or substitute representation that Marx argues it characterises the social exchange of private property owners and I draw some key structural analogies which seem to hold between the dual form of representation in private property exchange and the relationship of the representative to the represented in political representation.

In the seventh and final chapter I address two problems whose investigation elucidates Marx's understanding of the connection between representative politics and class representation. The first problem concerns the manner of social class constitution through political representation. The second query grapples with the question of which form of the republic is most conducive to the prospect of human emancipation in Marx's view. My analysis engages with the most explicit political texts of Marx, *The Class Struggles in France* and *The Eighteenth Brumaire*, in which he reconstructs the political struggles of classes in the French revolution of 1848 and its aftermath. Two significant ideas on political representation are derived from his discussion. Firstly, political representation is capable to transform the implicit class existence of a social multitude into class self-consciousness. Secondly, political representation provides for the public articulation of class interests. Such articulation creates conditions of transparency about the stakes of class struggle. Consequently the best form of the political republic is the one which most promotes the democratic features that secure such transparency.

From Marx's analysis of class politics I extract a cluster of social determinants which can establish a theory of social class constitution in his political thinking and I analyse the conditions which account for the paradoxical state of the French peasant class which could not achieve political representation by itself but only passive class representation by state power embodied in the representative figure of Bonaparte. In the second section I analyse the dialectical transition from (constitutional) monarchy to the political republic and the abstraction of political and class rule which accompany the passage to the political *cum* parliamentary republic. The political representation of abstract class rule encompasses the possibility of both an instrumentalist state power subject to narrow class interests and of a 'relatively autonomous' state power seemingly independent from any class interests. Abstract class rule is politically entrenched when whatever the parliamentary political representation is, the bourgeois order of the class-divided society is either defended as a whole or remains unquestioned.

Chapter 1

Symbolic Representation, Political Representation and Hobbes's view of Representative Power

1.a. The Intertwinement of Symbolic and Political Representation

Pitkin in her seminal work on the concept of representation dedicates a whole chapter to symbolic representation trying to discern the attributes of this specific form of representation and the way it can be distinguished from proximate forms that seem to overlap with it.⁵ The conceptual specificity of symbolic representation raises considerable difficulties for the ambit of its relevance is so wide that this form of representing can be taken 'as central and definitive, and all other kinds, including political representation, can then be interpreted in terms of it and approximated to it.'⁶

Symbolic representation anchored on the power of symbols to refer to entities other than themselves shares with other forms of representation based on 'descriptive likeness', the attribute of 'standing for'. Pitkin starts her exposition by indirectly suggesting that a possible relation of substitution could be involved in symbolic representation by which the symbol standing for the symbolised referent assumes the latter's place. Her analysis leads her to the conclusion that 'a symbol is not a substitute for what it symbolizes', adopting S. Langer's contention that 'symbols are not proxy for their objects, but are vehicles for the conception of 'what they symbolise.'⁷

The symbol does not take the place of the referent. It does not make it disappear from the place it stands by standing in its place. It rather does the opposite. It entails the referent in its very constitution as a symbol. The symbol is the unity of itself as a material item *and* the mental existence of the referent to which it pinpoints. The symbol exists and becomes meaningful as an

⁵ Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley, Los Angeles: University of California Press, 1967), pp. 92-111.

⁶ 'Ibid. p. 92.'

⁷ 'Ibid. p. 97.'

entity that exceeds itself, by being beyond itself in its conjunction with the referent. This relation of the symbol to a something outside itself from *within* itself establishes the character of symbolic representation. By this connection with an other than itself, the symbol captures the essence of representation whereby '*Repraesentare* means to make present something that is *not* in fact present.'⁸ The referential object is made present in the symbol as a representation of its existence located elsewhere. The object symbolised by the symbol exists in it as an absence or better as a present absence indicative of the object's external presence somewhere else.

The symbolic function of representation is embodied in either inanimate or animate entities and certainly human beings can be constituted by the symbolisation process as 'living symbols'. In the history of political theory the king has been assumed to be the prototypical symbol representing the political community he ruled over if not the very symbolic embodiment of the unity of the community subjected to him.

Pitkin in order to identify 'the differences between representing and symbolizing' proceeds to discuss the distinction of symbolic art from representational art as an exemplary case that may reveal their substantive difference. Symbolic art does not aim at representation and 'the things that are represented are not the ones that are symbolized.'⁹ The uniqueness of the symbol is that it is not meant to be a 'representation' or an iconic copy 'of what it symbolizes', that is, '[u]nlike representations, symbols are not likenesses of their referents, and do not resemble them'.¹⁰ Pitkin is stressing the lack of *inner connection* between the symbol and its referent, an arbitrary connection that is only conventionally established. The arbitrary connection between symbol and referent as the product of pure conventionality appears to be the distinguishing criterion of 'symbolising' from 'representing' where the latter is grounded on a relation of resemblance.¹¹ This distinguishing criterion cannot be taken as absolute for as Pitkin acknowledges, for some analysts, including no less than F. Saussure, whereas the sign is taken as 'arbitrary' in the symbol we may plausibly claim that there is 'the rudiment of a natural bond between the signifier and the signified. The symbol of justice, a pair of scales, could not be replaced by just any other symbol,

⁸ Carl J. Friedrich cited in Pitkin, 'ibid. p. 92.'

⁹ 'Ibid. p. 94.'

¹⁰ 'Ibid.'

¹¹ Pitkin's claim that 'representing' can be validly used only if there is 'resemblance' is contested by no other than Hegel himself. 'A cockade, for example, signifies citizenship within a state, although the colour has no connection with the nation and represents not itself but the nation' (*PR* § 58A, p. 88). Nonetheless in the text I follow a different (immanent) argumentative tack.

such as a chariot.¹² The idea of a ‘rudiment of natural bond’ between symbol and referent hints at the existence of a submerged association that mitigates the apparent arbitrariness of their surface conjunction. Likewise the appearance of a lack of any connectedness of a flag’s country to the country symbolised becomes questionable in many cases where the number of stars signifies the number of states, as in the US’s or the European Union’s flags. Pitkin’s distinguishing criterion cannot stand the test of experience if we consider the most universal symbol in daily social life, the symbolic form of national coins and banknotes where imprinted real historical personalities represent their country of origin or stand as *symbolic representatives* of it. Pitkin’s methodological error in denying any realistic connection between symbol and referent rests on the adoption of a naïve realist perspective where any *abstract connection of resemblance* inscribed in the symbol is deemed to be ‘arbitrary’ if it escapes the perceptiveness of ordinary consciousness. In this regard, Marx’s designation of Schelling as the symbolic representative of the Prussian state’s policies (not a representative in any official capacity) is quite apt in capturing the presumable abstract resemblance between the late Schelling’s philosophy and the given state’s policy agenda.¹³ Symbolic representation necessitates the presence of a *third* element, most often an idea shared by symbol and referent as their connecting link. In the symbolic association between a pair of scales and the concept of justice it is not any implicit ‘natural bond’ that secures the association other than the long historical concretion of the particular symbolism that has become a kind of ‘second nature’ in the European cultural experience.¹⁴ It is a socially constituted association premised on the idea of *equal weighing* shared by justice and a weighing scale. That justice entails a procedure of weighing is the outcome of an ancient institutionalisation reflected in Aristotle’s conception of justice as ‘rectificatory’ where proportionate compensation was sought for the gravity of an injury committed, or the *equalisation* of the loss suffered ‘by means of the penalty’.¹⁵

¹² F. Saussure, *Course in General Linguistics* cited in Pitkin, *The Concept of Representation*, p. 95.

¹³ Marx, ‘Letter to Ludwig Feuerbach, October 3, 1843’, MECW v.3, pp. 349-351 (p. 350).

¹⁴ The same applies to another powerful symbolic figure of justice as ‘blind justice’ which represents the conceptual aspect or value of *impartiality* associated with the concept of justice. Symbols and symbolic figures are not vehicles of isolated meanings. On the contrary, they are enmeshed in crystallised semantic constellations which undergo historical transformation through class struggle in meaning imposition and refracted appropriation. On class struggle as the ‘social multiaccentuality of the ideological sign’ see: V. N. Vološinov, *Marxism and the Philosophy of Language* trans. by L. Matejka and I. R. Titunik (Cambridge, Massachusetts: Harvard University Press, 1986), pp. 23-4.

¹⁵ Aristotle, *The Nicomachean Ethics*, trans. with introduction by D. Ross and rev. by J. L. Ackrill and J. O. Urmson (Oxford: Oxford University Press, 1980), p. 115 [1132a2].

To make the case that symbolising is distinct from representing, Pitkin examines a class of ‘symbols’ that do not symbolise at all but merely represent like purely conventional signs such as those used in algebra.¹⁶ A fallacy of equivocation is committed here. To grasp the pure function of representation in symbols, she considers ‘symbols’ devoid of any symbolisation. In what sense then do ‘symbols’ without any symbolic reference still submit to the definition of the symbol other than the fact that they are inappropriately *named* ‘symbols’ in common parlance rather than designated as mere signs with which they are identical in resting on an ‘arbitrary’ connection? The point Pitkin is driving at is that symbolising and representing are two functions enacted by symbols that they should not be confused with each other.

A particular symbol in a particular situation may both represent and symbolize; but that does not mean that we are saying the same thing about it if we say the one or the other. To say that a symbol represents is to suggest a precise correspondence, a simple reference or substitution [...] To say that a symbol symbolizes is to suggest the vagueness or diffuseness of what it stands for, the impossibility of exchanging the one for the other, expression rather than reference.¹⁷

This description of the difference between ‘symbolising’ and ‘representing’ suggests that their difference is one of a kind rather than of degree. They are meant to be discrete functions rather than continuous. As soon as the distinction is posited it calls for its annulment. Previously the symbolic connection was ‘not a matter of resemblance at all’¹⁸ Now, a resemblance is acknowledged to exist in the symbol’s standing for the referent albeit a vague or diffuse one. In contradistinction, the symbol in its representing function (actually reducing the symbol to a sign) evokes a ‘precise correspondence’. But is the difference between ‘precision’ and ‘vagueness’ a precise or a vague one?¹⁹ Do they admit of a variation in degree of precision as in the method of

¹⁶ Pitkin, *The Concept of Representation*, p. 97.

¹⁷ ‘Ibid. p. 98.’

¹⁸ ‘Ibid. p. 94.’

¹⁹ The demand of ‘semantic inflexibility’ for symbols is utopian and this impossibility concerns also ‘words’ themselves, hence ‘representing’ and even ‘numbers’ in the form of numerical scales. On ‘words’ see: Woll, S. B., D. G. Weeks, C. L. Fraps, J. Pendergrass, and M. A. Vanderplas, ‘Role of Sentence Context in the Encoding of Trait

trial and error where the precise character of a correlation is gradually approximated starting from an initial condition of ascertainable vagueness? When a cartoonist uses a ‘pair of scales’ to signify ‘justice’ is that a precise or diffuse *reference* to it? Actually both functions are activated at once. The ‘pair of scales’ represents justice by substitution and symbolises a diffuse conception of it. By Pitkin’s own admission, ‘[o]f course, a symbol’s representing is often causally related to its capacity to symbolize.’²⁰ Hence, rather than be two independent functions under the same *name*, the representing function is accorded a causally dependent status under the primacy of the symbolising function. Symbolising emerges as a condition of possibility for representing but the inverse does not hold true.

Pitkin’s intent is to disambiguate representing from symbolising in order to distinguish ‘descriptive representation’ as a major form of political representation from symbolic representation. Both ‘descriptive’ and ‘symbolic’ representation share the attribute of ‘standing for’ and this amplifies the presumed perplexity of their connection. The representing function of the symbol permits substitution of the referent by the symbol whereas the symbol in symbolising *expresses* the referent but it cannot substitute for it. A clear-cut case of ‘descriptive’ representation exists when the representative shares a substantial attribute with the group he represents, for instance a working-class member standing for the working class in parliament. As a representative in his representing function, according to Pitkin’s distinction he is meant to be a ‘substitute’ for the working-class. But is he really so? Can the said person really be a substitute for the class whose real existence is not affected at all and surely remains unsubstitutable in its place of existence. For the working-class parliamentary representative to be a *real* substitute for the class we must have supposed that the whole class should have had a place in the parliament. The only sense of ‘substitution’ that can be acknowledged to hold is a metaphorical one, that is, a symbolic one. Conversely it fits with common sense to say that the working-class representative *expresses* the working-class rather than substituting for it. But the idea of expression evoked by a symbol is tied by Pitkin with the symbolising function and not the representing function of the symbol. It is the mark of distinctiveness of symbolising vis-à-vis representing. The consequence of this brief examination of the cluster of the three criteria which according to Pitkin suffice to

Descriptors.’, *Journal of Personality and Social Psychology*, 39 (1980), pp. 59-68 (p. 60). On ‘numerical scales’ see: N. Schwarz, B. Knäuper, H. Hippler, E. Noelle-Neumann and L. Clark, ‘Rating Scales: Numeric Values may Change the Meaning of Scale Labels’, *Public Opinion Quarterly*, 55.4 (1991), pp. 570-582 (pp. 574-577).

²⁰ Pitkin, *The Concept of Representation*, p. 98.

distinguish representing from symbolising adequately shows rather the inadequacy of drawing a rigorous distinction impermeable to a spilling over of phenomena from one domain to the other. The criteria of ‘precision’, ‘substitution’ and ‘simple reference’ depending on the circumstance examined can designate either of the two functions of symbolising and representing encompassed by symbolic representation. Any Christian believer would accept that the *cross* ‘symbolises’ Christian religion rather than representing it even though it is a ‘simple reference’ to it. A banknote as a ‘piece of paper’ does not have any ‘outward resemblance’, i.e., ‘precise correspondence’ to the currency it *represents*. As a national symbol it is inscribed with an array of insignia whose extent of representativity ranges from specificity to extreme vagueness. Surely banknotes cannot be ‘substitutes’ for the country of issuance they represent nor even ‘stand for’ money without state power standing behind them to guarantee their nominal value.

Pitkin’s conceptual effort to differentiate representing from symbolising within the mode of symbolic representation rests on her concern to address the adverse (anti-democratic) consequences that follow if ‘political representation’ as a kind of representation is subordinated under ‘symbolic representation’ as a variation rather than a distinct kind, a view propounded by a coterie of symbolisation theorists. The perspective she has adopted lacks a thematisation of the holistic framework within which symbols are necessarily implicated. This is the symbolic order that permeates all aspects of social life and rests on the primacy of language as the constitutive structure organising signification and as a consequence the process of understanding and communication of meaning. In particular, symbols are a subcategory of signs. After Saussurian linguistics it has become almost universally accepted that the connection between sign and referent is an ‘arbitrary’ one. The relationship of the signifier, the material substance of the sign as sound or visible inscription (the alphabet) to the signified (the mental image of the object) does not entail any inner bond such that would permit a necessary and univocal tie between the sign and its referent, perhaps with the exception of few cases of onomatopoeia where the sound of the word mimes the audible character of a phenomenon. Even in these cases the association of the word to the phenomenon rather than being a ‘natural connection’ is actually mediated by a particular human community that posits the association in its language rather than discovering it as pre-existent in the world ‘out there’. Such positing is necessarily shaped by the received cultural understanding of the particular community as to the possible ‘natural’ resemblance that may exist between the specific sign and its referent. But the relation of language to the being of

the world is dialectical. It is not the case that any language taken as a whole is a pure classificatory imposition on an amorphous being of the world in spite of the peculiarity of the 'world' that it constructs as the essence of the world. The under-determination of language by the being of the world is shown by the fact that if language provides a possible symbolic 'organisation' of the world, the world itself must be amenable to such organisation, that is, that it possesses the inherent possibility of being organised thus, conformable to a certain degree to the classificatory grid bestowed on it. The world conditioned by the manner of referral of a language, conditions in its turn the mode of referral of the particular language. Otherwise if a language was completely self-referential, a 'self-creation' of the world of its reference then the connections in the thinghood of the world would be both meaningless and non-existent *for it*, a mere projection of a fantasy land that would lead the speech community of the said language to quick extinction. (For instance, by classifying food as non-food and non-food as food). Even the capacity of singular words to be polysemous does involve a circumscribed 'semantic grid' where the cluster of connotations cannot be infinite but delimited to significations that evince a form of connection however imperceptible that may be.²¹

That symbols as signs do not exhaust their significance in signification but reveal a 'vague' connection to what they symbolise is not a weakness as presented by Pitkin's account but on the contrary a *cultural asset* that enriches the spiritual content of the process of development of the human civilisation. The symbolisation process, the multiform production of symbolic forms is a major aspect of human freedom, the expression of the human species' capacity to be creative and posit meaningfulness by use of symbols rather than be a passive recipient, an inflexible reflector of a meaning system inscribed in the order of nature *per se*. The power of the species to symbolise (which is an historically developing competence) is a central component of the permanent ongoing historical process of *social metabolism* in the relationship of society to nature that constitutes the ontological first principle in Marx's conceptualisation. The very fact that Marx's conception of *labour* has a necessary teleological structure, that is, it is purpose-orientated and purposes are set and shaped within the public domain of sedimented

²¹ 'The semantic grid that is placed upon the perceived world varies enormously from one language to another; but one will never encounter a language which classes together, under the same world, yesterday morning's roses and tomorrow evening's stars.' Cornelius Castoriadis, 'The Sayable and the Unsayable: Homage to Maurice Merleau-Ponty' in C. Castoriadis, *Crossroads in the Labyrinth*, trans. by K. Soper and M. H. Ryle (Cambridge, Massachusetts: The MIT Press, 1984), pp. 119-144 (p. 125).

structures of meaning demonstrates the import of the social constitution of meaning as an enabling condition for both the physical and social reproduction of the human species.

This domain of communal freedom opened up by the symbolisation process and expressed as the symbol-making capacity is considered by Pitkin to lead to irrational consequences. In contrast to (descriptive) representation which rests on an objective, self-evident connection between what is represented and its representation (a 'copy' conception of image representation), '[a] symbol is considered to have meaning beyond itself, not because of its actual resemblance to the referent, not because of any real connection, but just because it is so considered.'²² Hence the referential association of the symbol is deemed to be subjective, a mere matter of contingent belief and thus exposed to a constitutive ambiguity, expressing 'primarily a frame of mind'. The consequence of this for 'symbolic representation' is neatly drawn. Since the connection between symbol and referent seems arbitrary and exists only where it is believed in, symbolic representation seems to rest on emotional, affective, irrational psychological responses rather than on rationally justifiable criteria. There can be no logical justification, no reason for believing in a connection that is purely conventional or arbitrary.²³

What this argument ignores in its effort to ground an objectivist truth-value conditionality for representing at large and thus denying any truth value to symbolic representation is that even if the premise that symbolic representation is grounded on the condition of believability is accepted, still this condition does not vitiate a double truthfulness that permeates the conjunction of the symbol to its referent. The first truth condition concerns the cultural fact that such symbolic conjunction exists for the believing community which has posited the specific association for itself and recognises and/or identifies itself through the particular products of symbolic representation (as in the case of national symbols). The second truth condition amounts to the fact that the given symbolic connection established by the community of believers exists *objectively* as such for an outside observer who in no way needs to share in the social belief about the 'truth' of the symbolic association acknowledged by the community. Both truth conditions of symbolic representation submit to rational reconstruction and logical justification. As far as the first truth condition of symbolic representation is concerned, the well-studied

²² Pitkin, *The Concept of Representation*, p. 100.

²³ 'Ibid.'

phenomenon of *totemism* characteristic of primitive aboriginal communities provides ample proof of this. The use of animal totems to symbolically represent the community of reference reveals that the structural relations between the totemic symbols reflect the organisation of the social relations of the communal clans at the level of their own self-understanding of the relations thereby symbolised.

Political representation (as acting ‘in the name of’) rather than being the contrary of symbolic representation or of the power of signs to represent their referents can be taken as a subspecies of representation as such. Such subsumption is not an invention of ours but proclaimed by Hobbes himself whose theory of representation Pitkin appropriates in order to comprehend its modern day applicability. Hobbes analyses the meaning of the term Image in order to determine the cases in which the Christian believers’ worship of images amounts to idolatry rather than worship of God. He employs a representational theory of perception in which the strict signification of the image ‘is the Resemblance of some thing visible’ (*Lev. XLV*, p. 447). As he argues the ‘word Image’ has a ‘larger use’ which properly defined is not restricted solely to visible objects but it encompasses ‘any Representation of one thing by another. So an earthly Sovereign may be called the Image of God: And an inferiour Magistrate the Image of an earthly Sovereign’ (*Lev. XLV*, p. 448). The civil sovereign has been authorised by God (and instituted by the commonwealth) as his political representative just as the magistrate has been appointed by the sovereign to act in his name. They are thus representatives of the (tacit or explicit) will of their superiors. They bear the respective images because they enjoy a (political) connection of representation. Political representation is the ground of their capacity to bear the image of the represented not any iconic resemblance to the represented that grounds their representative status. Therefore it is the symbolic content (and its interpretation) of the words, texts and signs that ‘authorise’ their standing under the authority of a superior which confers on them their political status not any material element shared by the two parties. It follows that political representation cannot be disengaged from symbolic representation and posited as distinctive from it as it can be gathered from the requirement that the validity of any kind of consent or authorisation given must necessarily be mediated symbolically by words or actions signifying its expression. The community anchors the symbolic content of any referential system also for Hobbes since it is its customary practices that ‘give words their force’ (*Lev. XLVI*, p. 464).

Pitkin's classification schema of the concept of representation divides the concept into the 'formal' and the 'substantive' dimensions of representation. Formal representation is distinguished into the aspects of 'authorization' and 'accountability' whereas substantive representation is subdivided into the modes of 'acting for' and 'standing for' which is further differentiated into 'symbolizing' and 'mirroring'. Both formal and substantive categories are involved in political representation. The formal conceptions address the relation between representative and represented. The authorisation aspect concerns the represented who authorise a representative to act for them, whereas accountability involves representatives who are accountable to those they are to represent. In regard to the substantive categories, 'standing for' refers either to representatives who are considered 'symbols' of their constituency (like a king of his country) or to representative bodies as descriptive microcosms or 'miniatures of the people at large'.²⁴ 'Acting for' focuses on what representatives do rather than who they are. This emphasis on doing or saying does not abolish the predicate of similarity underpinning the relation of representation. But it may displace it from an apparent, exoteric element taken as the basis of similarity to the ideational realm where the similarity involves a conceptual alignment between representative and represented as in the case of social class representation where the political or literary class representative may not share the same class position with the represented but his discourse represents the class interest of the class represented. Pitkin considers 'acting for' as most suitable to thinking about political representation. To construe 'acting for' as the proper sense of political representation brings forward the controversy over the leeway the representative has to represent, the so-called 'mandate-independence' controversy. How tightly is the delegate bound to follow the instructions received on the one hand, and how independent can the representative be in functioning as a trustee of the represented pursuing their own discretionary belief of what is best to be done. Pitkin proposes a median position limiting the two extremes. She vouches for the representative to be free in exercising discretion but under the obligation to cater for his constituents' interests and if he strays too far to justify this to the constituents. She has been criticised for this synthetic attempt in that she leaves the question of the limits of political representation undecidable especially over 'what is a matter of theoretical debate *within* the limits of proper representation and what is a debate over these limits'.²⁵

²⁴ Pitkin, *The Concept of Representation*, p. 60.

²⁵ Frank Cunningham, *Theories of Democracy: A Critical Introduction* (London: Routledge, 2002), p. 94.

To conclude there is no neat way through which political representation can be separated from symbolic representation. A major reason of the impossibility of performing such task rests with the concept of representation which as such it does not correspond to a single essence or to ‘a minimum and shared semantic kernel’ on the basis of which it can be defined in a univalent way.²⁶ All the conceptual elements associated with the notion of representation and meticulously brought up by Pitkin have a place in the articulation of political phenomena and relations, not only in the area pertaining to the formal procedures of electing representatives and governments but also in the overall domain of the political as such, expressed in the form of the politics of representation. All these elements, the making of the absent present, the substitution of one entity for another and a relationship of similarity broadly construed to hold between the represented and the representative, contribute to the understanding of the representative relationship that ties a political community to the governing system of political power. The fact that even the simplest expression of authorisation between a principal and an agent is necessarily mediated by symbolic elements and requires interpretation implies that the terms and conditions of political representation are always exposed to contestation. This consequence rather than having any deleterious political effects constitutes a central pivot of the community’s political freedom to interpret, judge and contest the doing and saying of any representative government.

1.b. Political Representation and Arbitrary Government in Hobbes

Hobbes’ author-actor model is the ground of political representation. It provides for contractual transfer of will from person to person in the sense that one will substitutes for the other. It establishes the relationship of the representative acting ‘in the name’ of the represented. The theory of representation plays a most important role in Hobbes’s political philosophy. It secures the absolute obedience of the commonwealth members to the representative sovereign power for the latter’s will is construed to be a unitary will which binds all the members’ own wills.

²⁶ Jacques Derrida, ‘Sending: On Representation’, *Social Research*, 49.2 (1982), pp. 294-326 (p. 298).

In this section I will present some general features of Hobbes's authorisation view of representation. I present the main structure of political representation which undergirds the construction of representative government in *Leviathan*. This is the relationship between the commonwealth and its sovereign power. We may call it a dyadic structure because it involves two parties in the representative connection. There exists also a subsidiary structure that establishes the constitution of a state between God and a 'particular people' and involves the interposition of a mediator who represents God and holds the sovereign power in God's name. We can designate this structure as triadic. This structural form of political representation is a variation of the dyadic structure conditioned by the impossibility of any community directly covenanting with God (*Lev. XIV*, p. 97). Its construction is a necessary facet of Hobbes's theory of sovereignty for it plays the strategic role of conferring ecclesiastical power (derived from God) to the civil sovereign and thus it undercuts any claims of dual power within the Christian commonwealth torn between civil obedience to the earthly ruler and religious obedience owed to the 'spiritual power' held by Papacy and interpreted as superior over the civil sovereign. I will not pursue the intricacies of this structure of representation here.

The relationship of political representation grounds the legitimacy of representative government. Legitimacy invokes the question of justifiable political obligation. A main tendency of political theory has been to examine how and to what degree individuals are politically obliged either on prudential or on moral grounds.²⁷ I will adopt a different viewpoint, displacing the analytic stress from the subjects to the government and ask the question to what degree the representative sovereign power in Hobbes's *Leviathan* is obligated (if at all) to the commonwealth.

I will claim that Hobbes's account is vitiated by certain deficiencies whose overall consequence is to question the legitimacy of the representative government. The first deficiency concerns the permanence of the sovereign representative. The initial authorisation of the contractors cannot be retracted no matter what even if the sovereign power violates its mandate. It follows that no political freedom exists to modify, to change or even to call into account the representative power. Another deficiency concerns the arbitrariness of the will of the sovereign representative. He is above the law and defines the laws and the public good at will. Thus he is

²⁷ Thomas Nagel, 'Hobbes's Concept of Obligation', *The Philosophical Review*, 68.1 (1959), pp. 68-83.

unaccountable to the represented for all his actions and he can potentially breach any conceivable representative connection. Though, he ought to act for them in fulfilling the ends of ‘common Peace and Security’ (*Lev. XXIV*, p. 172) he was set up for, he ends up being an absolute ruler, a Hobbesian ‘tyrant’ who acts solely for himself.

Hobbes introduces the concept of representation in chapter XVI of his magnum opus *Leviathan*. He provides the conceptual definition of the two poles, author and actor, which constitute the essential components of the relation of representation in his view. The relation of representation is premised on a fundamental distinction that is said to exist in the categorisation of who is a *person*. Specifically, the person can either be:

A PERSON, is he, *whose words or actions are considered, either as his own, or as representing the words or actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction.*

When they are considered as his owne, then is he called a *Naturall Person*: And when they are considered as representing the words and actions of an other, then is he a *Feigned or Artificiall person.* (*Lev. XVI*, p. 111).

Hereby persons are distinguished into natural and artificial ones, the distinguishing feature between them consisting in a relationship of ownership or original attribution in regard to one’s words and actions. The ‘natural person’ by speaking or acting emerges as the holder of his own discourse and action while the ‘artificial person’ enjoys a derivative status beholden to the primacy of the originator of words and actions. In spite of its plainness this initial definition hints at a more complex connection between the artificial and the natural person, two aspects of which are of significance. The first aspect concerns the possibility of the representative person to stand in a representative relation not only to the words or actions of another person but also to represent ‘any other thing’ to which words or actions can be attributed to. By this aspect of the definition the notion of ‘symbolic representative’ is suggested in that an object (for example, a text) can be represented by an ‘artificial person’ even when an authorisation by the former is

impossible. The lack of personhood by an object does not deny the possibility of its impersonation, a condition that accommodates a social necessity in bourgeois society where any material and immaterial entity tends to stand under the sign of property. By this condition property can achieve its juridical representation.

The second aspect concerns the truth condition in the Hobbesian relationship of representation. The representative connection holds truly even if the ground on which the relationship is established is untrue or fictive. The ‘artificial person’ can be said to represent another even if the attribution of words or actions to the represented consists in a fictional attribution (for ex., via the interpretation of ‘holy texts’). This condition ushers the possibility of grounding the legitimacy of a relation of political representation in the absence of an expressly declared will by the represented.

Hobbes locates the origin of representation in the theatrical metaphor. The Latin term *persona* intimating an ‘outward appearance’ or ‘disguise’ by which someone impersonates another or even himself under an apparently different façade. This capacity to duplicate oneself on the stage became common currency in the early modern period, ‘[s]o that a *Person*, is the same that an *Actor* is, both on the Stage and in common Conversation; and to *Personate*, is to *Act*, or *Represent* himselfe, or an other; and he that acteth another, is said to beare his *Person*, or act in his name;’ (*Lev.* XVI, p. 112). Hobbes in this description of the social competence to double one’s self or re-present it under another guise by acting out one’s own self or the character of another captures a bourgeois sensibility that was to become a dominant motif in the 17th and the 18th century European civil society. This is the widespread idea of the distinctiveness between a private and a public self who is acted out for the public mind as spectator.²⁸ This divorce between intimate and public self, dominant in Hobbes too in the form of a distinction of inner ‘conscience’ from one’s external actions compliant to the laws of the sovereign power,²⁹ requires reason’s capacity for self-reflection premised on the positing of the external world and

²⁸ Marvin B. Becker, *The Emergence of Civil Society in the Eighteenth Century* (Bloomington: Indiana University Press, 1994), pp. 25-31.

²⁹ ‘A private man has alwaies the liberty, (because thought is free,) to beleeve, or not beleeve in his heart, those acts [miracles] [...] [b]ut when it comes to confession of that faith, the Private Reason must submit to the Publique’ (*Lev.* XXXVII, p. 306).

one's own self as distinctive internal objects. One's own experience of the sensible world becomes internalised as personal memory and it then furnishes the basis of self-reflection.³⁰

The duplicity of self underpinning representation as the capacity to have myself represented by another and/or myself as another person could be traced to the religious schisms and civil wars rupturing contemporary society. Hobbes explicitly associated the political struggle between 'spiritual' and 'temporal' powers rending 'Christian common-wealths' with an internalised schism 'in every Christian mans own brest, between the *Christian*, and the *Man*' (*Lev. XXXIX*, p. 320). 'Man' here signifies the political subject and the inner rift concerns allegiance to two opposed representatives (state and church), each claiming supremacy over the subject's obedience to their representative wills.

Political representation by authorisation or consent giving is construed as the basis of justifiable obedience. This is made possible by the condition that the relationship of the represented to the representative involves a making-other of the self. This other self to which the represented submits is not an independent natural person but an 'artificial person' encompassing the represented natural persons. The 'artificial person' embodied in 'one or an assembly' entails the incorporation of the natural person of the 'authors' into its public persona. The public person (as the commonwealth) does not stand externally to the 'authors' who have instituted it but it consists in the doubling of their natural selves into another unitary self whose sovereign will is the law.

In the debate between Hobbes and Bramhall on the question whether 'free will' is determined or undetermined, Bramhall contends that if the will is seen as determined then law's prohibitions appear as unjust since necessitated willed actions take place inescapably and law then punishes violations that could not be averted by any free exercise of the will. Hobbes's response to this argument is to deny the unjust character of the law claiming in his major counter-contention that 'no law can possibly be unjust, inasmuch as every man makes, by his consent, the law he is bound to keep, and which consequently must be just, *unless a man can be*

³⁰ Hobbes, [1645], 'Of Liberty and Necessity' in *Hobbes and Bramhall on Liberty and Necessity*, ed. by Vere Chappell (Cambridge: Cambridge University Press, 1999), § 33, p. 39.

unjust to himself''(emphasis mine).³¹ Consenting to law establishes a relation of representation that carries with it an ethical obligation to abide by it as a vicarious form of self-legislation.

How is it possible to claim that 'a man can be unjust to himself' whenever he transgresses a law he has consented to or conversely remaining 'just to himself' when following the law, other than that the law is the *political alter ego* of the consenting individual? To transgress the law amounts to acting against one's self as an incorporated member of the public person and this is possible only because representation permits the transposition of one's will into another's who is taken to be a duplicate of one's own self.

Hobbes's political community can exist only if its prospective members obtain representation by one person who constitutes by his person the unity of the community itself.

A Multitude of men, are made *One* Person, when they are by one man, or one Person, Represented; so that it be done with the consent of every one of that Multitude in particular. For it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*. And it is the Representer that beareth the Person, and but one Person: And *Unity*, cannot otherwise be understood in Multitude. (*Lev. XVI*, p. 114).

The covenanters agree individually with each other and all of them to constitute themselves as an artificial person. The mere agreement among themselves does not suffice to turn their aggregate into a unity. To obtain a unity they have to agree in their original covenant to set up a Representative whose unity of person confers upon them a unity. The multitude does not have a unity prior to instituting the representative power. Nor do we have two covenants, one between the covenanters establishing a commonwealth and then a second covenant consenting to the erection of a representative and entrusting him with the community's power. There is only one covenant between themselves about the person (who can be either a man or an assembly) who will necessarily embody the legal personality of the community and transform by his very existence the multitude into a political body. The necessity of instituting the representative as the

³¹ Hobbes, 'Of Liberty and Necessity', § 14, p. 24.

ground that confers to them political unity has the following significance. That each and all of them are bound individually to the Representative. If they had a prior unity as a multitude then the setting up of the representative power would have been most probably a majority decision than a unanimous one and as a majority decision the dissenters would not have been obliged to obey the representative. It would have permitted also the possibility to dissolve the commonwealth by a majority decision. By not having a unity prior to the one conferred by the representative they are ‘but many Authors, of every thing their Representative saith, or doth in their name; Every man giving their common Representer, Authority from himselfe in particular; and owning all the actions the Representer doth, in case they give him Authority without stint’ (*Lev.* XVI, p. 114).

Hobbes’s conception of an original social contract as the source of representative power has been criticised as a self-contradiction due to two incompatible demands put on it. He sees it as ‘the foundation of all shared standards and rules’ and at the same time as a contract but ‘for it to be a contract, there must already exist shared and common standards of the kind which he specifies cannot exist prior to the contract’.³² Actually, the presumable self-contradiction is not between two incompatible demands for it is perfectly compatible to posit a social contract and consider it as the foundation of all subsequent standards and rules. If there is a tension it can only be the logical inconsistency of presupposing a lack of shared standards in the state of nature such that no agreement is possible while assuming the origination of the contract as a mutual agreement within the state of nature.³³ This criticism of Hobbes does not stand for it supposes not the impossibility of coming into agreement by words or promises but that these declared ‘intentions’ do not have a binding force.³⁴ But for Hobbes they do not need to have and they do not have any binding force till the sovereign power is set up whose power imposes obedience upon the covenanters. Precisely here is Hobbes’s originality. The constitution of the political community does not take place prior to the setting up of the Representative so that the covenanters meanwhile could withdraw their non-binding consent. For any covenant made in the state of nature which has to be fulfilled in the future is nonbinding (*Lev.* XIV, p. 96). It is the

³² Alasdair MacIntyre, *A Short History of Ethics* (London: Routledge, 1989[1967]), p. 137.

³³ J. Habermas suggests a variant of this tension when he mentions that Hobbes’s grounding of social order rests problematically on ‘the fortuitous confluence of rational choices made by independent actors’. ‘Postscript to *Between Facts and Norms*’ in *Habermas, Modernity and Law*, ed. by Mathieu Deflem (London: Sage Pub., 1996), pp. 135-150 (p. 137).

³⁴ MacIntyre, *A Short History*, p. 136.

concurrent covenant for the constitution of the Representative as the Person of the commonwealth which transforms the community into a 'union' or a political body and thus it necessarily binds its members under his power. The constitution of the commonwealth is not a two-step process whereby a multitude of men firstly becomes a political body and then it erects the sovereign representative but it is one act by which it authorises a representative power to protect and rule over it consolidating its unity. From the moment the Representative has been set up their will has also been alienated permanently and they cannot change it or renege their original consent. 'For a Contract lawfully made, cannot lawfully be broken' (*Lev. 'Rev. & Conc.'*, p. 485) and according to the third law of nature '*men [must] performe their Covenants made*' (*Lev. XV*, p. 100). Once one becomes a subject of a commonwealth he is forever subjected to its sovereign power for '[t]he Obligation of Subjects to the Sovereign, is understood to last as long, and no longer, than the power lasteth' (*Lev. XXI*, p. 153) unless the commonwealth itself undergoes dissolution but this is impossible to occur on a consensual basis (except if the sovereign consents to it himself).³⁵

So Hobbes is quite consistent in his origination of the social contract with its concurrent binding force. That the presence of a representative is the necessary condition for the constitution of a commonwealth is explicitly brought up in Hobbes's critique of Bellarmine's argument that the Spiritual power (of the Pope) holds supremacy over the Temporal power of the sovereigns. Against Bellarmine's claim that there is a universal church of Christian believers Hobbes pinpoints that there is a plurality of commonwealths with several sovereigns representing them having an organic character like 'a naturall man; which no Generall or Universall Church is, till it have a Representant' (*Lev. XLII*, p. 397). Without the existence of a 'representant' no multitude can ever obtain an 'artificial person' embodying its constitution as a unitary political body.

There are two modes of origination of the commonwealth in Hobbes's theory of sovereignty. Apart from the type of commonwealth constituted by design or 'institution', commonwealths are formed also by 'acquisition' or 'conquest' as by-products of successful wars. Consent is also the basis of this type of commonwealth. The vanquished declare their submission to the victor in

³⁵T. Hobbes, *On the Citizen*, ed. by R. Tuck and M. Silverthorne (Cambridge: Cambridge University Press, 1998), p. 90 and Laurence Berns, 'Thomas Hobbes' in *History of Political Thought*, Third edition, ed. by Leo Strauss and Joseph Cropsey (Chicago: University of Chicago Press, 1987), pp. 396-420 (p. 411).

exchange for having their life spared. For Hobbes voluntary enslavement ‘to avoyd the present stroke of death’ is a matter of free choice (hence a consensual act) since the subject can always choose death or escape over enslavement. Nonetheless, mere ‘yeelding to discretion’ at the hands of the victor for expedient reasons is not a sign of consensual submission. The vanquished must expressly commit his life and liberty to the victor in order for the submission to be consensual and a ground of obligation. (*Lev. XX*, p. 141). Having given their consent the subjects are totally bound to ‘own’ the actions of the absolute will of the ruler just as it happens in the commonwealth by design. In both types of commonwealth the mode of subjection of the civil members to the sovereign representative is ‘virtually indistinguishable from the Greek or Roman slave master, that is, the despot or the private *dominus*.’³⁶

Hobbes assigns to the sovereign power the exclusive right to legislate for the commonwealth while at the same time being above the law. ‘The Legislator in all Common-wealths, is only the Sovereign [...] [and] be it an Assembly, or one Man, is not Subject to the Civill Lawes’ (*Lev. XXVI*, p. 184). The sovereign is the only agency competent to abrogate the laws. By having the power to make and repeal laws:

he may when he pleaseth, free himselfe from that subjection, by repealing those Lawes that trouble him, and making of new; and consequently he was free before. For he is free, that can be free when he will: Nor is it possible for any person to be bound to himselfe; because he that can bind, can release; and therefore he that is bound to himselfe onely, is not bound (*Lev. XXVI*, p. 184).

There exist some logical deficiencies in Hobbes’s argument through which he attempts to warrant the unlimited power of the sovereign. The conclusion Hobbes wants to derive is that the sovereign is above the law because he can make, modify or cancel the content of the law at will. Nevertheless, *the sovereign cannot abolish the Law tout court*. I mean by this that there is always a standing law to be obeyed by the subjects and provisionally by the sovereign power. Consequently, the sovereign is not released from the obligation to abide by the standing law

³⁶ Mary Nyquist, ‘Hobbes, Slavery, and Despotical Rule’, *Representations* 106 (2009), pp. 1-33 (p. 15).

whatever the content of the law may have been at any given moment. At any moment the Law is going to have a particular content prescribing and proscribing certain actions. If the sovereign power violates the settled law then it comes in direct opposition to its own posited will. Thereby it endangers the legitimacy of its rule consonant with the general obedience to legality. From the condition that the law can be changed the consequence cannot be derived that as long as the law is standing the legislator is not bound by the content of his will. If anyone wills something this is what he has willed and he is rationally bound to the determinate effect of his will. That the person is a free agent and he can will something else at some other point in time does not annul the particular action he had willed the moment he had willed it. Certainly it cannot be supposed that he willed one thing and its opposite at the same time. So at any time the person is bound to his momentary will. The same condition applies to law. At no time is the sovereign's legislative will outside the framework of law. The legislator is free to change the law, not free from the law as Hobbes asserts.

The argument on freedom offered to substantiate the sovereign's unrestrained freedom over law is quite problematic. Hobbes's proposition is 'For he is free, that can be free when he will'. A person is free not when he wills to be free for he may be a slave and whatever he may will it does not affect his enslavement. Freedom is the precondition of a free will not a 'free will' the generator of freedom. One has to be free to will freely. To will to be free does not make you free. If the proposition is read otherwise, that one can be free when he wills it, therefore he is free, it is then a mere tautology not a proof, for it assumes the identity of possibility with actuality. If 'I can be free' is construed as meaning 'I am free' then the conclusion 'for he is free' is a reiteration of the premise.

The second point on the idea that persons cannot bind themselves is questionable too. Persons can be bound to themselves as it has been argued conclusively by Kant and as the existential testimony of 'moral conscience' in human history has shown. Actually a real free will is the one that binds the person who wills as a moral agent. Even from a pragmatic vantage point if one is not bound by what he has willed then he will be treated as an hypocrite, be considered irrational and most probably he will be socially censured if for example he does not keep any of the promises he makes. Apart from these logical and practical errors Hobbes is also caught in self-contradiction. He raises the issue of the obligation owed to 'divine positive lawes' declared

by the authorised representatives of God (*Lev. XXVI*, p. 197). His conclusion is that ‘if the Law declared, be not against the Law of Nature (which is undoubtedly Gods Law) and he undertake to obey it, he is bound by his own act;’ (*Lev. XXVI*, p. 198). So, if anyone wills to obey a law he is self-bound by his very own act of doing so. It follows that the sovereign power in willing freely the law it ought to be bound to its own act. Not doing so amounts to a Scholastic ‘absurdity’, the lack of rational consistency, which in Hobbes’s own terms is ‘Injustice, and Injury, voluntarily to undo that, which from the beginning he had voluntarily done’ (*Lev. XIV*, p. 93). The only solution out of this quagmire Hobbes has put himself in, it would be to assert that the sovereign will does not will to obey the acts of its own will, a sedition enhancing doctrine to espouse at the sovereign power’s own peril which Hobbes does not uphold.

We saw that in Hobbes’s account the Representative’s will is not constrained by the civil law for it is taken to be above the law by setting the law according to its own discretion. Another possible form of constraint that could and ought to bind his will is the promotion of the ends of the commonwealth since the safeguarding of the ends was the foundational reason he was instituted in the first place to act for. The third possible candidate of restraint is the normative force of the law of nature. If the sovereign power performs its entrusted duties and abides by the natural law all is well. But what does it happen if it transgresses its mandate and/or violates natural law?

It is true, that a Sovereign Monarch, or the greater part of a Sovereign Assembly, may ordain the doing of many things in pursuit of their Passions, contrary to their own consciences, which is a breach of trust, and of the Law of Nature; but this is not enough to authorise any subject, either to make warre upon, or so much as to accuse of Injustice, or any way to speak evill of their Sovereign; because they have authorised all his actions, and in bestowing the Sovereign Power, made them their own (*Lev. XXIV*, p. 172).

In a nutshell, we have all the conditions which ground the arbitrariness of representative government. Justice is distinguished from equity in Hobbes’s thought. Justice and the definition

of right and wrong is only what the sovereign will, declared as civil law, commands.³⁷ Hence no sovereign act can ever be unjust. Given the distinction of justice from equity, a sovereign act may be just but inequitable by appeal to natural law in the sense of natural law being an independent standard of ethical conduct. *Stricto sensu*, natural laws ‘are not properly Lawes, but qualities that dispose men to peace, and to obedience’ (*Lev. XXVI*, p. 185). Only when they become ‘commands’ in the commonwealth, then they emerge as civil laws with binding force. So appeal to natural law is conditional upon its legalisation. Such appeal is thereby neutralised for natural law *qua* civil law does not bind the sovereign power which ‘is not Subject to the Civill Lawes’ (*Lev. XXVI*, p. 184). Even if we assume the independence of natural law as a set of ethical precepts by which the sovereign actions could be judged, still the possibility of ethical disagreement is duly eliminated and quite consistently so by the argument that since the representative’s action is the subject’s *own* action and, as we have seen above, no one can be unjust to himself, no one can accuse the sovereign of any injustice. So natural law cannot function as a critical counterweight to call the sovereign power into account. Hobbes’s systematic thinking is so powerful that it leaves nothing to chance. Since natural law is unwritten law its knowledge requires interpretation. The monopoly of interpretation of any and all laws, past and present, is held by the sovereign power whose ‘Judgement of what is reasonable, and of what is to be abolished’ counts only. (*Lev. XXVI*, pp. 184-5).³⁸ So no independent interpretation of natural law can be raised to oppose the understanding of natural law by the sovereign. Consequently, the sovereign is safeguarded not only from ‘accusation’ but he cannot even be criticised of ‘evill’ or unethical conduct. What applies to natural law applies *pari passu* to the definition of the commonwealth’s public ends. Therefore neither can function as a limitation or as an ‘external impediment’ restraining the freedom of the sovereign.³⁹ The Representative power can violate both the ‘trust’ and natural law at will for it is up to its own ‘conscience’ and understanding to judge what they mean. The whole edifice of unlimited representative power is erected on the ground of the initial authorisation act. The ‘authors’ have given him ‘authority’

³⁷ ‘Power irresistible justifies all actions, really and properly, in whomsoever it be found’. Hobbes, *Liberty and Necessity*, § 12, p. 22.

³⁸ Also, ‘all lawes, written and unwritten, have their Authority [...] from the Will of the Representative’ (*Lev. XXVI*, p. 186) and on the monopoly of interpretation by the reason of the ‘artificial man’ (*Lev. XXVI*, pp. 187, 190). The reduction of reason to the sovereign’s reason eliminates the last remaining independent source of evaluation of the ethical conduct of the sovereign power.

³⁹ ‘Liberty’ in Hobbes is ‘the absence of all the impediments to action that are not contained in the nature and intrinsical quality of the agent’. *Liberty and Necessity*, § 29, p. 38.

and authority entails ‘a Right of doing any act’ (*Lev. XVI*, p. 112). They have authorised the Representative ‘without stint’, i.e. *unconditionally*. It has to be remarked, for it is often misunderstood, that in Hobbes’ schema of authorisation underwriting the social contract there does not take place any transfer of rights but a ‘transfer’ or substitution of wills. A transfer of rights presupposes that these are given or granted or entrusted to the representative government to uphold and protect. This raises the possibility that a ‘multitude’ of free wills may demand to have their rights back if these are not being respected. By contrast in the exchange of one’s will with that of the representative, the ‘author’ ceases to have a will of his own and only ‘owns’ the will of his representative, the will of his own public self. Therefore he does not have an independent will on the basis of which he could revoke his authorisation for whatever reason and he is fated to be permanently alienated from his will. Hobbes is explicit that no transfer of rights ever took place in the instituting of the commonwealth. The natural ‘right to everything’ and its most important derivative, the right to punish which makes any law enforceable, ‘is not grounded on any concession, or gift of the Subjects [...] but onely in laying down theirs’ (*Lev. XXVIII*, p. 214). What is ‘given’ may under certain conditions be reclaimed. What is ‘laid down’ can only be raised up. But if it is raised up this converts one into an ‘enemy of the state’ instantaneously and moreover sets one in unjustifiable opposition to his own will, that is, the representative’s will. Hobbesian political representation justifies total subservience to the sovereign’s master will. The obedience is so total that the subjection of the citizen’s private will verges on extinction under the sovereign’s will so that he is absolved from any responsibility of actions done under the authority’s command. He is in effect turned into a marionette of the sovereign will. A ‘Civill Sovereign [...] may oblige men to certain actions, and sometimes to such as they would not otherwise do [...] and yet when they are commanded, they are Laws; and *the externall actions* done in obedience to them, *without the inward approbation*, are the actions of the Sovereign, and not of the Subject, which is in that case but *as an instrument, without any motion of his owne at all*’ (emphasis mine, *Lev. XLII*, p. 389).

Political representation by committing the subjects ‘to uphold whatsoever power is given to the Sovereign’ is the ‘Fundamentall Law in every Common-wealth’ without which no commonwealth can be preserved (*Lev. XXVI*, p. 200). And this applies to all forms of government, be it monarchy, democracy or aristocracy. There are no other forms of government but just misnomers of these expressing an evaluative negative stance toward either one of these

(*Lev.* XLVI, pp. 470-1). Hobbes clearly favours monarchy though formally most of the time, he refers to monarch and assembly conjointly. Sovereign power as assembly covers both democracy ‘in which any citizen has the right to vote’ and aristocracy in which ‘only a certain part have a vote’.⁴⁰ His pro-monarchical preference for the sake of which sovereign power is constructed as absolute rule,⁴¹ is suggestively revealed in his discussion of the dysfunction of the counseling assembly.

The arguments used against the assembly format (tendency to demagogy, factionalism, intimidation to speak against the prevailing doxa etc.) are used in order to infer that the assembly structure as such does not permit rational decision-making but only ‘when the finall Resolution is in one man’ (*Lev.* XXV, p. 182). As a consequence the constitution of the sovereign power as an assembly, i.e. ‘popular government’ is dysfunctional and ‘therefore no great Popular Commonwealth was ever kept up’ (*Lev.* XXV, p. 182). The alternative of monarchy or assembly as the three possible governmental forms of the Representative was a rhetorical ploy for the two alternatives to monarchy were in Hobbes’s view a recipe of political disaster and consequently to be discarded as forms of government.

The systematic intent of Hobbes’s political philosophy leads to a deification of the total power possessed by the sovereign. ‘Tyranny’ is the ‘name of Sovereignty’ under all forms of government (*Lev.* ‘Rev. & Conc’, p. 486). In a sense the sovereign power is in a state of nature with the members of the commonwealth.⁴² One reason is that in the commonwealths by ‘acquisition’ the subjects make a personal agreement with the sovereign so the latter should be bound by his agreement equally with his subject. When Hobbes raises the issue of whether the sovereign is bound by a covenant made with his subjects his response is that covenants are mere words and do not oblige, constrain or protect anyone ‘but what it has from the publique Sword’ (*Lev.* XVIII, p. 123). So the covenant is considered as if it had been made in the state of nature

⁴⁰ Hobbes, *On the Citizen*, pp. 91-2.

⁴¹ Benjamin Constant argues that the notion of absolute rule is a ‘sophism’ of Hobbes introduced to serve his ‘aim’ and necessarily leads him to false conclusions and the disastrous consequence that in unlimited sovereignty ‘there is no means of sheltering individuals from governments’. ‘Principles of Politics Applicable to All Representative Governments’ in *Constant: Political Writings*, ed. by Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), pp. 175-305 (p. 179).

⁴² H. Pitkin, *The Concept of Representation*, pp. 30-1.

in the absence of a protecting sovereign power.⁴³ Hobbes is led to the impasse of denying the validity of *civil* covenants made with a sovereign of an established commonwealth because in this case the protection of the commonwealth's subject by the sovereign power should have come from the very same sovereign power that has committed the violation of the covenant. The sovereign would have been obliged to punish himself for his own contractual transgression, something unimaginable for Hobbes. From another point of view the Hobbesian conception that covenants do not bind unless someone has the power to back them up leads to disastrous consequences in regard to his strategic intent to safeguard monarchical power. For if only possession of power matters then any and all subjects exposed to its arbitrary use would be strongly motivated to attempt to dispossess the holder of sovereign power from his power, thus intensifying tumult and civil strife than the consolidation of 'common peace' so much desired but lacking in the state of nature. An analogous problem pertains to the commonwealth by 'institution'. Of course, the constitution of this type does not involve any covenant with the Representative. Hobbes, nevertheless, raises the hypothetical case of one making 'so many severall Covenants as there be men' and thus instituting the commonwealth. The consequence is that 'those Covenants after he hath the Sovereignty are voyd' (*Lev. XVIII*, p. 123). The covenants of all severally are good and valid till the covenantee grabs the sovereignty. Thereafter they are invalid. The reason of invalidation is grounded on political representation. He is the representative person who by their authorisation has got their collective power in his hands while all of them have 'laid down' or 'given away' almost all their rights (except the right of resisting deliberate death) and to whom they have permanently alienated their private wills by obliging themselves to have his public will substitute for their own. So no 'breach' of any covenant can be claimed for whatever act is committed by their artificial person since any act of his is 'the act of himselfe [the subject], and of all the rest, because done in the Person, and by the Right of every one of them in particular' (*Lev. XVIII*, p. 123). How does this civil state differ from the state of nature? In the state of nature each feared everybody else. In the civil state each fears only the *Leviathan*. But there exists another significant difference. In the state of nature men enjoyed natural equality and there existed a kind of parity of fear in the sense of equivalent strength between enemies. In the state of the Leviathan each subject is confronted by a power capable to

⁴³ Ross Harrison, *Hobbes, Locke, and Confusion's Masterpiece: An Examination of Seventeenth-Century Political Philosophy* (Cambridge: Cambridge University Press, 2003), p. 111.

annihilate him. For this reason, the right of resistance to imminent death is a sham right vis-à-vis the Leviathan. In effect, there are not any rights held by the subjects against Leviathan, and the latter is not a constitutional state that could, through the rule of law, protect the individual from the absolute will of the sovereign power.

The most basic element of living in the state of nature is that everyone has ‘a right to all things’ (*Lev. XIV*, p. 92). This right is laid down by the members of the commonwealth but it is afforded to the Hobbesian sovereign since no member of the commonwealth can reserve any right from being encroached legally by the sovereign power. For instance, the most important condition for the maintenance of the commonwealth and of its citizens is the institution of property and the distribution of the material resources of society. There is no natural right to any form of property. (*Lev. XXIX*, p. 224). ‘[T]he Introduction of *Propriety* is an effect of Commonwealth; which can do nothing but by the Person that Represents it, it is the act onely of the Sovereign’ (*Lev. XXIV*, p. 171). The distribution of all material resources, the allocation of land, what any subject may own rightfully is the exclusive prerogative of the sovereign to decide. Access to the ‘means of preservation’ which was a right by nature for every individual in the pre-civil condition is now exclusively left to the discretion of the sovereign. The standard of distribution of the means of subsistence is ‘Equity and the Common Good’. Alas, what equity and the common good mean is not the business of ‘any Subject, or any number of them’ to judge, but only he can judge it. (*Lev. XXIV*, p. 171). So, even if the great majority of citizens deems the commonwealth’s existing distribution of wealth and resources unfair and inequitable, this is of no effect, let alone that such opinion is severely punishable since it opposes the absolute will of the sovereign. This is an extremely asymmetrical political condition.⁴⁴ Everyone is obliged to obey the commands of the civil power primarily out of fear of punishment as ‘the terrour of his laws’ (*Lev. XLV*, p. 449) coerces compliance and secondarily by the weak appeal of the ‘dictates of reason’ or the maxims of ‘natural law’ which counsel the performance of covenants. Consequently, all members of the political community are compelled to ‘own’, willingly or not, the actions promulgated by the sovereign power. By unquestionably obeying the commands of the ‘Arbitrary government’ of the Representative (*Lev. XLVI*, p. 471), the embodiment of the unitary will of the commonwealth, the represented authors have been reduced to a political

⁴⁴ Laconically put by Hobbes himself. ‘Outside the commonwealth anyone may be killed and robbed by anyone; within a commonwealth by only one person’. *On the Citizen*, p. 116.

mirage of the sovereign will. As private men they do enjoy the leeway to oppose the laws (thus the sovereign will) but this turns them ipso facto into enemies of the state (*Lev.* XXVIII, p. 216). There is no room left at all to exist as political participants in the public life of the commonwealth. All public activity is strictly pre-determined by the sovereign power and the thought control it exercises. Even the pursuance of *true* philosophical doctrines is prohibited if they have not been condoned by the sovereign (*Lev.* XLVI, p. 474). Political representation in Hobbes is revealed to be the opposite of its initial constitution. The representative sovereign power has exclusive authority to appoint all officialdom of the executive, of the judiciary and of any other state agencies (as in local administration, in universities, in the Church). All public servants are representatives of the sovereign power and all their actions are valid only on condition that they are authorised by the sovereign will. Thus the representative power is the actual ‘author’ of any and all public activity.

At the constituent moment of the commonwealth the representative originated as the actor embodying the universal will of the ‘many authors’ endorsing their political union. With the full development of the conditions underwriting the sovereign power’s absolute will the Hobbesian representative is shown to be the real author of all legitimately permissible acts (of public and private men) and the initial authors have been demoted to plain actors, ‘as instruments without any motion of their own’ acting out his arbitrary will and acting for the preservation of the sovereign’s supremacy.

In the next chapter we will see the logic of political representation being deployed completely otherwise. Unlimited representative government is duly transformed into responsibly limited government. In place of political representation taking place ‘in the name’ of the people to the detriment of the people, political representation takes place ‘on behalf’ of the people for the sake of society’s public good.

Chapter 2

Natural Law and the Constitution of Representative Political Society

In this section I discuss some aspects of John Locke's political philosophy which have remained undertheorised in recent scholarship. In particular, I focus on the *social* dimensions of his thought, a kind of 'socio-logical philosophy' that underpins his political theory proper. The paradigmatic text of Locke's political philosophy is his magnum opus *Two Treatises of Government* published in 1690.

I argue that in his work we see the emergence of political society out of the state-of-nature which itself is a natural society, through a process of representation that renders the new society its sui generis political character. Individuals in the state of nature exist as multitudes and their consensual institution of a political society converts the multitude into a unitary political 'body'. The instituted political power erected to direct the functioning of 'political society' involves representation both as a condition of its genesis (it represents the concerted will of the partners in the compact drawn while living in a pre-political condition), and as the form of deployment of the connection between the constituted political community and the legitimate government that regulates the community's affairs.

2.a. The Social State-of-Nature and the Genesis of Political Society

The theoretical universe of Locke is articulated within the dominant politico-religious order of his era which is suffused by forms of representation especially representation based on notions of authorisation, entrustment, commission, trusteeship and stewardship designating relational activities performed by agents under obligation and on behalf of someone else or some other entity. His critique of the monarchical right to legitimate governance rests on an immanent critique (pace Filmer) of the 'divine right' conception of absolute monarchical power which

itself is based on an idea of representation of God's will by monarchy. In this section I will explore the lineaments of such critique and I will argue that Locke infuses his conception of representation with freedom expounding it as a rationally guided, law-based, moral entanglement of the represented with the representative(s).

The precondition for the emergence of political society is social living in the so-called state of nature which is acknowledged by Locke to be an actual natural state rather than a mere hypothetical case or a 'thought-experiment' as some commentators take it to be.⁴⁵ This does not mean that Locke focuses on a descriptive account of the empirical conditions of contemporary and/or bygone natural societies (though he refers at times to particular historical examples)⁴⁶ but he aims to reconstruct the normative standing of the state of nature,⁴⁷ how people must have led their lives given the absence of an overbearing human power over them and in accordance with certain presuppositions built into natural law that was assumed to be the regulatory basis of human interaction in that original state of consociation. Thus Locke falls neatly within the 'political antinaturalism' camp, one of the two opposing camps in which political philosophy can be divided. 'Political antinaturalism is the view that the natural condition of humankind is nonpolitical.'⁴⁸ It follows that the constitution of 'political society' is a post-natural condition, an artificial invention designed by human creation.

None the less, the formation of political society is based on social resources, capacities and socio-ethical relations drawn from the state of nature and its law and carried over into political society prescribing the limiting conditions that circumscribe the legitimate functioning of political power. The Lockean state of nature reflects Locke's conception of 'human nature' which in his account is constitutively social, 'naturally sociable'.⁴⁹ This assumption of an

⁴⁵ For instance, Nicholas Jolley, *Locke: his philosophical thought* (Oxford: Oxford University Press, 1999), p. 196. For Locke's simultaneous development of three different conceptions of social contract as 'a historical event', 'an ongoing silent event of consent giving' and a 'hypothetical choice that rules out political arrangements rational agents wouldn't agree to', see: Don Herzog, *Happy Slaves: A Critique of Consent Theory* (Chicago: University of Chicago Press, 1989), pp. 34-5.

⁴⁶ The 'beginning of Rome and Venice', 'parts of America', 'Peru' are taken as historical instances of the past and a 'Florida' tribe, some in 'Bresil' and others are cited as contemporary ones. (*TG* II § 102, p. 335).

⁴⁷ In any case any historical 'Argument from what has been, to what should of right be, has no great force' (*TG* II § 103, p. 336).

⁴⁸ A. John Simmons, 'Theories of the state' in *The Cambridge Companion to Early Modern Philosophy*, ed. by Donald Rutherford (Cambridge: Cambridge University Press, 2006), pp. 250-273 (p. 253).

⁴⁹ The individual is 'urged to enter into society by a certain propensity of nature, and to be prepared for the maintenance of society by the gift of speech and through the intercourse of language'. (*ELN*, IV, p. 106). See also,

originary sociability characteristic of human nature in the state of nature implies that there is a connate disposition to socialise with fellow creatures and a certain set of social *qua* moral/rational bonds conferring an integral character to natural society. Hence, natural society does not consist of isolated individuals whose very isolation and unconnectedness with each other breeds fear of the unknown others and thus compels the individual to seek protection by instituting a commonwealth as in Hobbes. Though there are certain ‘inconveniences’ in the state of nature which make living within it far from idyllic⁵⁰, still the state of nature is also far from a hellish state of war that would make it completely inhospitable for its inhabitants. Especially since in that state ‘man’ enjoys so much freedom being ‘absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body’ (*TG* II § 123, p. 350) and at the same time he enjoys the two unique powers of looking after ‘the preservation of himself and others’ within the universal ‘community of Mankind’ established by the law of nature as ‘one Society distinct from all other creatures’ and being in possession of the moral power to punish the crimes committed against natural law (*TG* § 128, p. 352). Does then ‘man’ trade freedom for security by entering into the political community? In a certain sense his natural freedom is restricted since it is ‘confined’ by the ‘Laws of the Society’ (*TG* II § 129, p. 353). The Lockean individual is in a state of ambivalence. He enjoys ample freedom and self-government but he is also faced with situations that breed ‘uneasiness’. These situations *motivate* but they do not compel the individual to exit the state of nature. In the absence of corrupt, vicious and ‘degenerate Men’ there would exist ‘*no necessity* that Men should separate from this great and natural Community, and by positive agreements combine into smaller and divided associations’ (my emphasis, *TG* II § 128, p. 352). Hence, there is ‘no necessity’ but contingent social disincentives that make the individual ‘willing to joyn in Society with others who are already united, or have a mind to unite for the mutual *Preservation* of their Lives, Liberties and Estates, which I call by the general name, *Property*.’ (*TG* II § 123, p. 350). But this is not all. It is not merely the existence of certain inconveniencies that weigh in the rational deliberation of the individual to leave the state of nature. There are also positive incentives to enter political society for in the ‘new state’ he will

A. John Simmons, *The Lockean Theory of Rights* (Princeton: Princeton University Press, 1992), p. 16 note 4 and A. John Simmons, *On the Edge of Anarchy: Locke, Consent, and the Limits of Society* (Princeton, NJ: Princeton University Press, 1993), chaps. 2 & 3.

⁵⁰ Locke, *TG* II §§ 90, 91 on the lack of a ‘common Judge to Appeal to’, p. 326; *TG* II § 123, p. 350 on the exposure to the ‘invading’ of one’s property which creates a situation ‘full of fears and continual dangers’; *TG* II § 124, p. 351 on the transgression of the law of nature due to ‘being biassed by their Interest, as well as ignorant for want of study of it’.

countenance collectively instituted political institutions ‘wanting’ in the state of nature, like a ‘known Law’ which ‘by common consent’ stands as ‘the Standard of Right and Wrong’ (*TG* II § 124, p. 351), ‘a known and *indifferent* Judge’ who adjudicates impartially any controversies (*TG* II § 125, p. 351) and a collective executive power to implement judicial decisions and thus to redress by equalising the unequal physical power impotent individuals have in the state of nature to make good the injustices suffered. (*TG* II § 125, p. 351).

From this perspective, the Lockean individual partakes in political society because it constitutes a higher form of organised sociopolitical existence. In this sense human beings are not pushed out of the state-of-nature due to the unbearable conditions that pervade it but they are rather pulled by the political society due to the civilised benefits the latter offers or they are enticed by the idealised form of political association it can provide them with. We can derive a two-fold consequence as a result of the standing of political society vis-à-vis the state of nature. Firstly, if individuals willingly enter political society in order to enjoy the institutional advantages offered by legally organised political life then if the consensually agreed upon conditions or even the ‘law of nature’⁵¹ are violated or abused by the holders of political power it is expectable that individuals would have every reason to withdraw their consent from the government and change the government or even change ‘the form of government’ according to the original constitutional arrangements set down by the instituted commonwealth (*TG* II § 132, p. 354). Secondly, in case the first solutions are not possible due to the permanent entrustment of the ‘Supream’ legislative power to its incumbent, the political subjects can justifiably strive to overthrow the governing power and even to dissolve the commonwealth itself and revert again into the ‘one community of mankind’ of the state of nature. This drastic solution is viable precisely because the condition of the state of nature is not worse than the political regime that abuses its representative authority and thus confronts its political subjects with an ‘absolute arbitrary power’ or an ‘unlimited Will’. If the consenters, supposedly, had intended to live under the rule of arbitrary power they ‘were to put themselves into a worse condition than the state of Nature’. (*TG* II § 137, p. 359).⁵² So, the consequence we infer is that living in the state of nature

⁵¹ ‘The Obligations of the Law of Nature, cease not in Society, [...] [t]hus the Law of Nature stands as an Eternal Rule to all Men, *Legislators* as well others.’ (*TG* II § 135, pp. 357-8.).

⁵² Expressed in a positive way; ‘Much better it is in the State of Nature wherein Men are not bound to submit to the unjust will of another’ (*TG* II § 13, p. 276). Also, Richard Ashcraft, ‘*The Politics of Locke’s Two Treatises of*

appears as a feasible choice, a sensible alternative to take up in the face of a governmental power turned tyrannical.⁵³ The possibility of reversion to the state of nature primarily concerns the upholding of the moral relations prescribed by the law of nature, the liberation of the community from the set of political obligations that subjected it to the authority of political power. Thus the freedom to institute once again a new social compact representing politically the community in a novel way is restored. The state of nature stands to authoritarian government as an exit clause that allows the free and rational individuals to experiment with a new origination of the commonwealth. In regard to the actual social state of nature Locke seems to pinpoint to two distinct phases of the historical dynamic of the state of nature. A first primordial one akin to a kind of ‘golden age’ where communal cohabitation existed with common forms of property and when in tandem with primitive forms of private property the latter did not generate any significant differentials in life’s conveniences that could demoralise the community *ethos*. The second stage involves the entrenchment of private property, the consolidation of the money institution and the strengthening of the sense of self-interest which was the cause of the increase in the ‘contentions’ marring the relative peacefulness of the state of nature and reinforced the demand for a political, by common, regulation of the right to property.⁵⁴

2.b. The Law of Nature and Mankind’s Representation of the Divine Will by Reason

How does Locke envisage the universal state of nature out of which political society originates?

Government’ in *John Locke’s Two Treatises of Government: New Interpretations*, ed. by E. J. Harpham (Lawrence KS: University Press of Nebraska, 1992), pp. 14-49 (p. 17).

⁵³ It is ‘as far distant, as a State of Peace, Good Will, Mutual Assistance, and Preservation [is from] a State of Enmity’ (*TG II* § 19, p. 280).

⁵⁴ On money breeding contention and quarrel driving men to civil society, Onur Ulas Ince, ‘Enclosing in God’s Name, Accumulating for Mankind: Money, Morality, and Accumulation in John Locke’s Theory of Property’, *The Review of Politics*, 73 (2011), pp. 29-54 (p. 37). For a different ‘story’ of the historical development of the Lockean state of nature, seen to be quasi-political from the start, originating from ‘paternal authority’ and through incremental changes evolving into legitimate political regime, see: Jeremy Waldron, ‘John Locke: Social Contract versus Political Anthropology’, *The Review of Politics*, 51.1 (1989), pp. 3-28.

we must consider what State *all Men* are naturally in, and that is, a State of perfect Freedom to order their Actions, and dispose of their Possessions, and Persons as they think fit, *within the bounds of the Law of Nature* [...] A State also *of Equality*, wherein *all* the Power and Jurisdiction *is reciprocal, no one having more than another*: there being nothing more evident, than that *Creatures of the same species and rank* promiscuously born to *all the same advantages of Nature, and the use of the same faculties*, should also be equal one amongst another without Subordination or Subjection (TG II, § 4, p. 269; emphasis mine).

Possession of ‘perfect freedom’ to order one’s actions is of greater provenance than political freedom which is delimitedated by conventionally agreed upon positive laws. Perfect freedom nevertheless is not unconditional or unlimited, ‘not a state of license’ (TG II § 6, p. 270) but conditioned or bounded by the strictures of the law of nature. And the ‘Law of Nature’ that governs the state-of-nature is ‘Reason’ (TG II, § 6, p. 271). Furthermore, the state-of-nature encompasses the universality of human beings who are ‘creatures of the same species’ having the same natural advantages and the same faculties to use. Human beings who belong ‘in the races of Mankind and Families of the World’ (TG II § 1, p. 267) are not mere aggregates of diverse individuals but partake of the same *species being*, the ‘one Community of Nature’ (TG II, § 7, p. 271) without any intrinsic ‘rank’ dividing them amongst themselves.

The totality of human beings compose one universal community and since as corporeal beings are scattered as groupings throughout the surface of the earth without any empirical basis to suggest an overall connection into one community, the pertinent question to raise is which element provides for this natural community’s unity? I claim that this unity is furnished by the Lockean God not only because he is construed as the maker of humanity but also because the individual human beings are seen to be *representatives and executors* of the divine will via the property of reason which all share as natural selves. The theological and moral connection between God and humanity at its foundation rests on a relationship of representation of limited authorisation and delegated power whose boundaries are reason’s duty to clarify. In Locke’s schema of representation God is the principal and all human beings are his serving agents. They are ‘All the Servants of one Sovereign Master, sent into the World by his order and about his

business, they are his Property, whose Workmanship they are' (*TG II* § 6, p. 271). God's labour in making man establishes his right of property over his creation, a relation of justifiable proprietorship exactly analogous to Locke's labour theory of property use.⁵⁵ Since all the 'servants' are equally subordinated to their Master then by logic of transitivity they are also equal among themselves and thus they do not have the authority, which only a relation of superiority can authorise, either to destroy each other or treat each other 'as if we were made for one another's uses' (*TG II* § 6, p. 271). It follows that no morally valid human interaction can be self-interested by prioritising one's pleasures for that would constitute a violation of the terms of the commission under which the service ought to be performed. On the contrary 'all the servants' have the positive duty to 'preserve' themselves and 'the rest of Mankind'. Thus a condition of reciprocity is set down which is further warranted by the norm of equality characterising their connatural situation. In being created all by God, the individuals have an identical nature sharing the 'same advantages of Nature' and the use of the 'same faculties' like the ability to reason, to labour, to judge, to punish. It seems that we are confronted with a paradoxical situation that calls for the resolution of an apparent contradiction. If human beings are conceived as executors of the ordinances of divine will then how can they be free and self-governing in the conduct of their life? As 'servants' they would have to abide by their 'master's will acting for his 'pleasure', in effect making his will their own will and becoming deprived of their own free will. The solution to this antinomic condition is furnished by the faculty of reason which shows thus the strategic importance of reason in Locke's argumentation. Reason mediates the representative connection that binds mankind to the divine will and opens a realm of freedom (under law) which permits human beings to exercise their rational faculty (which all have having come of age, *TG II* § 61, p. 308) and thus form a volition of their own. This is made possible because the contents of the divine will as the natural law are unwritten (*ELN*, I, p. 86, *TG II* § 136, p. 358), there does not exist 'any manifest Declaration of his Will' as Locke presumes on the crucial political issue for humanity, the 'appointment' of a sovereign to represent God's power on earth (*TG II* § 4, p. 269).⁵⁶

⁵⁵ Keith Tribe, *Land, Labour and Economic Discourse* (London: Routledge & Kegan Paul, 1978), p. 47.

⁵⁶ The major ideological stake of the political struggle over sovereignty that led to the English civil war was the question who was the authentic representative of God, empowered to act for him or speak *as* his voice. 'The king was God's lieutenant, but the Commons claimed to speak for his people whose voice "in the things of their knowledge, is said to be *as* the voice of God.'" (my emphasis). Kenyon, *Stuart Constitution*, p. 35 cited by Joyce

A possible objection that may be raised to my interpretation is that the undeclared will of the creator might concern only the particular question of his political appointee and does not embrace the totality of human conduct. If that is so this qualification would not affect the relationship of representation as such but it would change its form making it a kind of express will that it is immediately known by the human agents and thus disqualify the necessity of reason's mediation in order to make it known and thus annul the space of freedom accompanying the exercise of human reason.

The divine will is promulgated (but not made manifest) in two distinctive ways, proximally and 'indirectly'. In the 'indirect' mode the divine will is made known and binding through his representatives, the ones to whom 'by delegated power the will of any other superior is binding, be it that of a king or a parent' (*ELN*, VI, p. 119). Here we see the double aspect of the 'divine right' conception Locke will contest in the *Two Treatises*. On the one hand, the patriarchal conflation of fatherly with regal authority unified by the common attribute of superiority to which subjects owe obedience and on the other hand the justification of obedience to 'imposed obligations' because of the representative status of the superiors as enunciators of God's will. Locke will dedicate considerable effort to distinguish the two forms of authority, firstly by depoliticising 'paternal power' showing it to be distinct from political power (*TG* II § 2, p. 268) in being of a 'temporary' duration (and without jurisdiction over 'life and property') till the child comes to attain reason and consequently freedom (*TG* II §§ 65, 63, pp. 310-1, 309). A full-blown representative relationship in the form of *trusteeship* pervades the parent-child bond. The parent as trustee or 'guardian' substitutes his/her will for the child's *absent* will for 'he that *understands* for him, must *will* for him too' (*TG* II § 58, p. 306). 'This trust' grounded on the lack of reason's use by the child 'puts the *Authority* into the *Parents*' and this authority is to be applied only 'to the Childrens good' (*TG* II § 63, p. 309). The trusteeship relationship by which the representative's understanding and will stands for the will of the represented acting for the sake of the latter's good, applies generally to all persons lacking reason for whatever reason (*TG* II § 60, p. 308).

Lee Malcolm, ed. and intro., *The Struggle for Sovereignty: Seventeenth-Century English Political Tracts*, Volume 1 (Indianapolis: Liberty Fund, 1999), p. xlvi. Note the two-tiered representative linkage in the sequence God-people-Commons.

Furthermore, if paternal power was really political power then in ‘societies where fathers are subjects’ and all political power is held by ‘a Prince’ no father would ever have any paternal power over his offspring. (*TG* II § 71, p. 314). Secondly, Locke will strike at the representative nexus of the king having any ‘delegated power’ from God.

The second but primary mode by which divine will is promulgated is in the form of natural law. At the basis of both modes there exists a crucial distinction between the will and its content. The ‘will of a superior’ binds ‘effectively’ being ‘the prime cause of all obligation’. This is a ‘formal cause’ since it does not specify as to what object anyone who is subject to the ‘superior will’ is obligated to. The pure will of the superior must be *declared* in order to bind ‘terminatively’, that is, in terms of ‘the manner and measure of an obligation’. The declaration of the will is ‘the law’. So even though human beings are obliged unconditionally to the superior will, they are not obliged to any unlimited will but only to a will that has become ‘delimited’ to ‘what a lawmaker in some way has made known and proclaimed as his will’ (*ELN*, VI, p. 118). Two consequences follow for the Lockean conception of the representation of will. Firstly, since only the declared will obligates by setting down the law then the (superior) will attains its substantial form, its actuality, only by obtaining a determinate form which in turn obliges the will itself to commitment to its own determinate content or to be logically bound by it since this is its substantive mode of existence. Of course, a will may change but if changed it must have necessarily adopted another declared content for it to be and so it cannot escape its own delimiting. But as far as the superior will is concerned it cannot change. The natural law as the declared divine will is universal and immutable because it not only ‘obtains everywhere’ (*ELN*, I, p. 83) but it also ‘does not depend on an unstable and changeable will, but on the eternal order of things’ (*ELN*, VII, p. 125). For if God were to change his will by making the world anew that would have meant that the first attempt was imperfect and unreasonable.

The second consequence is that a distance is opened between the divine will and its declaration since God’s will is not declared in person but via natural law and thus subject to human interpretation. This is the second mode of the manifested will inscribed in human nature and thus it binds ‘by its intrinsic force’ and it can be known only ‘by the light of nature’ which is human reason and by revelation (*ELN*, VI, p. 119).

Natural law is not a positive law expressly set down. It can be known through two distinctive sources, reason and revelation. Revelation entails a) intuitive access to divine instructions, b) miracles, c) the holy texts. All three knowledge procedures of revelation are subordinate to reason and do not possess independent validity as knowledge routes to divine will. Intuitive access is mere ‘Enthusiasm’ which confuses, at its best, the truth of a proposition with a proposition coming from God.⁵⁷ Miracles are not self-evident truths but the meaning of their ‘marks’ can be judged only by reason as to their origin and truth.⁵⁸ Holy texts are only human testimonies whose veracity pertains to the jurisdiction of reason to investigate.⁵⁹ Thus none of the revelatory routes to knowledge of the divine will stands by itself and all are subsumable under reason’s provenance. Therefore reason is the exclusive guide to knowledge of the natural law and thereby of the unwritten divine will. A space of indeterminacy is opened between the tacit declarations of the divine will and human Reason’s solemn power to construe them. The divine will binds humanity ‘effectively’ as the formal cause of moral obligation. But as to what the contents of the superior will might be, it is the prerogative of human reason to tell. All (adult) human beings are *users* of natural reason.⁶⁰ They are ‘servants’ under the moral obligation to follow the decrees of divine will but they are free and the sole rational judges to interpret the imperatives of natural law. The meeting ground of divine will and human reason is the law of nature.

⁵⁷ J. Locke, *An Essay concerning Human Understanding*, abridged with introduction and notes by P. Phemister (Oxford: Oxford University Press, 2008), Bk IV, ch. XIX, § 10, pp. 452-3.

⁵⁸ ‘That no mission can be looked on to be divine [...] or inconsistent with natural religion and the rules of morality: because God having discovered to men [...] the truths of natural religion and morality *by the light of reason, he cannot be supposed to back the contrary by revelation; for that would be to destroy the evidence and the use of reason*’ (my emphasis). J. Locke, ‘A Discourse of Miracles’, in *The Reasonableness of Christianity with A Discourse of Miracles* and part of *A Third Letter Concerning Toleration*, ed. by I. T. Ramsey (Stanford CA: Stanford University Press, 1958), pp. 79-87 (p. 84).

⁵⁹ ‘Reason must be our last Judge and Guide in every Thing.’ Locke, *An Essay Concerning Human Understanding*, Bk IV, ch. XIX, § 14, p. 454.

⁶⁰ Locke distinguishes between possession of natural reason and its use. All human beings possess the faculty of reason but its proper exercise comes with age and as a consequence of critically minded education that emancipates individual judgment from ‘authoritative opinion’. Just as with equality in ‘natural freedom’ so it is for natural reason. Human beings are not ‘born in this full state [...] though they are born to it.’ (*TG II* § 55, p. 304). The distinction between possession and use of reason (and natural freedom) reflects the distinction between the abstract ‘divine’ will and its ‘declared’ intention. The superior entity possesses the ‘will’ but it is actual only when ‘declared’. The same distinction pertains to the Lockean ‘right of property’. This shows the error in Jolley (*Locke*, p. 204) who thinks that ‘the natural right to property is not inalienable’ because it ‘can be transferred by gift or contract of sale’. It is not the possession of the *right* that is transferred in the exchange but the product of its exercise. That is why the good obtained rightfully belongs to the exchanger which would be absurd if he had transferred the right itself. What is alienated with the commodity exchange is the ‘self of the owner’, as we shall see (with Marx) in chapter six.

If the law of nature as inscription of the will of God is known by reason and reason is an intrinsic property of the human species congenital in its nature then the superior will finds its *presence only within and by reason* held by humanity. It becomes *re-presented* in the human essence in the only locus it can obtain determinateness as incarnate will. The divine will is encapsulated in the human species and reason *speaks for it*. This condition of re-presentation opens the realm of (moral) human freedom since it is the exclusive responsibility of human reason to ‘investigate’ the superior will implanted within. The principal being’s will is not a set of explicit instructions to be followed to the letter for there is no letter to be read and obeyed. Rather the will of the ‘master’ has to be deciphered and decipherment entails ‘the tedious and not always successful Labour of strict Reasoning’⁶¹ and an attitude of self-reliance and personal liberation from authoritative opinion.⁶²

At the same time the Lockean God is a rational entity bound by ‘his’ will. His ‘will’ is not ‘unlimited’ like the one claimed by ‘arbitrary’ absolute rulership but it respects the norms of reason. ‘Promises and Oaths, which tye the infinite Deity’ (*TG I* § 6, p. 144) and his commitment *not* to transgress ‘the Rules of language in use’ when he speaks to Men (*TG I* § 46, p. 173), show his reasonable nature. The obligations of the law of nature as ‘Eternal Law’ are so strong ‘that Omnipotency it self can be tyed by them’ (*TG II* § 195, p. 396). Thus humanity through the exercise of natural reason can reconstruct God’s bound will to ‘right reason’ as the law of nature.

The two conclusions that we can draw thus far on the salience of the relationship of representation in Locke’s social philosophy is firstly, that a bond of representation in the form of trusteeship regulated by the law of nature pervades the family institution, the parents-child relationship of authority. Secondly, the universal tie between the World-maker and humanity rests and it is acted out in the representative connection between ‘divine’ will and human reason. The binding force of the absent will of the ‘master’ is activated only when it is made *present* or ‘declared’, re-presented within the domain of reason *qua* natural law by reason itself.

The political consequence of the rational nature of the divine will known by human reason is that it could never have endorsed any form of ‘absolute arbitrary’ political power on earth. Thus

⁶¹ Locke, *An Essay concerning Human Understanding*, Bk IV, ch. XIX, § 4, p. 451.

⁶² On the connection between rational deliberation and the proper social virtues, see: Ruth W. Grant and Nathan Tarcov, ‘Introduction’ John Locke, *Some Thoughts Concerning Education and Of the Conduct of the Understanding*, ed. by R. Grant and N. Tarcov (Indianapolis: Hackett Publ., 1996), pp. vii-xix, (p. xii).

the justification of absolute monarchy that it *represents* the will of the creator given as a ‘grant’ to Adam, father and representative of all humanity, falls to the ground.⁶³ The Lockean analysis of the justificatory grounds of monarchical theory is an exhaustive, immanent critique of Filmer’s argument. From the standpoint of Locke’s understanding of political representation that concerns us, the most significant consideration is that Locke employs the notion of political representation as the evaluative criterion with which to judge whether the pro-monarchical claim of the divine appointment of the monarch as God’s political representative fulfills the conditions of genuine political representation. Specifically, he argues that God as ‘author’ nowhere specifies who the legitimate ‘heir’ of Adam may be. In the absence of a specifiable person in the line of descent in the supposed legitimate possession of political power no genuine political representative nexus can hold since a general authorisation to no one in particular violates the fundamental condition inherent in political representation that an authorised representative must somehow exist if the relation is to hold and political subjection is to be acknowledged. The Lockean methodological principle that grounds the critique of sham political representation is the illegitimacy of the bifurcation of an abstract will from its intended purposes. No will can authorise anyone if it does not authorise *someone* to be its representative. No will binds in anything if it does not provide the ‘manner’ of specifying the object of obligation.⁶⁴

In Locke’s view, who is the legitimate holder of political power is the most pressing issue of all times in the history of political societies. He phrased it thus:

The great Question which in all Ages has disturbed Mankind, and brought on them the greatest part of those Mischiefs which have ruin’d Cities, depopulated Countries, and

⁶³ Robert Filmer, *Patriarcha*, in *Patriarcha and Other Writings*, ed. by J. P. Sommerville (Cambridge: Cambridge University Press, 1991), pp. 1-68. ‘Filmer had assumed that God made Adam the political representative of mankind.’ I. Harris, *The Mind of John Locke: A study of political theory in its intellectual setting*, rev. ed. (Cambridge: Cambridge University Press, 1998), p. 233. John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the ‘Two Treatises of Government’* (Cambridge: Cambridge University Press, 1969), pp. xi, 245-261.

⁶⁴ The two-dimensionality of Reason satisfies both conditions. Lockean reason is distinguished into ‘reasoning’ or ‘the discursive faculty of the mind’ which is the fallible ‘manner’ of acceding to moral truths and ‘right reason’ or practical reason’s ‘moral principles’ which are the ‘object’ of reason to discover. (*ELN*, IV, p. 101).

disordered the Peace of the World, has been, Not whether there be Power in the World, nor whence it came, but who should have it. (*TG I § 106*, pp. 118-9).

Filmer's account, even if his major premise that there was a 'divine ordinance' granting governmental power to Adam is conceded, is self-contradictory and ends up supposing an irrational God since he is construed as 'nominating' the 'heir' of power without furnishing at the same time a 'rule' specifying who he might be (*TG I § 127*, p. 234). In the absence of a designated 'person' to stand as holder of political power, no political subject can ever know to whom 'obligation of conscience' to pay obedience is due (*TG I § 120*, p. 229).

The attribution of the cause of all the great 'mischiefs' having occurred in history to struggles over the legitimate possession of political power demonstrates plainly that these have taken place within the context of political societies. This further supports my conclusion at the first section that the state of nature is a desirable alternative of a mode of living in the absence of political subjection especially in regard to the tumultuous political existence bred by illegitimate and unjust rulership or by an indefinable locus of power. In the next section I argue that political representation is precisely the relationship that provides a reasonable solution and clarification to this most crucial question of political theory of 'who should have the power'.

2.c The Structure of Political Representation in the Lockean Political Society

I argue for the foundational role political representation has in Locke's political theory. The political community is grounded on a relationship of political representation. The government established by the self-constituted 'political body' of society is legitimate only to the degree it respects the terms of its authorisation. Locke assigns the governing function to the legislative. The legislative is the 'supreme power' in all forms of government. Whatever the form of government, each and any form of government has to abide to the conditions of political representation, to the trust bestowed upon it by the political society. The trust bestowed on government is not unconditionally given so as the government could rule at its discretion. There

is an overarching principle circumscribing the conditions of exercise of political power, its lawmaking activity. Every political regulation enacted by the government must cater to the promotion of the public good. The supreme good for any commonwealth is the ‘preservation of society’. The structure of the relation of political representation is teleological not instrumentalist. The author entrusts the governing actor to act for the public benefit of the whole society, rather than to execute the represented body’s temporary and contingent will. The relationship is triadic not dyadic. The representative government is commissioned to act in order to realise a permanent deontic good not to fulfill the instructions of the represented. This schema of political representation grounds the reciprocal obligations that the represented and the representative owe to each other. The violation of the conditions of representation, of the trust, justifies the right of revolution and the legitimate overthrow of the standing government. Transgression of the trust restores political power to its original source, the people and allows the political community to either change the government or change the form of government or even dissolve the commonwealth and revert to the state of nature. Locke defines the foundation of political society as follows:

there, and there only is *Political Society*, where every one of the Members hath quitted this natural Power, resign’d it up into the hands of the Community in all cases that exclude him not from appealing for Protection to the Law established by it. And thus all private judgment of every particular Member being excluded, the Community comes to be Umpire, by settled standing Rules, indifferent, and the same to all Parties; and by Men having Authority from the Community, for the execution of those Rules, decides, all the differences that may happen between any Members of that Society, concerning any matter of right; and punishes those Offences, which any Member hath committed against the Society [...] Whereby it is easie to discern who are, and who are not, in *Political Society* together. Those who are united into one Body, and have a common establish’d Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, *are in Civil Society* one with another (*TG II* § 87, p. 324).

The individual judgment is willingly resigned to the hands of the political community to judge collectively the controversies. The institution of justice is the political institution par excellence. It is this that confers the political character to the compact. The individual consents to transfer his judgment to the hands of the community. The community now judges on behalf of Right which is the moral end befitting the rational individual (but not in his favour necessarily). It represents his supreme moral interest.

The community authorises some men to execute the standing rules. The men with the authority put upon them by the community and the 'judicature' which judges in the name of the community become its representative political organs. They act under its authorisation.

The constitution of political society is the product of collective consent. Consent-giving is authorisation to an instituted body to exercise political power on behalf of the authorial unity of the polity. The granting of power to political society is limited by the condition that society uses its power to 'act for' the public good. Hence the basis of constituted political society is political representation. The constituted political society directs itself according to majority will. The expression of majority and minority wills is an instance of political representation of the currents running through the political body.

The appointment of magistrates is another case of representation. They are not supposed to decide as private persons but as public officials under the duty to represent the lawmaking will of the legislative and to serve the public good. Furthermore, the representative tie is stronger than it seems for the appointment of the judges means that the judiciary is not a separate power from the legislative. On principle since the legislative power is supreme no other power can be 'independent' from it and in coeval terms with it as in liberal models of 'checks and balances' between separate powers. The individual's judgment of offences 'has been given up to the Legislative in all cases' (*TG II* § 88, p. 325).

This transfer of the rightful capacity to judge gives the Commonwealth 'a right to employ his force' for the execution of judgments if asked. The legislative's judgments 'indeed are his own Judgments, they being made by himself, or his Representative. And herein we have the original of the Legislative and Executive Power of Civil Society' (*TG II* § 88, 325). The identification of the individual judgment with that of the Legislative bespeaks of two possibilities. Either, the

individual member participates in person and thus the judgment arrived at is a collective one to which he has contributed himself (democracy as inclusive participation of all members in the decision-making process) or the judgment is expressed by 'his Representative'. Not some representatives but 'his' representative. This connection to the representative obliges the member to own up the representative's judgment as if it were his own ('as to his own decrees' *TG II* § 89, p. 325). We have a transposition of wills as if the representative is the extended self of the person or his double retroactively establishing the constituent's will.

Freely given consent is the basis of legitimate government as authorised to represent the consenters. 'For no Government can have a right to obedience from a people who have not freely consented to it: which they can never be supposed to do, till either they are put in a full state of Liberty to chuse their Government and Governors, or at least till they have such standing laws, to which they have by themselves or their representatives, given their free consent, and also till they are allowed their due property, [...] that no body can take away any part of it without their own consent' (*TG II* § 192, p. 394).

There is a tension in Locke's construction of the political architectonic of the commonwealth. He reclassifies 'absolute monarchy' as no form of civil government at all. (*TG II* § 90, p. 326). The reason for this is that in absolute monarchy the legislative and the executive power are concentrated 'in himself alone' and thus there is no Judge to appeal to (*TG II* § 91, p. 326). But in 'civil society' also the legislative and the executive are united in one 'body' if not in one person. If not united, certainly the executive is subordinate to the supremacy of the legislative as it is the case if the absolute monarch is considered the holder of the legislative power who has the executive power subordinated to him as is the case in civil society. So the conflation of the two powers does not really distinguish the 'absolute monarchy' from 'civil society'. Only the relation of political representation can account for the qualitative distinction (civil against uncivil) between the two types of regime. Only an argument claiming that 'absolute monarchy' is unrepresentative of the commonwealth versus civil society as the representative expression of the commonwealth members can validate their distinction.

Even if we examine the situation regardless of the conflation of the two powers the problem remains. The absolute monarch is the holder of the legislative power and so his will is unquestionable law for all as in Hobbes. But in Locke's civil society the will of the legislative is

supreme and the 'legislative' is also the judge. There is no independent authority to appeal to for judgment in case a law aggrieves one or a certain number of civil society's members. So it is not the issue of an independent judge that makes the difference but the existence of 'standing rule' (*TG II* § 91, p. 326) or not. That the monarch's will as unlimited is *above law* or rather it is law itself, whilst the legislative is *under law* continually limited by its lawmaking *on behalf* of society is the difference that grounds the qualitative difference of the two kinds of regime.

The possible origination of political government from 'the natural authority' of virtuous men who elicited 'tacit consent' to exercise civil functions turned with the passage of time and corruption into the people's understanding that they were unsafe under the contemporary government and considered that they were not in civil society 'till the Legislature was placed in collective Bodies of Men, call them Senate, Parliament [...] By which means every single person became subject, equally with other the meanest Men, to those Laws, which he himself, as part of the Legislative had established' (*TG II* § 94, pp. 329-330). Isonomy or strict equality under law even between social classes (equally with the 'meanest men') is posited. Also 'Every single person' participated in the establishment of laws, 'he himself' 'as part of the legislative'. Only two interpretative possibilities are available. Either there exists direct participation in person in the making of the laws (direct democracy) or virtual participation via a representative (indirect democracy).

The condition of majority principle excludes the possibility of a single person legislative. The majority is the 'greater force' moving the body. The greater force refers to the arithmetical superiority of the majority over the numerical strength of the minority. This numerical strength is the product of the equal political power each has to participate in lawmaking. The majority will *stands* for the political will of the whole. In assemblies 'impowered to act by positive Laws [...] the *act of the Majority* passes for the act of the whole, and of course determines, as having by the Law of Nature and Reason, the power of the whole.' (*TG II* § 96, p. 332). The majority has the power of the whole by reason and natural law. This suggests the principle of numerical or arithmetic equality.⁶⁵ The obligation assumed by each consenter is 'to every one of that Society, to submit to the determination of the majority, and to be concluded by it, or else this original

⁶⁵ Numerical equality is the basis of democracy and conducive to the most stable form of government for it narrows down the causes of factional strife. Aristotle, *Politics* trans. by E. Barker, rev. by R.F. Stalley (Oxford: Oxford University Press, 1998), pp. 180-1 [1301b26-1302a15].

Compact' would signify nothing if there is no new tie than those existing already in the state of nature (*TG II § 97*, p. 332). The consent giving takes place in 'the publick Assembly' (*TG II § 98*, p. 332).

In the historical development of civil society, the spirit of the age bred 'ambition and luxury' and these motivated princes to 'retain and increase the Power without doing the Business, for which [power] was given'. The consequence was that Princes were taught 'to have distinct and separate Interests from their people' (*TG II § 111*, p. 343). So the sovereign power catered to its own interests to the detriment of the public interest. We have clash of interests and no serving of the public good. Men started to look for ways to restrain the exorbitances and prevent the abuses. The governing power whenever it violates 'that Power which they having intrusted in another's hands only for their own good' (*TG II § 111*, p. 343) provides us with an appropriate definition of political representation in Locke. *Political representation is the power that a community or a constituted political body entrusts in someone's hands in order to exercise this power only for the sake of the community's own good.*

The gist of the logic of Locke's argument aims to provide the conditions that ensure that a legitimate government is set up that abides by the laws it enacts, and so to discredit any type of rule that rests on arbitrary unlimited power. He acknowledges that one of the constitutional choices of the commonwealth is to adopt the monarchical form of government bestowing to it the legislative power which as supreme has all others (judicial, executive and federative) subordinate to it. In this case we end up with a political regime which is exactly the one of absolute power. The only formal difference is that in 'constitutional monarchy' the legislative will of the monarch takes the form of settled known laws. His will for all intents and purposes remains unlimited. One could claim that the standing laws which he himself decided upon operate as a limitation upon his action. But he can change his will whenever he so pleases and being the exclusive holder of the legislative power he can annul or modify the established laws as he pleases. Being the legislator he has the authority to 'dispense justice' and 'authorise' and appoint the judges. So the judiciary is absolutely dependent on him and moreover the judges have to judge according to laws which he himself has decided upon. Lastly, the executive power (and this means control of the military) is at his discretion to deploy wherever and whenever he so desires and above all in a legitimate way since its use depends upon the legislative which he

himself holds. But the ultimate Lockean proviso is that the monarchy cannot define legally and interpret at will what the public good might be. If the letter of the legislated law injures the life, liberty and property of his subjects it is up to them to judge the unjustness of the law and ‘whether the Prince or Legislative act contrary to their Trust [...] for who shall be *Judge* whether his Trustee or Deputy acts well [...] but he who deputies him, and must, by having deputed him have still a Power to discard him’ (*TG II*, § 240, pp. 426-7). Without political representation as the people’s power to evaluate the consonance of legality with the public good we would have an unlimited arbitrary governing power legally dressed which would have been even worse than absolute monarchy. For absolute monarchy is in a state of war with its subjects and this justifies their right of legitimate resistance and revolution. But in the case of legalised tyranny under (its own) law they do not even have a justifiable right to revolution for legal formalities may be kept to the letter. Human beings in the state of nature do not enjoy absolute liberty to do whatever they like due to the divine ownership of their selves so they are not free to sell themselves into slavery. How then could they be free to choose a form of government that would amount to political enslavement? So the presumable political freedom of the community to choose a monarchical form of government is an irrational choice according to its effects and must be derogated on principle. This is explicitly stated by Locke when he poses the supreme political principle. ‘It cannot be supposed that they should intend, had they a power so to do, to give to *any one, or more*, an absolute Arbitrary Power’ (my emphasis, *TG II* § 137, p. 359). ‘More’ involves the case of the oligarchic form of government which also shares the same aspect of concentrated legal power in its hands with legal monarchy. The only limitation set to the supreme power is that in its lawmaking concerning property (in the narrow sense) it requires ‘from any Man’ ‘his own consent’ (*TG II* § 138, p. 360).

Representation as an agent’s ‘acting for’ the purpose he has been authorised to by the author’s will, is inherent in the very nature of the commonwealth. ‘[I]n a Constituted Commonwealth, standing upon its own Basis, and acting according to its own Nature, that is, acting for the preservation of the Community’ there can be only one supreme power, the legislative (*TG II* § 149, p. 366). The legislative power is supreme only because it has been authorised by the commonwealth to act for ‘certain ends’. It is a fiduciary power held in trust by the people. To the legislative all the other powers are subordinate. The legislative is entrusted to represent the ends of the community. The communal author cannot alienate the power of representation of his will.

He assigns not the power but the exercise of it to another agent. Thus the power always remains with the author. '[T]hey will always have a right to preserve what they have not a Power to part with' (*TG II § 149*, p. 367). And he is the sole judge of whether the representative's performance fulfils the tasks he has appointed him for. If the representative violates the trust bestowed he is liable to revocation of his imputed authority and the author can re-assign it at will. As put by Locke:

yet the Legislative being only a Fiduciary Power to act for certain ends, there remains still *in the People a Supream Power* to remove or *alter the Legislative*, when they find the Legislative act contrary to the trust reposed in them. (*TG II § 149*, p. 367).

In the Lockean view the authorisation of the representative is not unlimited but constrained by the ends he was selected to serve. If he neglects or opposes the duties or purposes he was set to fulfil he forfeits the trust. '[T]he Power devolve[s] into the hands of those that gave it, who may place it anew where they shall think best [...] And thus the Community perpetually retains a Supream Power of saving themselves [...] even [from] their Legislators' (*TG II § 149*, p. 367).

To designate Lockean government as 'limited government' is potentially inaccurate. If it is taken to mean that the government (as the legislative) is limited by the laws it enacts nothing then limits its unlimited power to make any laws it so desires and then to submit to them. The Lockean condition of limitation is not just submission of the government to the laws made but the limitation of lawmaking by the ends that the government has been entrusted to serve. Thus the community's ends function both as a limitation in lawmaking but also as a normative standard through which the judiciousness or unjustness of the laws enacted can be judged.

Locke provides for elected representatives to the legislative (*TG II § 154*, p. 370). The issue of territorial representation is raised in *TG II § 157*, p. 372. The aporia Locke identifies is that in constitutions with elected popular representation 'where part of the Legislative consists of Representatives chosen by the People, that in tract of time this Representation becomes very unequal and disproportionate [...] [and] the bare Name of a Town [...] sends as many Representatives to the grand Assembly of Lawmakers, as a whole County numerous in People' (*TG II § 157*, p. 372). Locke argues for the principle of territorially based proportionate

representation where equal numbers of voters are represented by a proportionate number of representatives. His criticism rests on the political inequality which results from this disproportion and on the irrational character of maintaining a customary practice ‘when Reason has left it’ and ghost towns end up being grossly over-represented vis-à-vis burgeoning in population districts. The cul-de-sac that results involves the affront that a potential redistricting would cause to the design of the original constitution of the legislative as expression of the people. And the people in this representative form of government faced with its established frame do not have the power to modify it ‘as long as the Government stands’, that is before the existing governmental system is dissolved. His principled stance suggests that a frame of government must be flexible enough to make the necessary changes in adaptation to the ‘constant flux of the things of this world’ so as to permit genuine proportional political representation respecting the arithmetic equality of the various electoral constituencies.

He admonishes the rule of ‘salus Populi Suprema Lex’ as a corrective to the political inequality in representative power furnished by the passage of time. He proposes that the executive should observe ‘the true proportion, than fashion of *Representation*’ (*TG II* § 158, p. 373) and to regulate by ‘true reason, the number of Members, in all places, that have a right to be distinctly represented [...] in proportion to the assistance, which it affords to the publick’ (*TG II* § 158, p. 373). Locke is referring to the representation of corporate bodies and chartered towns. The appeal to the reasonable use of the executive power’s prerogative rests on the condition that the executive has ‘the Power of Erecting new Corporations, and therewith new *Representatives*’ (*TG II* § 158, p. 373) thus ‘the measures of representation might vary’ and hence they should be taken in consideration in order to restore the true spirit of the original constitution (*TG II* § 158, p. 374). Such electoral reform does not make ‘an Inroad upon the Government’ as the existing misrepresentation of the people does by ‘set[ting] up one part, or Party, with a distinction from, and an unequal subjection of the rest.’ (*TG II* § 158, p. 374). The principle of representation that respects the original popular will about the frame of government (‘the will and act of the society’) is that ‘the People shall chuse their *Representatives upon just and undeniably equal measures*’ (*TG II* § 158, p. 374).

Chapter 3

The Role of *Political Representation* in the Constitution of Hegel's Rational State

Political representation plays a far more crucial role for the constitution of the Hegelian State than it has been traditionally believed.⁶⁶ From early on in his essay on *The German Constitution* Hegel grasps the historical uniqueness of the modern function of political representation which *reverses* the traditional feudal structure of the state where the Sovereign represents either God or his subjects. Instead, the novel form of political representation in the modern world ties the Sovereign to territoriality and to the political community residing there. This relation establishes the ground of the state's 'inner sovereignty', as it is shown in the first section of the chapter.

In his *Philosophy of Right* Hegel fleshes out the relation of political representation as the mediating link that connects civil society to the political state. This theme is dealt with in the last two sections. Hegel argues that estate and corporate representation in the legislature establishes the political representation of civil society and this provides an organic bond between the politicised civil society and the state's political authority such that civil society is elevated above its particularity of interests and adopts the universal ends of the state community. Additionally, I argue in the second section of the chapter that there exists a form of civil representation in the system of justice of the Hegelian state where the particular social estates enjoy representation of their particular ethicality in the dispensation of justice in a way which protects them from possible injustices committed by the 'abstract right' operative in the modern state. The representation of social estates in the judicial system and in the legislature intends to secure the stability of the state and to harmonise the principle of subjective freedom of civil society with the objective freedom of the political state and thus the state as a whole to exist as a rational organism. I examine how successful is Hegel's construction of the rational state.

⁶⁶ In a recent summary of the literature Henning Ottmann pinpoints that the issue of the representative system has been under-researched, especially the English case, in Hegel's thought. 'Hegel and Political Trends: A Criticism of the Political Hegel Legends' in *The Hegel Myths and Legends*, ed. by Jon Stewart (Evanston: Northwestern University Press, 1996), pp. 53-69, 326-334 (p. 333).

Hegel recognises the importance of the institution of *political representation* for the proper functioning of a constitutionally established political community from early on. In his fragment ‘*The Magistrates should be Elected by the People*’ written in 1798⁶⁷ on the occasion of the Duke of Württemberg calling the Assembly of Estates into session, Hegel captures the opportunity to voice some concern for the necessity of *political reform* of the antiquated representative institution. Reform is necessitated by the fact that a constitution may have ceased to reflect in its form the newly emergent feelings and understanding of the people. Such discrepancy renders parts of the constitution obsolete and their continuing existence, unjust. The sense of justice ‘is the only yardstick for such a judgement, and the courage to do justice is the only power [...] which can [...] remove the unstable edifice and produce secure conditions in its place.’ (*M*, p. 2). The condition of discrepancy between parts of the constitution and the popular desires makes the constitution politically unrepresentative and breeds hostility which may in the course of time result in the violent overthrow of the constitution. So, enactment of peaceful reform of the assembly is the best remedy in the face of violent revolution. Hegel accuses the ruling power for shortsightedness since it cannot grasp that the continuing existence of institutional forms cannot be maintained if such entities like institutions, laws, constitutions ‘no longer accord with men’s customs, needs, and opinions, and from which the spirit has departed’ or the lack of interest in them cannot ‘furnish a lasting bond for a nation [eines Volkes]!’ (*M*, p. 2). A representative assembly that reflects the concerns of the individual estate classes is the major institutional reform capable of re-aligning popular wishes with a modern constitutional existence. Furthermore, such genuine embodiment of the representative institution is the necessary counterpart for the renewal of the bond of unity of the political community. Hence, political representation a) aligns the constitution with popular desires under the normative guidance of justice, b) invigorates the community-wide bond of political association and c) prevents the disastrous outburst of ‘the ever-deceived, ever-oppressed mass’ which in a feverish paroxysm may bring ‘death’ to the ‘political edifice’ whose collapse will injure everyone. (*M*, p. 2). A reformed assembly of the estates and genuine political representation are the sine qua non bulwarks against the violent destruction of the state.

⁶⁷ The fragment is accompanied with quotations provided by Rudolf Haym (*Hegel und seine Zeit*, Darmstadt, 1857, pp. 65-8, 483-5) in his account of the original manuscript. L. Dickey & H.B. Nisbet, eds., *Hegel: Political writings* (Cambridge: Cambridge University Press, 1999), pp. 1-5. Hereafter the fragment is cited as *M* in the text.

‘Popular elections’ cannot be an immediate solution for the crisis of the representative organ for as long as a) ‘the people do not know their rights’, b) ‘there is no collective spirit’ [Gemeingeist] and c) ‘the power of the officials remains unchecked’, ‘popular elections would serve only to bring about the complete overthrow of the constitution.’ (M, p.5). This qualified mistrust of the logic of ‘popular elections’ premised on the ‘people’ as an uneducated mass without a developed political consciousness and thus manipulatable at will, will accompany Hegel to his maturity and underlies his critique of the democratic form of popular sovereignty.

3.a. The State Community as the Basis of the Representative Character of the Modern ‘Political Authority’

Throughout his political philosophy, Hegel highlights specific features of the institutional organisation of political representation which are necessary for the consolidation of the rational state. In his extended essay on the *German Constitution* he offers the lineaments of a theory of political representation which is tied to the very existence of *state sovereignty*. He presents the essential elements of the ‘concept of the State’ in order to demonstrate that the German Imperial state is a semblance of a state, *not a real state* despite the latter’s self-proclamations of the opposite. He employs a double methodological strategy to achieve this by reconstructing historically the evolution of Germanic society while at the same time he compares the Imperial state entity with the features developed by the modern rational state.

Historical study indicates that the real essence of the state is the necessary formation of ‘a common military force and political authority.’ The ‘concept of the state’ argues Hegel is conceptually independent from the ‘manner’ of its political articulation. The ‘one essential factor [*das einzig Notwendige*]’ is that ‘a mass should form a state’ having a ‘political authority’ concentrated in ‘a supreme point of convergence [*Vereinigungspunkt*]’ which is its sovereign power (GC, p. 17).

The manner the state union is effected, its various aspects, even the constitution established are ‘irrelevant to the formation of an authority by a mass [of people].’ (GC, 16). As long as the

sovereign power or ‘political authority’ is constituted it is ‘of no importance’ whether it is ‘vested in one [person] or many, whether the one or the many are born to such majesty or elected to it’ (*GC*, p. 17). So, regardless of the form of constitution of the state, sovereign power is always identical with the *formation of an authority by the people*. The community by establishing a common political authority crystallises itself as a political association which is externalised in a distinct authority. Such authority, whatever its features, is inexorably tied to the people, *it is the embodied representation of their unity*. This relation of constitution of authority by a community politically organised is explicitly recognised by Hegel in his *Philosophy of Right* when he states that the ultimate seat of ‘*internal sovereignty* lies with the *people* [when we refer to] the *whole* in general’ (*PR*, § 279R, p. 318) even though the people as the base of sovereignty does not mean that they hold the sovereign power. The people as a ‘formless mass’ are the ‘substance’ not the ‘subject’ of state’s sovereignty. Hegel explicitly opposes the democratic idea of ‘popular sovereignty’ as the form of government which articulates state sovereignty.

The constitution of state sovereignty as such is conceptually distinguished from any ‘form of government’ which may articulate state sovereignty. For forms of political authority change historically, they accept ‘greater or lesser improvement’ and in general are subject to contingency whereas state sovereignty is always there if a state exists. (*GC*, p. 16).

The distinction between the ‘form of authority’ or form of government and the ‘substance of authority’ or state sovereignty is essentially a modern distinction generated with the birth of the modern state. Up to the end of feudalism the two were identified in the person of the ruler who embodied state sovereignty. The legitimation of the sovereign’s rule was based on the idea that he was the representative of God directly or indirectly. He was a direct representative through a political interpretation of divine law where God had delivered political power to the monarch, indirectly as ‘representative of his people’ ordained by the Pope who was the delegate of God and held supremacy over the universal/Catholic community of Christians. In either case personified rulership and state sovereignty were identical.

In the distinction between state sovereignty condensed into the sovereign power and the ‘form of political authority’ we evidence two structures of political representation. The first, the fundamental one, is *the relation of the political community to its sovereign power*. The ‘common authority’ rests with the people but it becomes separate in an entity representing the condensation

of the community's political power. In this relationship, political representation is the foundational bond by which the sovereign power represents and ought to represent the political unity of the society. The second structure pertains to the 'form of government', the type and system of rule, where particular mechanisms and methods of political representation may or may not exist which secure the citizens' participation in government and their input in governmental decision-making. Whether the 'form of authority' involves political representation or not is a contingent matter and the form of political constitution is subject to amelioration by design.

The first structure of representation, the relation of political community to sovereignty, is immutable as long as the state continues to exist. The forms it takes change but it itself always remains as *the bond of the political externalisation of the community*.

In the modern state 'the links between members may be equally loose, or even non-existent, as far as *customs, education, and language* are concerned; and identity in these respects, which was once a pillar of national union, now counts as one of those fortuitous circumstances whose nature does not prevent a mass [of people] from constituting a political authority.' (my emphasis, *GC*, p.19). Hegel considers cultural commonalities to be insignificant for the unity of a political community. Modern states can be multi-ethnic as well. How is this possible? Such heterogeneous elements are held together 'in modern states by the spirit and art of political organisation. Consequently, disparity of culture and customs has become a necessary product, as well as a necessary condition, of the continued existence of modern states' (*GC*, 20).⁶⁸

The *political* association of the members of the state (which includes an intrinsic socio-ethical disposition geared to the whole and is expressed as *trust*)⁶⁹ connected to the sovereign power is the highest bond that consolidates the union of the state over and above the cultural disparity.

⁶⁸ Mark Tunick in his 'Hegel on Political Identity and the Ties That Bind' in *Beyond Liberalism and Communitarianism: Studies in Hegel's Philosophy of Right*, ed. R. R. Williams, (Albany: State University of New York, 2001), 67–89, suggests that what ties the citizens politically in the state are the 'shared memories, accomplishments, and practices and institutions' (p. 80) located in 'civil society' (p. 81). He, thus, conflates genus with species since religion, education, language, customs are also 'practices and institutions' which *do not connect citizens politically* and as a consequence the *differentia specifica* of the political tie of 'the political state proper' (*PR* § 267, p. 288) resting on political representation, the uniqueness of 'political disposition' and 'the spirit and art of political organisation' vanish.

⁶⁹ Hegel, *Philosophy of Mind: Part Three of the Encyclopaedia of the Philosophical Sciences* (1830), trans. by W. Wallace, together with the *Zusätze* in Boumann's text (1845), trans. by A. V. Miller (Oxford: Oxford University Press, 1971), § 515, p. 254.

Political representation is not a modern phenomenon since it had existed before the emergence of the modern state. What constitutes its novelty is that the modern relation of political representation *reverses* the traditional feudal structure of the state where the Sovereign represented either God or his subjects. Instead, in the modern state, political representation ties the Sovereign to territoriality and to the community residing there.

This reversal took a long period to take effect. Two interlinked socio-historical processes contributed the most to the emergence of the modern relation of representation. These were the genesis of the nascent bourgeoisie and the divisiveness of Christian religion. The growing importance of bourgeois strata brought in civil society a dynamic class that on the one hand demanded to translate its increasing socio-economic power as political representation into the structure of authority while at the same time being self-centred and concerned primarily with its particularistic interests, it loosened the erstwhile political-religious bond that kept the feudal state intact.

Religious divisiveness became an important force of dissolution by making religious believers *turn inwards* and face political power as a secular entity, external to their subjectivity and thus no more obligated to pay allegiance to it. By a dialectical inversion, with the withdrawal of religious sensibility from its attachment to the communal state bond, the *clarity* of the political tie itself became illuminated. It revealed that it was not the religious communal bond that kept the state together or alternatively that no real state community existed in the absence of a political association. Moreover, the strife of the clashing religious denominations to monopolise legally and materially the spiritual realm of their respective communities compelled them to *politicise* religion, to push in the direction of establishing political states in conformity to their religion. (*GC*, 54). These processes grounded the birth of modern political representation.

Voting in the Imperial bodies depended on the personal presence of the princes.

[T]hey had votes only when they appeared in person, and the prince of different and [geographically] separate territories had only *one* vote. His person and his territory, his personality and his quality as representative of the territory, did not appear as distinct.

The distinction arose as a result of the religious schism. On which side was a vote to be cast if the prince and his territory were of different religions[?] (*GC*, 54).

The new principle of political representation presupposes the *divorce in the person of the prince between himself and the territory*. Till then the ‘representation of the territory’ appeared as a personal dignity of the prince. Religious divisiveness revealed a schism between public and private roles by which the political representative status could not be held as personal majesty but only as product of territorial representation. This is the first move in the transformation of the feudal structure of political representation. There is a second move which completes the new structural form of representation by inverting the traditional one.

The separation of the person of the prince from his standing as a representative of his territorial dominion within the interstate structure of the German Empire is reflected in the principedom’s territory itself. ‘[T]his distinction between the personality of the prince and his representation of a territory [...] became more conspicuous [...] when this separation of prince and subjects had already been introduced in the provincial Diet [Landstände] of that prince’s own territory.’ (*GC*, 55).

The primacy of territorial religion:

[W]as given precedence over the personality of the prince; the latter accordingly appeared in the Imperial Diet *not as an individual, but as a representative*. The attention which was devoted to this distinction occasioned by religion has now been extended to other differences, and territories which have come under a single ruler have passed on their individual votes to him. In this case too, *the individual as a unit, i.e. the individual personality, is no longer made into a principle*, as occurred in the past when even the ruler of various principalities had only *one* vote, or when several princes among whom a single principality was divided each had a vote of his own. *The principle now is the ruler in his capacity as a representative*. (my emphasis, *GC*, 55).

In the logic of the modern state's constitution the political legitimacy and competence to hold authority rests exclusively on the ruler's capacity to represent the sovereign territoriality. In the past the territorial subjects were tied to the persona of the prince, they belonged to him. *Now, the ruler is bound to the state's territory, he belongs to his subjects/citizens.* He holds political power over his dominion not as a matter of personal grace but only on condition that he is acknowledged by the territorial state as its political representative. '[The] true and genuine principle [...] is the territory which confers the power and the right to vote' (*GC*, 55). In this constitutive principle of the modern state we see an inversion of the structure of rule. Before the territory was an extension of the person of the ruler. *Now, the territory rules over its ruler.* Being dependent on his representative status the ruler's will loses its arbitrary personal character and becomes publicly confined. The monarch has to abide to the community's supremacy which recognises the legitimacy of the monarch's will only if the latter is tied in a political representative relation to its territorially-based state existence. Sovereign power has ceased to be an attribute of the monarch's person. The person of the monarch has become an attribute of the state community's sovereign power.

The structure of the modern state is characterised by the development of a stratum exclusively dealing with national affairs becoming a class [Stand] on its own. Thus a distance has developed between individuals and national affairs with the consequence that responsibility for them has become more and more concentrated 'in a single centre consisting of the monarch and the Estates, - i.e. one part of the nation made up of the nobility and clergy on the one hand, who spoke for themselves and in person, and of the third estate on the other, which represented the rest of the people.' (*GC*, 63). The executive and legal power rests with the monarch but the Estates have a share in legislation and furnish the means which sustain his power. 'This *system of representation* is the system of all modern European states.' (*GC*, 63). '[I]t marks an epoch in world history.' (*GC*, 63). The principle of political representation constitutes the mean between the two extremes developed in the continuum of world culture, the mean between the civilisational movement from oriental despotism to a republic (Roman) and through its decay to the present mean. (*GC*, 63). The modern form of state that mediates the extremes of world culture, absolute rule and popular government, is based on the principle of 'limited monarchy' which encompasses 'modern republics' too since both are identical in having a single 'centre' of concentrated political power 'freely determined by laws' (*GC*, p. 77). The status of kings as

representatives of their communities and so ethically bound to be agents of their collective welfare was transubstantiated into the form of *constitutional monarchy* where the sovereign is presumably not arbitrary but obedient to universal laws whose power is to enact. (*PR* §§ 278R, 279A, pp. 316, 321). Political representation appears to be the principle of *reconciliation* of the world-spirit with itself incarnated in the modern state. For it reconciles the absolute will of primitive despotism with the political Enlightenment's universality of laws while at the same time it integrates organically the state community as the necessary basis of any 'political authority' into the will of the sovereign power which itself is the socio-ethical substantive condition for the political community's subsistence.

3.b. Representation of Social Estates in the Sphere of Justice

The Hegelian framework assigns structural or organic necessity to the operation of the complex of institutions that incarnate political representation, all the more so, since political representation provides the *mediation* with which civil society and the political state cohere into the state community as a whole.

The central Hegelian concern is to reconcile the particularity of civil society with the ethical universality of the state, where the state itself is the 'universal end' but the reconciliation must be such that particularity by itself acknowledges this higher end in order to be elevated to the espousal of the 'universal end' for-itself. If the self-transcendence of particularity from its narrow self-centredness is achieved and becomes self-aware that the state universality is the ultimate precondition of its own subsistence then the unity of subjective and objective freedom is realised and the ethical rationality of the state is vouchsafed.

A central institution in civil society that reflects a relation of representation which binds the community to the state is the *administration of justice*. The relation of dispensation of justice becomes politicised because civil members are treated by justice universally or as carriers of a universalistic identity, i.e. state citizenship. The supersession of the private existence of civil members and their entrance into the public interface with the laws and the dispensation of justice

is conditioned by the right and duty of *publicity*. '[T]he laws should be made *universally known*' (*PR* § 215, p. 246). Only the publication of laws respects the right of self-consciousness to know which manner of conduct is prescribed or proscribed and punished accordingly. Only a relation of knowledge can sustain the legitimacy of law and 'its binding force' for self-consciousness if its subjective freedom is not to be violated. The necessary publicity of laws extends and encompasses both the formal procedures of administering justice and the justifications of judicial dispensation.⁷⁰ The public knowledge of laws makes also evident to the individual that his right (of personhood, of property) has become 'part of the existent [*existierenden*] universal will' (*PR* § 217, p. 249). To the cunning objection that people are not 'legal experts' and hence incompetent to comprehend the law Hegel retorts that the 'legalese' or the techno-legal obfuscation that surrounds legal formulation and discourse is rather a device of the 'legal profession' to protect 'its monopoly' and its 'specialised expertise'. As against this, 'as one need not be a shoemaker to know whether one's shoes fit, so is there no need to belong to a specific profession in order to know about matters of universal interest. Right is concerned with freedom [...] and man must know about it if it is to have binding force for him' (*PR* § 215A, p. 247).

The formal procedures through which justice is dispensed, 'the right to stand in a court of law' acknowledged to all members of civil society (*PR* § 221, p. 253), the provision of evidence and 'legal arguments', the justification of the verdict, the conditions in general associated with the principle of 'fair trial', all these steps in the 'process of law' *'are themselves rights'* necessarily to be determined by law. (*PR* § 222, p. 253). Despite the lawful character of the legal procedural 'formalities' since these have their end external to them and are means towards the adjudication of the 'matter at hand' [Sache], these procedures 'may also be turned into an evil [Übel] and even into an instrument of injustice [Unrecht]' (*PR* § 223, pp. 253-4). Therefore, citizens must have the right to appeal or even access to a 'court of equity' where legal technicalities can be bypassed and the 'content' of the legal action be judged on the merits of its individual case. In this regard 'formal right' gives way to the primacy of substantial moral considerations.

⁷⁰ 'The rights of the subjective consciousness include [...] also the possibility of knowing [zu kennen] how the law is *actualized* in particular cases [...] *the publicity of the administration of justice*; for the course of law is in itself an occurrence of universal validity [...] [and] its universal content (i.e. the right within it and the decision on this right) is of interest to everyone.' (*PR* § 224, p. 254).

The *knowledge* provided through the publicity of both law and the administration of justice to the citizens suffices to make them competent in ‘the supervision of the whole course of the inquiry’ (PR§ 226, p. 255) and in the ‘categorization’ of any individual case. The judgment on procedure and on the empirical content of the case is *not* the exclusive preserve of ‘legal dispensation’ but a ‘knowledge to which *every educated person* may aspire’ (PR § 227, p. 256). Hegel thereby has set the conditions for ‘popular’ or democratically-inclined dispensation of justice in the form of ‘trial by jury’, the basis of which is a form of socio-ethical representation. Any kind of verdict in civil and criminal law must come in agreement with the universal content of subjective consciousness or the general ethical ‘conscience’ of the people so as to uphold its freedom. No verdict must oppose the popular ethical sentiment. The rightfulness of the judges’ pronouncement must reflect itself in the self-confession of the criminal so as to guarantee that a just verdict has been issued. The contingent alignment of the judicial verdict with the self-acceptance of it by the criminal leaves open the possibility that the criminal may not own up to his guilt. In that case if ‘the subjective conviction of the judge is to prevail, an element of harshness is again introduced, for the person in question is no longer treated as a free individual. The mediation [between these possibilities] is the requirement that the verdict of guilt or innocence should emanate from the soul of the criminal – as in *trial by jury*’. (PR § 227A, p. 257). For the cynical mind of bourgeois society it is almost unimaginable that the criminal’s non-confession could be a criterion invalidating the ethicality of the judicial decision. What Hegel suggests is that the defendant ought not to be treated as an inert object by the administrative machine of justice as if his being human (and rational and free) is of no concern in arriving at the judgment. The deprivation of freedom imposed on the ‘criminal’ would not be a just punishment if he has been treated as an unfree person. You cannot deprive someone from something he is not acknowledged to have in the first place. How is the emanation from ‘the soul of the criminal’ connected to trial by jury so as to reconstitute the ethical validity of verdict? The ‘soul of the criminal’ is *represented* by his fellow citizens who will adjudicate the case. This representation of the defendant is both social and political (not legal since it does not concern the mode of selection and/or the quality of his defence). It is social representation because the confidence bestowed on the jury’s verdict (by the defendant and society at large) ‘is based primarily on their equality with the party concerned in respect of their particularity –their social status [Stand] and the like’ (PR§ 228, p. 258). It is political in that it takes place wholly within the public realm.

In societies with a prominent hierarchical class stratification (like Prussia at the time)⁷¹ to be judged by class or status superiors (as professional judges then and now are) amounts to a complete disregard of the socially specific circumstances that determine one's bearing in life, the attendant manner and ways of conduct and the socio-cultural context that provides the meaning for the practices followed. To mend the social *qua* ethical inequality and the power difference as it translates itself in the content of judicial dispensation Hegel considers of utmost importance the institutional activation of a relation of representation premised on the egalitarian principle that those who share similar social circumstances or equivalent social standing are better judges of a person of their own social circle. The jury judgment holds the high moral ground even in punishing the culprit, for the punishment does not take place in the name of 'punishment for the sake of punishment'⁷² but for the sake of the 'criminal' if it is to recognise his subjective freedom.

The structure of the socio-ethical relationship of representation between the jury and the 'criminal' discloses the following aspects. The 'criminal' belongs to the same social group or social estate that judges him.⁷³ So they share the same social substance hence they are alike. To that degree the 'criminal' is a passive representative of his social estate, not an agent 'representing' a principal. But the act he has committed violates the (specific) normative order characteristic of his social estate. In doing so, in coming to opposition to the accepted norm he emerges as a *negative representative*.⁷⁴ He *is* what they are *not*. Since they share the same social substance then his opposition is internal to the ethicality expressive of the group. The ethical judgment of the jury then restitutes via its negative representative, its own normativity confirming it in case of a guilty sentence. Additionally, the jury is not the whole social estate but

⁷¹ An indication that Hegel's rational state does not coincide with the extant 'modern state' of his time since neither trials were public nor judged by juries. A. W. Wood, note I in *PR*, p. 449.

⁷² Contrary to British Hegelianism's thinking of the ethical appropriateness that 'punishment for punishment's sake will always be a civic necessity'. Bernard Bosanquet, 'Introduction to the Second Edition', *The Philosophical Theory of the State and Related Essays* (St. Augustine's Press: Indiana, 2001[1923]), p. 45.

⁷³ In this regard, Hegel incorporates the fundamental legal maxim of the Middle Ages in his construction of the ethical state which is envisioned to be an ethico-historical concretion of anterior ethical layers 'preserved' in a superseded fashion in the modern state. The maxim of folk-law that was honoured in the post-Roman era was 'that every man must be judged by the law of his own people'. John B. Morall, *Political Thought in Medieval Times* (Toronto: University of Toronto Press/Medieval Academy of America, 1980), p. 17.

⁷⁴ He represents the negation of both his estate and of himself thus by his violation he acts against his 'own implicit will'. Mark Tunick, 'Are There Natural Rights? – Hegel's Break with Kant', in *Hegel on the Modern World*, ed. by A. B. Collins (Albany: State University of New York Press, 1995), pp. 219-235 (p. 227).

a representative sample of it. In this we have a second connection of representation between the jury and the social estate. So in the judgment of the jury the social estate itself is represented.

In this double representative connection between the jury as the equivalent of the social estate but in opposition to it (for the jury is a particularity vis-a-vis the wholeness of the estate) and in its representative function (of the social estate) vis-a-vis its negative representative, the 'criminal', there is reciprocal representativity. The social estate represents itself via the jury to the 'criminal' whereas the 'criminal' (as singularity) represents through the jury (with which it shares the same social substance) the negative of the social estate itself. In both moments of the dual representative relation the 'jury' functions as the mediating link.

The relation of representation evinces the character of infinity as contradiction reflected into itself or in the equivalent Hegelian formulation as 'being-outside-itself within being-within-itself'.⁷⁵ The 'criminal' is 'flesh of the flesh' of the social estate. As a singular being by belonging to the estate is *one* (or in unity) with it and shares with it a common form of social being. He exists *within* it as a singular instance of its universality. At the same time by having committed a presumable transgression he posits himself *outside* the commonality in opposition to it. But this opposition obtains its meaningfulness only *within* the ethical confines of the social estate he belongs to. So the 'criminal' represents the outside aspect (the difference) of the social estate as integrally incorporated within it (difference-within-identity).

How does the entanglement in the nexus of representation uphold the 'subjective freedom' of the 'criminal'? The relation of representation concretised in a trial by jury (by equals) emerges as a protection shield against the judicial judgment of a professional corps of justices who by their monopoly of knowledge of right, of 'the course of court proceedings' and the command of a mystifying legal discourse constitute themselves as an exclusive and 'superior' estate. The application of formal right in the judgment of a case becomes the *indifferent* treatment of any and all cases in disregard of the subjectivity in question. 'The right of self-consciousness' is suppressed under the formal abstractness of the treatment and the particular subjectivity is reified by being reduced to another case in the manifold of cases.

⁷⁵ G.W.F. Hegel, *The Jena System, 1804-5: Logic and Metaphysics*, trans. & ed. by J. W. Burbidge and G. di Giovanni, intro. & notes by H. S. Harris (Montreal: McGill-Queen's University Press, 1986), p. 35.

In this situation, members of civil society, who depend for their livelihood on their *activity* [labourers included], *their own knowledge* [*Wissen*] and *volition*, remain *alienated* not only from their own most personal interests but also from the substantial and rational basis of these, namely *right*, and they are reduced to a condition of *tutelage*, or even a kind of serfdom, in relation to the class [Stand] in question (*PR* § 228R, p. 258).

Even if they are physically present in court they are absent in *spirit* from it and the ‘right which they receive will remain an external fate for them’ (*PR* § 228R, p. 259). The relation of representation inscribed in the trial by jury by acknowledging the ‘substantial/rational basis of right’ of one’s social station in life provides for adjudication in the name of the individual by his social estate self. Whatever the verdict may be, the individual faces a realisation by proxy of his ‘subjective freedom’ instead of confronting an alien fate.⁷⁶

The relationship of representation in the triad of social estate-jury-‘criminal’ expresses also the essential conceptual content of representation itself as making the *absent present*. The jury itself is not a perennial standing institution but it is convened due to the presence of the ‘criminal’. It exists implicitly as a possibility but the mediation of the ‘criminal’ is the condition of its actualisation. In the representative relation between the jury and the social estate the latter certainly enjoys an independent existence. But as a particular ethical substance it does not exist as such but becomes presentified itself as a particular will ‘embodied’ only in the decision enunciated by the jury itself. The ethical relationship of the three moments in representation emerges as an organic link. According to Hegel, ‘[i]t is one of the most important insights of logic that a specific moment which, when it stands in opposition, has the position of an extreme, loses this quality and becomes an *organic* moment by being simultaneously a *mean*’ (*PR* § 302R, p. 342). In the relation of representation that we examine the two extremes are the social estate and the ‘criminal’. The ‘criminal’ by activating the other two moments emerges as a totality that encompasses the other two moments within him. Hence apart from being an extreme he also

⁷⁶ This essential condition vouchsafing ‘subjective freedom’ of the accused civil member is disregarded by Allen Wood in his discussion of Hegel’s ethic of ‘consenting to be punished’. See: A. W. Wood, *Hegel’s Ethical Thought* (Cambridge: Cambridge University Press, 1990), pp. 114ff.

appears as the *mean* that activates the representative connection between the estate and its jury. On the other hand, the social estate apart from being the other extreme in the relationship is simultaneously the mean in the relation of the jury to the ‘criminal’ since both are brought in connection because they share a common substance which is that of the social estate itself. If the jury and the ‘criminal’ did not partake of the same social substance via their belonging to the same estate then the ‘criminal’ would have been adjudged by the judicial officialdom of formal right and the jury would not have been formed at all.

The connection of the moments of the relationship of representation exhibits also necessity. If necessity is ‘the being of one in its opposite’⁷⁷ then the dual representative relatedness of the three elements emerges as necessary. In the representation of the social estate by the jury (the one ‘instead of’ the other, the jury standing for the estate), the opposition rests on the social estate being a (finite) universal (the unity of a specific estate) as against the particular individuality of the jury. At the same time each is within the other since they belong to the same socio-ethical substance. As regards the other aspect of the tripartite relation (the other form of representation between the jury and the ‘criminal’) they are in opposition since the criminal is the ‘negative representative’ of the jury (the transgressor of their ethic) and likewise to the other aspect, the jury and the ‘criminal’ are internally connected by sharing the same substance, or being reflected within each other as is also shown by the identity of the jury with ‘the soul of the criminal’.

Hegel’s suggestion that the ‘subjective freedom’ of the criminal can be preserved only by a verdict reached by a jury partaking of the same particular ethical substance with him while the state participates through the subsumption of the case under the generality of the law and the handling of the court proceedings by the judiciary, pays its respect to the vitality of common law as a conscious manifestation of the ethicality of self-subsistent collectivities. Otherwise, the adjudication of the ‘criminal’ would be analogous to the situation of a professional judge of a foreign colonial administration pontificating on the internal dispute of an indigenous ethnicity. Since the state consists of a diversity of social estates it follows that there is a plurality of ethical templates corresponding to the different social estates.

⁷⁷ Hegel, *The Jena System*, p. 62.

Hegel's conception of the dispensation of justice within civil society activates a norm of 'equity' that goes even against the injunctions of 'formal right' (*PR* § 223R, p. 254).⁷⁸ This norm of equity is grounded on a relation of socio-ethical equality shared by the members of the particular social estate, an equality that generates the 'confidence' attached to the validity of the ethical judgment (*PR* § 228, p. 258). Even if civil society exhibited a traditional hierarchical order based on 'the principle that differences were to interlock with and complement one another',⁷⁹ the condition of equality as the basis of socio-ethical representation shows a proximity to the growing egalitarian substrate of contemporary politics of representation.

3.c. Civil Society's Corporate Representation and the Right of Suffrage

There is a general contradiction that permeates Hegel's thought of the speculative construction of the rational state. His theoretical description of the institutional complex that manifests the political constitution of the 'organic state' (*PR* § 302, p. 342) comes in conflict at crucial nodes with the principles of the 'rational state'.

The 'rationality' of the state consists in 'the unity of objective freedom [...] and subjective freedom' (*PR* § 258, p. 276). It necessitates the existence of three principled conditions in order to be actualised, namely the universality of membership in the state (*PR* § 258, p. 275), the inclusion of universal subjective freedom/will into the political state, and the integration of civil society through political representation into the governance of the state. All three conditions are violated by the institutional structure incarnating Hegel's concept of the state. A plausible reason which may explain the generation of such incongruities in the Hegelian construction is his effort to give to the Idea of the rational state realistic features so that it resembles the modern

⁷⁸ In this Hegel follows Aristotle for whom 'the nature of the equitable [is] a correction of law where it is defective owing to its universality.' *The Nicomachean Ethics*, p.133 [1137b8]. Because equity attends to the particularity of the situation by-passed by the law's universality, Hegel rightly observes that the equitable decision should not turn itself into a legal precedent, a general ethical rule that extinguishes 'its own right' in the interest of 'making a universal legal disposition'. (*PR* § 223, p. 254).

⁷⁹ Pierre Rosanvallon, 'Inaugural Lecture, Collège de France', *Democracy Past and Future*, ed. by Samuel Moyn (New York: Columbia University Press, 2006), pp. 31-58 (p. 42).

state in the form of constitutional monarchy which was Hegel's ideal form of government. (*PR* § 273, p. 308).⁸⁰

I will argue, in this and the subsequent section, that two conceptual incongruities mar the articulation of the political state and Hegel's notion of political representation that underpins it.

1) Hegel allots a narrowly confined suffrage to the members of the state and thus divides citizens into those who have the freedom of political representation in the affairs of the state and those who are deprived of this freedom. Such exclusion conflicts with reason's requirement that membership in the state must be universally enjoyed for universality is the condition of rationality of the state organism.

2) There is a tension between acknowledgement of the principle of 'subjective freedom' in civil society and its token recognition as 'formal freedom' in civil society's participation in the government of the state. The function of political representation of the estates in the representative assemblies is divorced from any participation in the law-making function of the legislative power and political representation of civil society is reduced to the one-sided facet of nominal participation in the general affairs of the political state.

The Hegelian state consists of three estates. The 'universal estate' which encompasses the civil administration, the executive power and the power of the sovereign and its exclusive preserve is the engagement with the general affairs of the state. The other two social estates, the 'agricultural estate' that is, the family-based landed property and the 'mobile' estate constitute civil society. The 'mobile' estate engaged in trade and industry deals with the particular and the corporation is characteristic of it (in assisting it to attain universality) since the other two estates already have the universal disposition in their substantive character. The agricultural estate is a 'concrete universal' as immediacy, the universal estate of state administration engages with the universal end by definition (*PR* § 250, p. 270). The particular productive engagement of each in the 'mobile' estate is done also by others and this 'inherent likeness' through association

⁸⁰ K.-H. Ilting seems indirectly to acknowledge this when in his general estimation of the *Philosophy of Right* in comparison to the 1818-9 lectures on the philosophy of right he deems the 'many instances' of Hegel's retractions to suggest that '[t]hese temporally conditioned concessions are indeed contrary to his basic conception'. 'Hegel's concept of the state and Marx's early critique', in *The State & Civil Society: Studies in Hegel's Political Philosophy*, ed. by Z.A. Pelczynski (Cambridge: Cambridge University Press, 1984), pp. 93-113 (p. 112).

becomes a universalistic end (common to the category of similar types of engagement) and establishes membership in corporation (*PR* § 251, p. 270).

The corporation under supervision by the public authority, admits members, looks after its own interests, protects members from contingencies and trains prospective members. It assumes the role of a ‘second family’ for its members (*PR* § 252, p. 270). The corporate association provides for security of livelihood and official recognition of competence and it thereby ensures the social credentials of status supportive of the member’s self-esteem⁸¹ and consequently of his sense of being a member of a corporate whole ‘which is itself a member of society in general’ and thus the individual has an interest to promote the less selfish end of this whole (*PR* § 253, p. 271). In the corporation the skill of members is rationally determined and consequently ‘raised to a conscious activity for a common end’ (*PR* § 254, p. 272). Hegel’s conception must be disambiguated for two distinct senses are signified by the ‘common end’. The corporate individuals work under the norms of the corporation often for their own particular end (for example traders), not for the benefit of the corporation and thus the ‘common end’ referred to is not the common end of *their* corporation but refers to a similar end common to them all. What the ‘common end’ mentioned here means is that the standardisation of practice and its formal accreditation by the corporation results in the productive activity of each corporate member to lose its idiosyncratic character and to become universalistic, geared to the others in general as a social activity functional for the whole state community. In general, individuals have to act in a ‘universal way’ (orient themselves to the abstract other) to fulfil their own ends and so to ‘make themselves *links* in the chain of this *continuum* that ties them in an overall unity (*PR* § 187, p. 224). This universalistic orientation is effected partly unconsciously by the ‘system of needs’ where to gain satisfaction and self-expression the others are needed and the mediation of one through the others is the principle of universality (*PR* § 182, p. 220) but corporate membership imbibes it in a way which makes it a self-conscious attitude.

It has been claimed that in Hegel political representation does not rest on universal suffrage but instead excludes certain categories of citizens and so the Hegelian state is premised on conditions of political inequality and evinces a strong anti-democratic tenor that distances it from

⁸¹ Thus the corporate member avoids ‘alienation’, the discrepancy between the publicly practiced norms and the loss of citizen allegiance to them. Charles Taylor, *Hegel and Modern Society* (Cambridge: Cambridge University Press, 1979), p. 91.

representative democracy. It is correctly claimed that ‘Hegel is famously one of those who reject the idea that all citizens must be able to participate in deliberations concerning the laws and policies of the state’ and ‘Hegel does not consider it *necessary* that all citizens have the vote or that all participate equally in the political process’.⁸² Given the existence of the institution of political representation through which citizens supposedly express their concerns and interests via the selection of corporate representatives then the non-participation of all in political deliberation must refer to a restricted entitlement to the right of vote and consequently that a certain segment of the citizens remains unrepresented.

Hegel criticises the idea of ‘all citizens participating in public deliberation’ having in mind the liberal frame of mind which conceives citizens abstractly as isolated individual units and then it ‘stops short at the *abstract* determination of membership of the state (*PR* § 308R, p. 347) thus disregarding the socioeconomic embedding of individuals in concrete communities, corporations and social estates through which civil life is organised. The liberal understanding of the citizenry as a social aggregate articulated on the basis of numerical equality without any concrete social ties among themselves ‘seeks to implant in the organism of the state a *democratic* element *devoid of rational form*, although it is only by virtue of its rational form that the state is an organism’ (*PR* § 308R, p. 347). *Prima facie* it is not the ‘democratic element’ per se that bothers Hegel, since *the many* as indicative of the empirical all, the people or the democratic element (*PR* § 301R, pp. 339-340) is presumably incorporated in the rational state through corporate representation, but the lack of substantive rationality in the liberal conception. A lack of rational form means in this case the elimination of all mediating institutions between the single voter and his government, a glorification of the citizen in his private capacity and the absence of the self-conscious citizen as political being endowed with a universalistic ethos, a lack which destroys the organic character of the state. As an abstract singular voter the individual can only express his arbitrary subjective will and his sole political criterion for it is his self-serving particularistic interest. The generalisation of this individualistic logic as the basis of political representation reduces the state to an instrument of particularistic interests and in reality it establishes political inequality rather than translating abstract equality into a universal political condition of the state.

⁸² Stephen Houlgate, ‘Hegel, Rawls, and the Rational State’ in Robert R. Williams (ed.) *Beyond Liberalism and Communitarianism: Studies in Hegel’s Philosophy of Right* (Albany, NY: State University of New York Press, 2001), pp. 249-273 (pp. 255, 256).

Political inequality results because the single voter realises the numerical insignificance of his vote given the electorate size of modern states and thus becomes depoliticised letting those whose particular interests are stronger to dominate the political arena and thus impose their own particular interest (*PR* § 311R, p. 350). Secondly, the liberal conception disregards the political socialisation of individuals into responsible citizens through belongingness in corporate, collective bodies and the associational life of civil society.⁸³

In place of the abstraction of ‘one man one vote’ Hegel introduces corporate representation as the method of selection of parliamentary representatives. Where the Hegelian conception differs drastically from the liberal one is in the type of *identity* under which the person votes. If he is conceived as an unattached individual denuded from any kind of socioeconomic nexus then his vote is irresponsible ‘[f]or the individual has no duties qua individual. One has duties only to the extent that one exists and has to act for a universal.’⁸⁴ Corporate bodies like municipalities, labour unions, trade associations, professional groups, non-governmental organisations, political parties, religious congregations⁸⁵ and other ‘recognised associations’ by definition cater to collective interests of a public character geared to the whole. The selection of representatives to the national assembly is decided by the associations and ‘[i]f it is for associations to send deputies, and *all citizens must be members of an association*, then every active citizen can also take part in the election. It goes without saying that day laborers, servants, etc., are not [allowed to vote, but] are excluded as not being members of an association.’ (*LNRPS*, p. 286/236, my emphasis). Hence all members of associations enjoy the right of vote individually. Hegel suggests the exclusion from suffrage of those individuals who are not members of an association like ‘day laborers, servants’ and others. Hence the impression is formed that he is against universal suffrage. From an empirical point of view Hegel condones the exclusion from suffrage of all citizens who are unincorporated. From the same perspective it must be noted that his corporate political representation scheme is relatively *progressive* since no popular

⁸³ G. Heiman, ‘The sources and significance of Hegel’s corporate doctrine’ in *Hegel’s Political Philosophy: Problems and Perspectives*, ed. by Z. A. Pelczynski (Cambridge: Cambridge University Press, 1971), pp. 111-135 (p. 129).

⁸⁴ Hegel, *Lectures on Natural Right and Political Science: The First Philosophy of Right (Heidelberg 1817-8)* ed. by Staff of the Hegel Archives (Berkeley: University of California Press, 1995), § 153, p. 286/236-7. Subsequent page reference is to *Vorlesungen über Naturrecht und Staatswissenschaft* (Hamburg: Felix Meiner Verlag, 1983). Hereafter cited as *LNRPS* in the text.

⁸⁵ Howard P. Kainz, *G.W.F. Hegel: The Philosophical System* (Athens: Ohio University Press, 1996), p. 120.

representative institutions existed in the Absolutist Prussian monarchy in any case.⁸⁶ So, limited political representation is better than none but certainly quite unsatisfactory in regard to universal suffrage and the category of universality which must pervade the ‘rational state’. Nevertheless, the Hegelian exclusion from the franchise of certain categories is based on the public criterion of the unincorporated status of such categories which are not denied *on principle* the right of future incorporation. Normatively, there is a Hegelian proviso that allows for universal suffrage. If the condition of enfranchisement and political representation is ‘citizen membership of an association’ then universal suffrage becomes necessitated by the maxim that ‘[n]o one in the state must *be allowed not to be* a member of an association’ (my emphasis, *LNRPS*, § 153, p. 285/235, *PR* § 290A, p. 331). Therefore since everyone must be an associational member regardless of his station in life and membership in an association is the condition for electoral capacity and his being represented then everyone ought to enjoy the right to vote. Hegel’s ethical supposition that all members of the state ought to be incorporated and thus to be enfranchised contradicts his empirical acknowledgement of restricted suffrage.⁸⁷

Citizens as members of associations actually hold a double voting power. They are politically represented by electing their corporate deputies to the national and provincial assemblies but they also vote to elect the directors of their own associations and corporations (*LNRPS*, § 142, p. 263/212-3). So they do have intra-corporate representation. Nevertheless the pattern of intra-corporate representation is adulterated. This is the first major instance of limitation of public freedom *cum* representation imposed on the social estate of corporate citizens by Hegel’s political state. The selection of the administrative officials who manage the particular affairs of their *own* corporations involves ‘a mixture of popular election by the interested parties, and confirmation and determination by a higher authority’ (*PR* § 288, p. 329). Some corporate officials are elected and some are appointed by the executive power while the elected ones are

⁸⁶ Shlomo Avineri, *Hegel’s Theory of the Modern State* (Cambridge: Cambridge University Press, 1974), pp. 57, 161.

⁸⁷ Allen W. Wood correctly pinpoints that Hegel ‘cannot justify’ the ‘systematic exclusion of the people from the subjective freedoms’ but Wood fails to see that this is done on pain of self-contradiction. ‘Hegel and Marxism’ in *The Cambridge Companion to Hegel*, ed. by Frederick C. Beiser (Cambridge: Cambridge University Press, 1993), pp. 414-444 (p. 422). An accusation has been launched against Enlightenment philosophers, Rousseau, Montesquieu and Hegel, who exhibit a trenchant disparity between their philosophical opposition to an institution (slavery) and its acceptance on pragmatic grounds. Susan Buck-Morss, *Hegel, Haiti, and Universal History* (Pittsburgh: University of Pittsburgh Press, 2009), pp. 29-34, (p.74).

subject to ratification ultimately from the sovereign power.⁸⁸ The administration of the corporate affairs cannot be left to ‘its own supervisors’ who are ‘often inept’, tend to collude with each other and are ignorant of the ‘universal view’ of the state (*PR* § 289R, p. 330). Consequently, the alignment of corporate interests with the ‘universal interest’ needs to be performed by ‘delegates of the executive power, i.e. the executive *civil servants*’ (*PR* § 289R, p. 329). The general reason for the intervention of the state’s bureaucracy into corporate life and the restrictions placed on its civil autonomy is that ‘these circles must be subordinated to the higher interests of the state’ (*PR* § 288, p. 329). Civil society cannot be *trusted* with the management of its own particular interests because they will tend to oppose the ‘higher interests’ of the political state. The same general *mistrust* of civil society’s ‘subjective freedom’, though it should have been properly politicised by corporate membership, underlies political representation in the representative assemblies.

3.d. The Semblance of Political Representation of Civil Society in the Political State

In Hegel, the ‘world spirit’ is ultimately realised ‘through the freedom of each individual’ in an ‘internally organised state’ which embodies objectively the subject’s consciousness of ‘its subjective freedom and rationality’.⁸⁹ This is the identity of subjective and objective freedom which grounds the ‘rational state’. This identity presupposes that the subjective freedom of civil society is expressed as political freedom in the ‘objective spirit’ of the political organism of the state. If civil society is deprived of political participation and *determination* of the universal affairs of the state then the political state itself emerges as a superordinate system of power subordinating civil society to its own authoritarian will thus destroying the organic unity of the rational state. Hegel’s institutional articulation of state power leads to such an effect by trivialising civil society’s political participation.

⁸⁸ Heiman wrongly believes that election is merely ‘subject to scrutiny by public authority’. ‘The sources and significance’, p. 130.

⁸⁹ Hegel, *Lectures on the Philosophy of World History. Introduction: Reason in History*, ed. J. Hoffmeister (Cambridge: Cambridge University Press, 1980[1830]), pp. 55, 208-9.

Hegel opposes the modern doctrine of the ‘separation of powers’ since ‘separation’ entails externality and independence and consequently an unresolved opposition which in the absence of a superior power to adjudicate between them spells disaster for any political edifice and its unity. (*PR* § 300A, p. 339).⁹⁰ Instead of ‘separation’ he proposes ‘division of powers’ which in a dialectical gesture indicates both their distinctness, their differentiation from each other and simultaneously their union since for any two entities to become differentiated, it must be presupposed their emanation from a common source. The dialectical difference-in-identity conception of the three powers of the ‘political state’, the sovereign power, the executive (which is dependent on the sovereign) and the legislative power is revealed by the ultimate incorporation of all elements in the ‘subjectivity’ of the sovereign (*PR* § 273, p. 308).

Citizen participation in the political state takes two forms. All citizens if they have the ability and competence can potentially enter as individuals in the ‘universal estate’ and become civil servants. This means that they automatically change status and they cease being members of the social estates of civil society. The other form of participation is political representation in the legislature. The two social estates are provided with two different ways of political participation. One section of civil society, the ‘agricultural estate’ is privileged to obtain representation in the legislature without elections but by birth (*PR* § 307, p. 346). Here Hegel’s thought is mired in a practical contradiction. He assigns participation in person (of the oldest son of the family) to the whole estate consisting of the gentry and any land-holding peasant owner. It is obvious that it is a practical impossibility for the entire estate to exist as an assembly. Behind the theoretical façade of the abstract formulation is hidden his unjustifiable desire to attribute pride of place in the legislature to the aristocratic magnates and notables. It is an instance of the perennial tension existing between a principled position of his and his effort to streamline the ‘rational state’ to the fixtures of an empirically extant state.

All the other members of civil society obtain political representation only to the degree they are members of corporations and elect their own deputies to the estates’ assembly (*PR* §§ 308, 311 pp. 346, 350).⁹¹ Election of deputies to a representative assembly ought to mean that the

⁹⁰ ‘[A] balance of powers external to each other’ contravenes the idea of the state. *Hegel’s Philosophy of Mind*, § 544, p. 275.

⁹¹ Westphal who wants to boost the republican credentials of Hegel asserts that Hegel ‘advocated a permanent representative assembly’. K. Westphal, ‘The basic context and structure of Hegel’s *Philosophy of Right*’ in *The*

particular concerns and interests of the communities and corporations which send their deputies are being voiced in the assembly and thus the organised diversity of the subjective will of civil society attains political expression. Nothing of the sort is possible in the Hegelian view of the political representative.

The elected deputies must satisfy three conditions. Firstly, they must be those who have superior understanding of the ‘universal concern’ (not of the particular concerns of their constituency) than their electors. Secondly, they must not be ‘commissioned or mandated agents’ that is, not to be bound by any instructions or directions on how and what they are going to deliberate about. Thirdly, and most significantly, ‘these individuals will not subordinate the universal interest to the particular interest of a community or corporation, but will give it their essential support’ (PR § 309, p. 348). Therefore the duty of the representatives is not to represent the interests of the communities which elected them but to disregard them in the name of the universal concerns of the political state which sets the agenda of deliberations. The construal of the legitimate functioning of the representative is such that it *severs the representative tie* with the particularity of the corporate and communal interests of civil society. The ‘elected deputy’ is derogated to the status of a *nominal* representative of his estate. The sum-total of the particular interests which representatives ought to put aside in ‘supporting essentially’ the universal interest is *the totality of the interests of civil society*. Therefore the ‘universal interest’ is distinct and separate from the combined interests of civil society and it is the interest of the state as it is formulated by the sovereign power and its subordinate executive power.⁹²

Nonetheless, because the institution of political representation [*Repräsentation*] does not involve the giving of direct consent by everyone but only consent by ‘authorized deputies’ (PR § 309A, p. 348) it follows that the exercise of consent by the entrusted deputy obligates his electors too. In Hegel’s conception of the political representative his function is not to *act for* the group he represents but to *stand in for* the group as an *emblem* of its political presence in the legislature.

Cambridge Companion to Hegel, pp. 234-269 (pp. 238-9). On the contrary, the estate obtains political representation ‘at the request of the sovereign power’ (PR § 308, p. 347).

⁹² The universal interest is the will of the sovereign monarch and no ‘common will’ either of society as a whole (the ‘democratic principle’) or of its representatives (the ‘aristocratic principle’) can replace it. *Hegel’s Philosophy of Mind*, § 542, p. 271.

If the deputies are regarded as *representatives*, this term cannot be applied to them in an organic and rational sense unless they are *representatives* not of *individuals* as a crowd, but one of the essential *spheres* of society, i.e. of its major interests. Thus, representation no longer means the *replacement* of one individual by *another*; on the contrary, the interest itself is *actually present* in its representative, and the latter is there to represent the objective element he himself embodies (*PR* § 311 R, p. 350).

As noted above, the representative is not called upon to represent the actual interests of the ‘sphere of society’ he ought to represent. The fact that he has been selected by a particular sphere of society as an identical element of it makes him be the singular personification embodying the ‘objective’ character of the community he shares with the same social substance. It is the embodiment of the objective interest of the particular ‘social sphere’ which defines the representative not the representative who defines the interest. The political representative represents by (his) *being* not by (his) *doing*. This opposition at the heart of representation is going to be sublated into unity by Marx for whom the human being represents ‘by what he *is* and *does*’ (*CHDS*, p. 190).

This sharing of the same social substance as the foundation of the relationship of representation is exactly analogous to the representative relationship that we saw to exist in the dispensation of ‘concrete justice’ between the ‘criminal’, the ‘jury’ and the social estate to which they belong. But there are two significant differences between the two forms of representation. In the dispensation of ‘concrete justice’ the jury realised the ‘subjective freedom’ of both the estate and the ‘criminal’ by judging on the basis of their *own particular* ethical standards expressive of their substantial existence. Here the political representative shares the same social substance, embodies in person its objective interest but he is not allowed to speak for it being under the obligation to be independent-minded and concerned only with the state’s concerns. The second difference concerns the element of equality. In the juridical form of representation the judges and the judged were equal in status and their underlying equality justified the acceptance of the verdict. In political representation the representative enjoys equal social status with the members

of his corporate community but he must be politically experienced and have a 'better understanding' of the state's affairs than his electors. Political experience of state affairs is gained only if someone has occupied '*positions of authority or political office*' (PR § 310, p. 349). Thus the exemplary candidate for the representative post must have served in the executive power or be a kind of professional politician. This intimacy with the centres of political power clearly *distinguishes* the ideal political representative from his corporate community and endows him with superior political status.⁹³ Thus the representative appears as a kind of ideal figure in regard to his constituency and this explains the element of *trust* bestowed upon him. Trust is the basis of representation and presupposes that the representative will treat the community's 'cause as if it were his own' (PR § 309A, p. 348). This description of trust is quite valid but it does not fit with Hegel's conception of the representative since the latter's duty is not to treat the interest of his electors 'as if it were his own' but to exercise his independent judgment for the sake of the state's universal interest to the detriment of his electors' interest if they happen to conflict. Hegel commits a surreptitious displacement between the two aspects constitutive of the notion of trust. The basic aspect of trust is that the representative will act for another's own cause. The second aspect is that his character is such that he will pursue the cause to the best of his ability and knowledge. By putting the stress on the second aspect he downplays the commitment to another's cause and thus he can assert that the 'principle of the individual subjective will is no longer applicable' (PR § 309A, p. 348) for the particular cause for which the representative has been entrusted is *extinguished* under the generality of promoting 'a cause' which the representative, due to the integrity of his character, will perform effectively. Given the superior ethical and political character of the 'deputy' and the fact that he is familiar with 'the needs and particular interests' of the corporate collectivity he is associated with then even his 'election itself is either completely superfluous or can be reduced to an insignificant play of arbitrary opinion' (PR § 311, p. 350). The subjective will of civil society does not really need to 'elect' its representatives. It would suffice to set up a permanent caste of political representatives to look after the 'state-business' and civil society could go on minding its own business.

⁹³ Robert Fine, *Political Investigations: Hegel, Marx, Arendt* (London: Routledge, 2001), p. 64. Fine thinks Hegel criticises the 'representative system' but his discussion is blinded to the fact that the criticism is directed at the liberal representative system based on 'abstract equality' not at Hegel's *own corporate* representative system. Thus he is led to deny basic political convictions of Hegel (pp. 64-5).

Political representation of civil society in the political organism of the state must involve participation of the representative assembly (divided into two houses, one for each social estate) in the legislature if it is to exist at all, since it does not have any share in the executive and the sovereign powers. In contrast to representative democracy where the legislative power belongs to the representative assembly in the Hegelian political state the ‘primary part’ in ‘the legislative power as a whole’ is played by the ‘monarchy as the power of ultimate decision’ and ‘the executive power’ which has ‘concrete knowledge [*Kenntnis*] and oversight of the whole’ (*PR* § 300, p. 339). In criticising the exclusion of the executive from the legislative bodies in the French Constituent Assembly, Hegel demands the executive’s ‘ex officio share’ in the legislature. (*PR* § 300A, p. 339).⁹⁴ Since the sovereign and executive powers hold the ‘primary part’ of the legislative power what is the role the representative organs of civil society play in legislative activity and law-making?

The representative assemblies do not have ‘to achieve optimum results in their deliberations and decisions on the business of the state *in itself*, for their role in this respect is purely accessory’ (*PR* § 314, p. 351). This is the consequence of the fact that they cannot play any role in the legislative function. Law-making and state policy formation is the ‘fruit of profound cognition and insight’ which the representative ‘Estates’ do not possess. Actually, in Hegel’s view, ‘the highest officials’ ‘have a more profound and comprehensive insight’ into the state affairs, they are ‘more skilled in dealing with them, so that they *are able* to do what is best even without the Estates’ (*PR* § 301R, 340). So, the representative bodies are legislatively useless and irrelevant in terms of a meaningful and rational contribution to the state business which could have been performed more efficiently by the executive power without the decorative representative presence of civil society. Why then have any political representation at all if the ‘subjective will’ of civil society is effectively excluded from the *determination* of state affairs?

The distinctive role political representation and the constitution of the representative assemblies have, is to ensure that through their participation in deliberations on ‘matters of universal concern’ ‘*formal* freedom attains its right in relation to those members of civil society who have no share in government’ (*PR* § 314, p. 351). Instead of having political freedom to participate in the decision-making process on the business of the system of power, deliberations

⁹⁴ Cf. *Hegel’s Philosophy of Mind*, § 544, p.274.

of the representatives merely amount to the symbolic significance that the ‘formal freedom’ of civil society is being respected. Political representation of the interests of civil society becomes a *semblance* of representation reduced to a form of *symbolic representation* of the ‘formal freedom’ civil society ought to have within the institutional apparatus of the political state since the majority of its members ‘have no share in government’. This ‘formal freedom’ is secured only via its representatives who themselves do not enjoy any real political freedom to participate in government. The universal subjective freedom acknowledged to civil society has disappeared within the unitary sovereign will of the political state and ‘the state of the citizens has become the state of office-holders, and the republican state has become the authoritarian state.’⁹⁵

The assemblies’ political contribution is exhausted in providing *publicity* to the issues discussed and thus increasing the ‘universal knowledge’ circulating in the public realm (*PR* § 314, p. 352). Political representation becomes an enlightening *elitist* institution for civil society. It educates ‘public opinion’ on the state affairs and enables it to form ‘more rational judgments’ about these affairs (*PR* § 315, p. 352).⁹⁶ Thereby the public ‘learns to respect, the functions, abilities, virtues, and skills of the official bodies and civil servants’ (*PR* § 315, p. 352). The representative assemblies function as a kind of ‘propaganda machine’ for the executive power while they teach a lesson of political propriety to ‘the self-conceit of individuals and of the mass’ (*PR* § 315, p. 352). Political representation ends up becoming not the reflection of civil society into the sovereign power but the reflection of the power of the sovereign into civil society. This is another instance of the contradiction vitiating Hegel’s philosophy of the state. If in the ‘rational state’ the people need to be ‘educated’ in order to grasp its ‘universal end’ then either the ‘rational’ state is not based on universal self-consciousness (*PR* § 258, p. 275), i.e. it is not rational or the institutional articulation of the modern state is not that of the ‘rational state’ and the latter remains unrealisable.

The principle of universal subjective free will whose objective existence in the political state should have grounded the Hegelian identity of the rational state has turned ‘into its own opposite, i.e. in subjectivity as identical with the substantial will, the subjectivity which constitutes the concept of the power of the sovereign’ (*PR* § 320, p. 359) in order to justify ‘monarchy’ as the

⁹⁵ K-H Ilting, ‘Hegel’s concept of the state’, p. 104.

⁹⁶ K. Westphal stresses one-sidedly this ‘educative’ function of the representative assemblies. ‘The basic context’, p. 261.

supreme political constitution of the most developed reason.⁹⁷ The universal subjectivity of civil society has been ‘substituted’ by the singularised subjectivity of the monarch.⁹⁸ This is the third instance of Hegel compromising his principles. Since entrance to the ‘universal estate’ which serves the universal end exclusively requires proof of competence, skill, expertise, knowledge and insight, i.e. elimination of natural contingency, how come the person who embodies the ‘substantial will’ of the state, who holds the supreme and ‘ultimate decision’ on any state affair (*PR* § 275, p. 313), who represents the epitome of ‘free subjectivity’ of everyone is a person whose incumbency of the ‘apex of the state’ is left to the natural contingency of *birth* (*PR* § 280, p. 321) when at the same time Hegel has condemned the ‘contingent origin’ of leadership in the democratic and aristocratic forms of state (*PR* § 279R, p. 320). The cogency of speculative reason has been sacrificed on the altar of the sovereign’s power concrete individuality.

Hegel’s originality in his theorisation of the rational state consists in his explicit acknowledgement of the *differentiation* of civil society from the political state as an independent realm of socio-economic life where subjective freedom must prevail as a universal condition and be guaranteed by the state itself. This form of modern self-consciousness is absent from both Hobbes and Locke for whom ‘civil society’ is still identical with ‘political society’ or the commonwealth and the private self is not recognised on its own right but only to the degree he complies with his political subjecthood. The dynamic of the growing independence of civil society generates basic strains in the organic unity of the state and Hegel proposes corporate and political representation as a viable solution that ensures the politico-ethical integrity of the state while at the same time representation provides for the formal incorporation of subjective freedom in the political articulation of the state. Marx takes up the issue of the political feasibility of an harmonious integration of civil society with the political state. In the next chapter we will see that Marx confronts the Hegelian conception of the rational state head-on arguing that the divide of civil society from the state is unbridgeable. Instead of the political state elevating civil society into the self-awareness of the primordial end of the state, it is the inner division of civil society itself that determines the civil society/political state rift. In developing his critique Marx will be led to furnish his own conception of democracy.

⁹⁷ *Hegel’s Philosophy of Mind*, § 542, p. 270.

⁹⁸ K. Westphal confesses that Hegel’s ‘greatest internal weakness’ is ‘his account of the monarch’ though on different grounds. ‘The basic context’, p. 262.

Chapter 4

Marx's Conception of Democracy in his Critique of Hegel's Philosophy of the State

Marx's conception of democracy is one of the most incisive critiques of the 'political state' in political philosophy. Any discussion of democracy is faced with two major difficulties. Firstly, the notion of democracy is a contested terrain revealing clashing political worldviews behind its theory. Because of its hegemonic role in the existing general consciousness even authoritarian politics masks itself as 'democratic'.

The second difficulty concerns the historical conditions of mid-19th century where *democratic* institutional life was absent in practice. Universal enfranchisement, political parties, public trials and an independent judiciary, parliaments as representation of the *general will*, publicity of assembly proceedings,⁹⁹ open and publicly accountable state bureaucracies and other political institutions associated with representative democracy were unimaginable.¹⁰⁰ Demand for a democratic state based on *popular sovereignty* amid reigning monarchies was considered an ultra-revolutionary demand and official state censorship did not even permit to write or speak its name.

In such political context dominated by centralised absolutisms and an anaemic civil society, Marx's 1843 critique of the principles of the modern constitutional state through a detailed critical examination of Hegel's *Philosophy of Right* is quite original. He had already criticised in 1842 the exclusivist forms of political representation of the monarchical state arriving at his core idea that if there is to be true political representation it 'must be conceived only as the people's *self-representation* [Selbst-vertretung]'.¹⁰¹ By the end of 1843 he considers 'universal enfranchisement' as a necessary political precondition in order to overcome the 'abstract political state' as a *separate* realm from civil life so as to *restore* to society, its real human form as a

⁹⁹ Marx, 'Debates on Freedom of the Press', *MECW*, v.1, pp. 132-181 (pp. 145, 147).

¹⁰⁰ On the lack of such conditions in the Germanic territories, see Jonathan Sperber, *Rhineland Radicals: The Democratic Movement and the Revolution of 1848-1849* (Princeton: Princeton University Press, 1991).

¹⁰¹ 'On the Commissions of the Estates in Prussia', *MECW*, v. 1, pp. 292-306 (p. 306).

unified societal community of all. The communal essence of man was manifested in an ‘ideal form’ in religion before the political state relegated religion to an exclusive private concern of civil society (*OJQ*, pp. 225, 221). Thus the political state brought in political emancipation from state religion but by making it a private affair it destroyed the communal essence of human existence at the basis of religion, making religious belief ‘the essence of difference’ (*OJQ*, p. 221).

I submit that the basic lineaments of Marx’s critique of *Hegel’s Philosophy of Right* which lead him to conclude that the organic constitution of civil society with the political state into a ‘rational’ state as argued by Hegel, is really a ‘dualism’ of its two component parts with no organic connection between them and thus not really rational at all. It is also argued that the duality between civil society and the political state is a necessary reflection of the conditions prevalent within civil society itself. Marx recognises for the first time in his intellectual trajectory the salience of the institution of private property and its effect on the constitution of political power in the state. The seminal essay *On the Jewish Question* written shortly after the *Critique* is jointly analysed to clarify the ‘political emancipation’ associated with political democracy and its attendant limits.

Two relationships express the divided essence of the political constitution of the communal being of society. These are the relationship between civil society and the political state and the relationship between state sovereignty and the people. The first manifests the opposition between particularity and universality. In modern civil society individuals live an unpolitical life as ‘self-enclosed monads’. In the political state they are supposed to realise their universal self as members of a political community which exists for itself. The division of the two spheres is duplicated within the individual self as the tension between the self-interested individual and the citizen. The second relationship expresses the internal division of the politically constituted community between the people or ‘the demos as a whole’ as its universal, communal being and state sovereignty or ‘form of state’ as a particular system of rule confronting the community. Marx’s concept of democracy opposes both forms of division aiming at their supersession into a human societal configuration which realises the species-being of ‘man’ or his communal essence. In democracy the particular (individual) is elevated into the universal (communal being) while the universal becomes the condition of the self-conscious existence of the particular. Thus

the diremption of the universal and the particular is annulled. In democracy the political constitution of the people is its 'own' self-determining, 'free creation' that realises its universal communal being. The societal community does not countenance anymore the representation of its universal self in an external sphere in the shape of the 'abstract political state'. The realisation of human emancipation has as one of its preconditions 'political democracy' based on universal suffrage, which is superior to the law-based Hegelian constitutional state with its restricted political representation of the people and opens the way for the overcoming of the divide between the political state and civil society into a higher form of communal association, a human societal democracy.

4.a. The Antinomy between the Political State and Civil Society

Marx engages with the hard core of the *Philosophy of Right* which deals with the constitution of the 'inner sovereignty' of the modern state, the political state proper. Hegel's State (der Staat) is an ethico-political organism that realises as its universal end the unity of 'subjective and objective freedom' (*PR* § 258, p. 276). In contradistinction to the state as a whole, the 'political state' (politische Staat) is the plexus of political institutions (the three Powers of monarchy, the executive and the legislative) that in their espousal of the universal aims of the state as a whole secure objective freedom as the highest end and as a prerequisite for the exercise of the subjective freedom of the particular individuals who constitute the members of civil society.

Marx in the unfolding of his critique follows Hegel's exposition which is structured as a movement from the general to the specific, from the most abstract to the most concrete and this obliges Marx to face on from the very start the essential blueprint of Hegel's conception of the modern state (*PR* §§ 261-2, pp. 283-6). Marx immediately identifies 'an unresolved *antinomy*' in the organic connection that Hegel posits between 'family and civil society' and the political state in § 261. 'On the one hand, the political state stands opposed to the sphere of the family and civil society as an '*external* necessity' to which the family institution and civil society 'are subordinate [...] and [...] dependent'. On the other hand, Hegel counterpoises to the relation of 'external necessity' that 'other relationship in which the family and civil society are related to the

political state as their ‘*immanent end*’ (CHDS, p. 59). To talk of the state as an organic unity of civil society and the political state and at the same time to see it composed by a dual relationship of ‘external necessity’ and ‘immanent end’ is to posit an unsurpassable conflict in the conceptual articulation of the whole state. If the political state was the real immanent end of civil society it would not need to impose itself upon civil society as an external necessity. Since ‘Hegel makes no mention of empirical conflicts’ this clash must concern ‘the *essential relationship* between these spheres themselves’ (CHDS, p. 59). Philosophically, no ‘two-sided identity’ is true to its concept if one side is ‘subordinate’ to the other for this condition suggests enforced connection making the identity ‘specious’ (CHDS, p. 60).

It is not only a logical *contradiction* that lurks in Hegel’s theorisation of the organic unity of the whole state but also an *antinomy* in the very essence of the modern state which Hegel ‘describes’ speculatively. In Marx’s view Hegel’s construction of the ‘rational state’ as the essence of the state reflects the modern state’s empirical reality and thus the logical contradiction in the relationship between the political state and civil society reflects the actual antinomy that exists between the two in society.¹⁰²

Marx organises his critique methodologically by employing the mode of *immanent* or internal critique that rests on holding accountable the theorist under criticism for logical contradictions and inconsistencies which derive from his *own* premises.¹⁰³ These are self-contradictions that result in the self-destructive negation of the coherence of the system in the eyes of critical Reason. This is a mode of critique that works via *determinate negation* of the opponent’s premises and presuppositions and of socio-historical reality itself.¹⁰⁴ Hegel, for instance, seeks out the philosophical essence of the state and ends up describing theoretically the empirical institutions of the modern state. Marx does not castigate Hegel for misdescription of empirical reality on the contrary he praises him for it, but he calls him into account for not

¹⁰² ‘Hegel should not be blamed for describing the essence of the modern state as it is, but for identifying what is with the essence of the state.’ (CHDS, p. 127).

¹⁰³ This critical method is ignored by Teeple’s penetrating reconstruction of Marx’s ‘method’ in his *Critique*. G. Teeple, *Marx’s Critique of Politics, 1842-1847* (Toronto: Toronto University Press, 1984), pp. 86-90.

¹⁰⁴ K. Marx, ‘A Contribution to the Critique of Hegel’s Philosophy of Right: Introduction’, in *Marx: Early political writings*, ed. by J. O’ Malley (Cambridge: Cambridge University Press, 1994), pp. 57-70 (p.58).

providing a philosophical exposition of the essential components of the state like the executive power or the administration of the state (*CHDS*, p. 105) as Hegel had intended to set forth.¹⁰⁵

The philosophical crux of Marx's rebuttal is that no organic unity can exist as such if it is internally divided in such a way that its *membra disjecta* are perennially in conflict, unified through an opposition that continually tends to explode 'the internal essence of the thing' (*CHDS*, p. 60), to disintegrate it into its component member parts. Hegel's concept of the *divided identity* of the whole state has unduly privileged 'one side' of the identity, 'the aspect of estrangement within the unity' (*CHDS*, p. 60) and this estrangement as *separation* has turned the political state into a despot over civil society, 'a merely external compulsion exerted by the ruling power upon private life' (*CHDS*, pp. 78-9) instead of providing a 'rational system' that harmoniously resolves their mode of imbrication.

Hegel's idea of the rational state as an 'ethical organism' which integrates civil society with the political state as a system of rule is premised on three conditions. Firstly, that the citizens are bearers of an ethical duty to acknowledge the universal interest of the state as their own. Secondly, that there exists 'abstract right' as universal law which is 'known as universally valid' (*PR* § 210, p. 240) and safeguards their 'imprescriptible rights' (*PR* § 66R, p. 96). Thirdly, that through political representation in the representative organs of the political state, the estates' assemblies, civil society finds its particular interests accommodated amid the universal ends of the political state (*PR* § 302, p. 342). Marx's argumentative gist is that none of these conditions holds and thus the presumable unity of civil society and the political state is illusory.

The ethical attitude towards the state *qua* political community presupposes that citizens of the state have self-consciously accepted and internalised as 'second nature' the institutionalised political constitution and thus they recognise the necessity of existence of a *political authority*

¹⁰⁵ The neglect of this Marxian methodological approach leads to misjudgment of Marx's critical intent. Duquette thinks Marx employs a 'genetic account' to criticise the contradictions of the modern state as well as a 'utopian vision' exoteric to it thus he is committed to an idealist critique of Hegel's 'material presuppositions' of the state, i.e. civil society. David A. Duquette, 'Marx's Idealist Critique of Hegel's Theory of Society and Politics', *The Review of Politics*, 51.2 (1989), pp. 218-240 (pp. 225, 236, 238). On the contrary, Marx castigates Hegel for internal 'dualism' in the organism of the state between the political state and civil society which remains unreconciled though it ought to be reconciled if the *essence* of the state is to be rational from Hegel's *own* perspective. It is precisely the *material presuppositions* of the modern state that Hegel duplicates in his account which do not allow him to arrive at the rational essence of the state as an organic unity and render his account contradictory reflecting the actual contradictions of modern sociopolitical life.

that takes care of the universal interest since they themselves in their particularity are mainly engaged with their private concerns. This *political authority* also recognises and guarantees their rights and ensures their free exercise. Thus they ought to respect and be committed to the *duties* they owe to the state whose ‘strength consists in the unity of its universal and ultimate end with the particular interest of individuals’ (*PR* § 261, p. 283). The very *strength* of the (political) state itself rests on the degree of concordance of the universal aims it pursues with the particular interests of the individuals. The more consonant they are with each other, the greater the *strength* of the state, the more they diverge, the less its strength and the greater the loss of its ethical character.

If the ethical bond of *duty* which *grounds* the legitimacy of the political state as a universalistic agency *over* the particular interests of individuals *in their own consciousness* is not to remain an empty ideal, introduced *externally* then it has to face up to the presence of its absence in the actual civil society. For such an ethical bond to subsist which unifies the particular with the universal *after their divorce*, the members of civil society themselves must not be inherently divided into private selves and public personae in their empirical social existence as a consequence of the modern political emancipation that resulted from the separation of the political and the private sphere (*OJQ*, p. 222). They should not be intrinsically split into self-seeking egoists in their private existence while at the same time they are called upon to conduct themselves as universalistic beings having in mind only the universal interest of their political community which constitutes their ‘communal essence’ (*Gemeinwesen*).

It is precisely the dissolution of *this* ethical bond that has been realised in the modern constitutional state encapsulated in the ‘image’ of what we may call the *schizophrenic citizen*. In his *political/public* identity as member of the political community the citizen understands that *taxation* is necessary to provide for social welfare and the other collective functions (education, public health, pension, defense, material infrastructures) needed to maintain the *social integration* of the whole society intact. But in his *private/egoistic* identity he does not *want* to pay any taxes (or the less the better) ‘feeling’ taxation as an ‘oppressive’ burden on his ‘free’ individuality. Instead, in a self-contradictory fashion he *desires* everyone else to pay taxes.¹⁰⁶ Or,

¹⁰⁶ ‘The attitude of the bourgeois to the institutions of his regime [...] he evades them whenever it is possible to do so in each individual case, but he wants everyone else to observe them.’ K. Marx and F. Engels, *The German*

in the form of a spurious universality no one to pay any taxes in blatant opposition to his citizen status and its concomitant political and ethical obligations, a misconception acknowledged by Hegel himself as prevalent in civil society (*PR* § 194A, p. 221), in contrast to his own conviction that in well-ordered constitutional states citizens willingly pay higher taxes (*PR* § 302A, p. 343). Thus citizens' ethical commitment to put the universal interest of the state (its preservation as a communal association) above their particular self-interests is mere illusion.

The second condition of the ethical/rational state is the universality of laws. Laws in their generality must not discriminate against citizens nor privilege any special interests.¹⁰⁷ Marx questions the idea that the abstract generality of laws constitutes a sufficient ground that could provide a sense of participation in the political community such that the individuals in civil society would acknowledge themselves as members of the political state. Instead, the constitution of the political state as an independent complex of political institutions meant at the same time the depoliticisation of civil society and its dissolution 'into independent individuals, who are related by law' (*OJQ*, p. 233). The 'rights of man' which were given universal legal substance by the political republic, supreme among them the 'right of freedom', actually entrenched the 'separation of man from man' rather than their 'association' with each other in an overall community (*OJQ*, p. 229). Certainly, Marx acknowledges the distinction between 'political rights' as rights 'exercised in community with others' and thus that they involve participation in the political community' (*OJQ*, p. 227) as against the 'rights of man' construed as rights held by the 'natural' individual. The legitimacy of the representative republic that rests on the universality of individual rights, in Marx's account, 'presupposes rather than abolishes the very particulars that it claims to overcome'¹⁰⁸ which means that the particular individuals of civil society prioritise the 'rights of man' (individual liberty, right to private property, personal security) which truly reflect their condition of existence and their egotistic needs rather than the 'political rights' which could elevate them into a universal self.

Ideology including the *Theses on Feuerbach* and the *Introduction to the Critique of Political Economy* (New York: Prometheus Books, 1998), pp. 25-568 (p. 194).

¹⁰⁷ Hegel, 'On the Scientific Ways of Treating Natural Law' in Dickey & Nisbet (eds.) *Hegel: Political Writings* (Cambridge: Cambridge University Press, 1999), pp. 102-180 (p. 177).

¹⁰⁸ Wendy Brown, 'Revaluing Critique: A Response to Kenneth Baynes', *Political Theory*, 28.4 (2000), pp. 469-479 (p. 473)

Moreover, in spite of its ‘formal rationality’ the principle of universalistic law is defective *in itself* within the context of bourgeois civil society. The *modern constitutional state* which operates on the principle of the ‘rule of law’ and thus *prima facie* treats its citizens universalistically still suffers, in Marx’s view, from the ‘absolute’ contradiction that it reduces human beings to ‘legal persons’ in order *afterwards* to recognise their ‘essential human rights’ as supposedly intrinsic in their very individuality. The law instead of being the self-expression of the human community and thus its derivative product, itself defines legally who is to count as human by conferring ‘natural’ individual rights to individuals who must firstly be recognised as citizens and then to enjoy the rights which they ought to have had by being human beings *per se* than by legal convention as citizens of a state. Human beings have ‘human rights’ not on the condition that they are human but on the condition that they are foremost citizens under the dominion of the political state. Within bourgeois social life ‘juridical personality’ is divorced from and thus opposed to the actual existence of human beings with the consequence that ‘legal existence’ becomes the *absolute* presupposition of being *human* rather than the inverse. Thus, in opposition to the constitutional, law-based *political republic* or monarchy, Marx contends that:

In democracy [Demokratie], man does not exist for the sake of law, but the law exists for the sake of man, it is *human existence*, whereas in other political systems man is a *legal existence*. This is the fundamental distinguishing feature of democracy. (*CHDS*, p. 88)

The ‘abstract’ existence of law in bourgeois modernity is further accentuated not only by the problem of the ‘implementation deficit’¹⁰⁹ but even more due to its actual implementation. Not only there is lack of accountability and of popular control of the state’s administrative action but also no protection against its use of legal power as abuse, whenever the ‘bureaucratic hierarchy’ itself ‘sins’ through the *official* action of its civil servants (*CHDS*, p. 114). Lastly, because of the separation of the political state from civil society the positive laws enacted are not the expression

¹⁰⁹ ‘Indeed, the motion of that world within its laws is necessarily a continual supersession [*Aufhebung*] of the law.’ (*OJQ*, p. 240).

of popular will but they ‘dominate’ over them and submission to the law takes place out of fear of its punishing power that ‘avenges’ the breaches of its proscriptions (*OJQ*, p. 239).

The third type of bond that Hegel considers to furnish the mediating link incorporating civil society into the political state and thus transforming their particular interests into the state’s universal ends is the process of political representation. This consists of two distinct levels of representation. The individual interests of the members of civil society find a common expression into the administrative structure of the various corporate bodies (trade, professional and municipal organisations) which manage and regulate the particular affairs of the respective social groups and communities which fall under their jurisdiction. The filling of the corporate administrative posts is the product of a ‘mixture of popular election’ and ‘determination by a higher authority’ (*PR* § 288, p. 329). Hence civil society is politically restricted in the election of its own administrative representatives even in the framework of their *own* corporations. Either executive ratification from above is required or direct appointment of corporate officials by the state’s bureaucracy itself. Furthermore, the proper functioning of the corporations is under continuous supervision by ‘delegates of the executive’ (*PR* § 289, p. 329). The corporate ‘self-administration’ of civil society is actually premised on the state’s bureaucracy (*CHDS*, p. 105). Instead of having an ‘identity’ between the particular interests of civil society with the universal interest of the political state via representation in the corporations we get an antithetical ‘mixture’ that perpetuates a concrete ‘unresolved dualism’ of private property interests and the state’s universal interest (*CHDS*, p. 110) analogous to the antinomic dualism that Marx has shown to exist logically in Hegel’s *essential* relationship of the political state to civil society. The external supervisory control over the corporate affairs by ‘representatives’ of the executive arm of the state in the name of the universal interest manifests the real relationship that takes place in the state community.

Through its ‘representatives’ the ‘state’ intervenes as something alien and external to the *nature* of civil society. The ‘police’, the ‘judiciary’ and the ‘administration’ are not the representatives of a civil society which administers its *own* universal interests in them and through them; they are the representatives of the state and their task is to administer the state against civil society. (*CHDS*, p. 111).

For an organic connection to exist that makes the state community cohere as a whole the interests of civil society must be *represented* by the political/public institutions that administer the affairs of civil society. Political representation in Marx's understanding entails both the ethical obligation and the practical requirement that civil society's *own* interests must be embodied in the public institutions and thus attaining a universal character. Secondly, the administration of such representative institutions must be under the control of civil society if the representative tie is not to fall apart. The case of a political state which defines on its own, to the detriment of society's interests, what the universal interests of the political community are, is not only unrepresentative but a clear sign that there is no extant political community to which citizens are members of and to which they owe allegiance.

The final element that guarantees participation of civil society into the political state and thus secures their organic linkage is political representation in the legislature. A schema of limited corporate political representation in the legislature (*PR* §§ 308-9, pp. 346-8) is taken to be the vehicle that makes known to the political state the state of mind of the 'many' while, at the same time, it supposedly binds civil society to the universal interest of the state. The estates' assembly participation in the legislature is a sham form of political representation completely unrepresentative of the people (the corporate representatives must not be mandated delegates and not even to pursue the interests of their constituencies – *PR* § 309, p. 348). This makes Marx conclude that in 'the constitutional state' political representation is a mere 'formality', a 'legally sanctioned lie' that '*the people is the interest of the state*'. (*CHDS*, p. 129).

4.b. People's Democratic Sovereignty versus the 'Organic' Political State

Hegel supposes that the rationality of his conception of the political state consists in the organic political articulation of the three political principles which distinguish the forms of government from Aristotle onwards, namely the monarchical, the aristocratic and the democratic principles. Because of that the political state organism is not a particular form of government

among others but it encompasses all forms of government and thus it is universal, i.e., rational. Consequently, the Hegelian political state consists of the ‘inner differentiation’ of the developed state-spirit into the three powers of the legislative, the executive, and the sovereign who embodies the decisionism of supreme will, all powers being dialectically interlocked in the unitary form of the constitutional monarchy (*PR* § 273, p. 308). Each of the three powers embodies one of each of the three political principles and the result is that in the rational political state ‘[t]he monarch is *one*; *several* participate in the executive power, and the *many* at large participate in the legislative power.’ (*PR* § 273, p. 309).

Marx criticises all three powers as fundamentally incapable of supplying the *mediating links* which could make civil society cohere with the political state in an organic whole. In the legislature in which both the monarch and the executive participate and this intertwining of all powers within the legislative is taken as the condition which warrants their organic character, as we have seen, the ‘democratic element’ of the many is effectively excluded remaining unrepresented or it is merely assigned a ‘symbolic representation’ in the representative assembly (*CHDS*, 131). The executive as the civil administration consists of a strict hierarchy subordinated to the apex of the state, the monarch, who appoints and authorises its personnel. The bureaucracy itself which is constituted as the ‘corporation’ of the political state treats the state as its private property (*CHDS*, p. 108) and follows its own particular interests.¹¹⁰

The butt of criticism is received by the institution of the monarch presented by Hegel as the apex of the state’s power system. A major defect of the monarchical principle concerns the issue of incumbency. Hegel supports *hereditary monarchy* and this commits him necessarily to *natural birth* as the criterion for selection of the incumbent to the supreme political post of the state. It is quite irrational to suppose that any ‘rational’ state should elevate a natural accident like birth and the natural features associated with such accident into the highest principle of its political constitution. To reduce the personification of state sovereignty to such a natural phenomenon naturalises political rule and makes the ‘state as the existence of a people as a whole’ (*CHDS*, p. 144) to appear as an attachment of the sovereign’s ‘naturally’ held sovereignty. The people instead of being the actual basis of the constituted state sovereignty appear to be constituted by

¹¹⁰ Hal Draper, *Karl Marx’s Theory of Revolution, vol. I: State and Bureaucracy* (New York: Monthly Review Press, 1977), p. 82.

the sovereign's person. The fundamental relationship of *politico-symbolic representation* which rests at the basis of the constitutional state and in which the sovereign is meant to represent 'his' people and not the people to represent their sovereign, has been inverted. If:

he is sovereign only as the representative of the united people, then he is himself only a representative and symbol of the sovereignty of the people. The sovereignty of the people is not based on him, but he on it. (CHDS, p. 85).

The foundation of any kind of state sovereignty is the people as a whole. For in the absence of the people no state sovereignty could ever possibly exist. It has been established on a reading of the Roman *lex regia*, already from the 14th century onwards, that 'the community was always the true and permanent repository of power whatever the form of government'¹¹¹ and this constitutional doctrine explains the otherwise odd remarks made by Marx when he designated 'democracy as the generic constitution' and 'the truth of monarchy' (CHDS, p. 87) or in a similar vein that 'democracy is the *essence of all political constitutions*' (CHDS, p. 88).¹¹² Accordingly, the political constitution of the people is always 'the life-expression of the people' and consequently the 'people make the constitution' and 'not the constitution the people' (CHDS, p. 87) as it had been thought by Hegel. In this foundational condition of the *political* in which the community of Man is the originator of state power, we see the inversion of the Hegelian political subject-predicate connection where instead of the political state being the subject and man the mere object of state action, it is man who is the creator of the Idea of the state.¹¹³

We have reached the result that democracy is the 'essence of all political constitutions' due to the condition that the human community is the permanent source of all forms of state

¹¹¹ F. H. Hinsley, *Sovereignty*, second ed. (Cambridge: Cambridge University Press, 1986), p. 92.

¹¹² The principle that the community or the people as a whole is the ultimate holder of political power and the equation of this principle with *democracy* by Marx explains also the paradoxically sounding description of his of the 'political constitution' of the Middle Ages as '*a democracy of unfreedom*' where '[m]an was the real principle of the state, but man was *not free*' (CHDS, p. 90).

¹¹³ Allan Megill, *The Burden of Reason: Why Marx Rejected Politics and the Market* (Lanham: Rowman & Littlefield Pub., 2002), p. 98.

sovereignty. The question which naturally follows is which political constitution realises the essence of democracy by giving it a determinate form?

democracy is the *essence of all political constitutions*, socialized man as a *particular* political constitution; it is related to other forms of constitution as a genus to its various species, only here the genus itself comes into existence and hence manifests itself as a *particular* species in relation to the other species whose existence does not correspond to the generic essence. (*CHDS*, p. 88).

Democracy is *socialised man as a particular political constitution*. As the essence of all political constitutions democracy is merely a formal universality of the community's articulation into a political constitution as a form of state power. To realise this essence by bringing it into real existence, democracy must obtain a determinate content in the form of a particular political constitution of communal life representative of 'socialised man'. In this way democracy's universal form of all political constitutions or its status as 'generic constitution' ceases to be the abstraction from the various species of political constitutions and becomes 'a particular species' itself next to other 'species' of political constitutions 'whose existence does not correspond to the generic essence'. Democracy emerges as such when its universal form meets its concrete instantiation as a specific political constitution corresponding to its generic essence. In this encounter the abstract universal becomes concretised as a species or the 'genus itself manifests itself as a particular species'. 'For this reason it is the true unity of the particular and the universal' (*CHDS*, p. 88), the political expression of the communal being of man 'posited as the people's own creation' (*CHDS*, p. 87). In democracy people cease to be merely the source or substance of political power and state sovereignty and become the actual authorial subject of state sovereignty. Democracy in Marx's account is authentic popular sovereignty of the people's self-constitution as political society. Not just a polity of their 'own creation' but above all 'the free creation of man' (*CHDS*, p. 87).

Sovereignty in the history of political philosophy has been conceived as necessarily *indivisible* resting in a single locus for otherwise the power conflict between different sources of

sovereignty is interminable and destructive of the state itself.¹¹⁴ This is a position accepted by both Hegel and Marx.¹¹⁵ Since we cannot have two sovereignties in one but only two ‘opposed conceptions’ of it, of which only one can be true and since sovereignty must express the ‘*demos* as a whole’ (*CHDS*, p. 87) and not be embodied in a part superimposed on the whole, then all forms of government which presuppose the *separation* of the political state from the people and prescribe the assignation of political power to bodies which function independently of the people even if they claim to ‘represent’ them do not satisfy the standard of Marxian democracy.

Only democracy satisfies the rational condition of being the *identity* of ‘both form and content’ of establishing as the universal end the common affairs of the society and in being actually ‘the free creation’ of the social co-participation of all members of society in its self-determination, a recognition and realisation of our human essence as a universalistic social species-being.

In real democracy, law-making together with the constitution, the political state tout court, ought to be *re-appropriated* by the people as a societal whole and be its ‘determinate content’ as an expression of the ‘self-determination of the people’ (*CHDS*, p. 89). Law itself must be the ‘incarnation of reason’, of the people’s will as ‘species-will’ [*Gattungswillen*] (*CHDS*, p. 120) and not a political product issuing as if by the ‘blind necessity of nature’ (*CHDS*, p. 118). Therefore in Marx’s democracy the legislative power must pass into the hands of the *demos* and be an expression of their self-government not be merely a power exercised by a separate law-making representative organ governing in the name of the people as in the representative republic.

In democracy also, the executive power of the state ‘is the property of the whole people’ (*CHDS*, p. 116). Thus, active participatory involvement of the whole in the executive operation of the democratic community becomes its ethical norm. What is crucial in the ‘true state’, a universalistic state to which all are equal participant members, says Marx, is not that every citizen should have ‘the chance’ to be employed in the ‘particular class’ whose function is the execution of the universal interest (Hegel’s civil administration as the ‘universal class’) ‘but the

¹¹⁴ Jean Bodin, *On Sovereignty*, ed. by J. H. Franklin (Cambridge: Cambridge University Press, 1992), pp. 27, 92.

¹¹⁵ ‘[I]t is part of the concept of sovereignty that it cannot exist in a double form, to say nothing of an opposed, antagonistic one.’ (*CHDS*, p. 86).

capacity of the universal class to be really universal, i.e. to be the class of every citizen' (*CHDS*, 112). Thus in the 'true' democratic state sharing in the executive power of the state must be universal and all citizens should partake in its exercise. It follows that the existence of the bureaucracy as an independent, particular and self-enclosed 'corporation of the state' pursuing the 'universal interest' as a distinctive 'particular interest' and thus in conflict with all other particular interests (*CHDS*, pp. 106-7) should cease to exist and this can happen only when the executive power and the management of the administrative functions (including the judiciary) as the universal interest really becomes the particular interest of all which in turn means that the particular interest has been universalised (*CHDS*, p. 109), that is, distributed and held by all the members of the democratic community.

The realisation of democracy does not necessarily lead to the *elimination* of the political state. This is one of the two options left to the self-constitution of the democratic community. We could have alternatively the presence of political functions and agencies which implement *particular* purposes with the proviso that such 'political state' reflects a *particular* form of existence of the people and it does not 'assume the significance of the *universal*' (*CHDS*, p. 88) concealing its particularity. The genuineness of democracy consists in being the authentic expression of the communal self, its self-representation in political constitution. If the democratic community articulates its political mode of existence as a distinctive apparatus handling the communal affairs then such political power complex ought not to dissimulate its existence as the universal that encompasses the whole community but to limit itself to the functions it was set up to execute. Consequently, the political state as a distinctive complex loses its superordinate position and becomes subordinated to the democratic rule of society. Marx recognises that the political state in its developed form as *political republic* is a 'form of universal reason' albeit in abstractness and hence in opposition to, transcendent to and in 'remoteness' from the other spheres of society. As an expression of 'the life of the people' it was 'the hardest to evolve' in an historical process subtended by 'universal reason' (*CHDS*, 89) that can be called the *labour of democratising politics*.¹¹⁶ Democracy is not a ready-made constitutional blueprint to be adopted when people desire to do so but a protracted socio-historical process of humanity reclaiming its

¹¹⁶ '[T]he *political state* is a register of the practical struggles of mankind.' Marx, letter to Ruge, Sept. 1843, *MECW* v. 3, pp. 141-145 (p. 143). Also, S. Kouvelakis, *Philosophy and Revolution: From Kant to Marx* (London: Verso, 2003), pp. 305, 310.

rational, communal existence as its own collective freedom. The people *labour* to give *birth* to novel forms of political existence that bring democracy closer to its essential character and they also *labour* through struggles and revolutions to *produce* the contents of democracy. In the late feudal world ‘civil society’ was politically constituted by the political prerogative of the sovereign and thus it had a direct political involvement in the affairs of the state. The political community was identical to this narrow ‘political class’ and in the inter-state system of the Germanic Empire such ‘political class’ as the political state was merely ‘the *representation of nationality*’ (CHDS, p. 137). The individual could participate in the universal life of the state only to the degree his social existence was mediated by his belongingness in a fixed corporate group which meant that the great majority of individuals who were unincorporated were effectively excluded from the political system and hence from the state-community. People’s estrangement from the system of rule led to a political revolution. Thus political emancipation did not come from above but it was the product of the non-political civil society (OJQ, p. 232) striving to attain a political existence, to universalise itself by overcoming the segmentation of social life into ‘separate societies within society’ pinning down the individuals under particularistic forms of existence and thus to negate ‘the separation of the people from its community’ (OJQ, p. 232). Such universality is attainable politically, according to Marx, only because ‘[t]he sphere of politics has been the only state-sphere in the state, the only sphere in which both form and content was that of the species [*Gattungsinhalt*], i.e. truly universal’ (CHDS, p. 89), that is, the political individual is ideally (in ‘form’) universalistic, unattached to any civil particularity and engaged with the ‘universal concerns’ of the state hence universalistic in ‘content’ too.

4.c. Civil Society as the Foundation of the Modern Political State

The bifurcation of the state into the political state and civil society is at the same time the separation of civil society from the state. This separate, *independent* existence of civil society is the principal condition of the modern political world (CHDS, p. 137). It is the other pole of the antinomy that vitiates modern society. Hegel is aware that if the *mediating links*, the ethical duty

of citizenship, patriotism, civic trust, regulative and welfare agencies, overseeing authorities, corporate associations as intermediary bodies, parliaments as representative assemblies of the ‘many’, and the civil service as a ‘universal class’ serving the universal end and being a meritocratic institution open to *all*, that integrate civil society with the political state are delegitimated and lose their organic character then the state as an *ethical organism* does not have any chances of self-preservation.¹¹⁷ In such a case the state becomes an arena of conflicting particular interests that fight over its ‘universal and permanent resources’ (*PR* §199, p. 233) or it gradually disappears and the political community reverts to a ‘state of nature’ with its contingent atrocities. So Hegel is cognisant of the disastrous consequences that follow if the political state is *uncoupled* from civil society. His inability to ground philosophically the organic coupling of the two spheres stems from his attempt to construct the rational state as a hybrid ‘mixture’ of pre-modern (prior to the French revolution) obsolete political institutions *and* the modern constitutional state so that its ‘syncretism’, like the conflation of the ‘medieval-estates system’ with the modern ‘legislature’ (*CHDS*, p. 163), can vouchsafe the state-spirit’s *continuity* and trivialise the revolutionary genesis of the political republic.

Hegel’s constitutional model has contradictorily conflated the pre-modern political constitution of civil society as estates with the modern civil society within which the ‘class of private citizens’ are not permeated by political distinctions but have only ‘social differences in private life’ (*CHDS*, p. 146). In comparison to Hegel, the ‘theories’ of the ‘representative constitution’ are a ‘great advance’ because they express in ‘undisguised form’ the contradiction of the modern state, the *real* separation of the political state from civil society (*CHDS*, pp. 141, 137), completed by the French Revolution (*CHDS*, p. 146). The political republic conceived as ‘representative system’ reflects the historical change whereby ‘the individual members of the people became *equal* in the heaven of their political world’ though remained ‘unequal in *society*’ (*CHDS*, p. 146). As a consequence both conceptions reflect the duality at the core of the modern state without overcoming theoretically the reflected ‘dualism’ in their accounts. The actual state of modern civil society is its division into a ‘social order’ of community life forms and the realm of an *individualising* political sphere. The private citizen in order to attain ‘the status of *citizen of the state*’ and obtain political significance and efficacy must withdraw from all ‘available forms

¹¹⁷ Georgios Daremas, ‘The “Lebenswelt” of the State in Hegel’s Philosophy of Right’, in A. Arndt, P. Cruysberghs and A. Przylebski (eds) *Das Leben denken*, vol. 1 (Berlin: Akademie Verlag, 2006), pp. 335-346 (p. 337).

of community' in civil life into a 'pure unadorned *individuality*' (*CHDS*, p. 143). To enter the realm of the political society the private citizen must abstract from his social embedment and consider himself as a denuded individuality. The political republic as 'representative system' recognises participation of the citizen in the political community which realises the higher substance of the human being only under the universality of 'abstract individuality' and its resultant formal equality.¹¹⁸

A new formation of social life has emerged in the modern civil society. In contrast to the former rigidified political civil society constituted by the political state, in modern society:

distinctions are variable and fluid and their principle is that of *arbitrariness*. The chief criteria are those of *money* and *education* [...] The principle underlying civil society is neither need, a natural moment, nor politics. It is a fluid division of masses whose various formations are arbitrary and *without* organization. The only noteworthy feature is that the *absence of property* and the *class of immediate labour*, of concrete labour, do not so much constitute a class of civil society as provide the ground on which the circles of civil society move and have their being' (*CHDS*, pp. 146-7).

Civil life lacks any patterns of social organisation such that the individuals could be classified under distinctive class groupings. The multitudes of individuals are contingent aggregates 'dispersed into its atoms' (*CHDS*, p. 142) whose division is fluid and the formation of social circles which seem to depend on money and education are equally arbitrary, manifestations of civil society's underlying principle of arbitrariness. The existence of a class of manual labourers who seem to compose a distinctive class does not partake in the life of civil (bourgeois) society and it is rather a material substrate by which civil life ensures its social enjoyment.¹¹⁹ The

¹¹⁸ Marx had defined 'abstract individuality' in his dissertation as 'freedom from being, not freedom in being'. *Difference between the Democritean and Epicurean Philosophy of Nature*, *MECW* v. 1, pp. 25-106 (p. 62).

¹¹⁹ The identification of a 'class of immediate labour' in the underbelly of civil society can be plausibly construed as a first indication of the class composition of bourgeois society. But the grasp of the principle of class constitution by which 'the class in its turn assumes an *independent* existence as against the individuals, so that the latter *find* their

distinguishing feature of the modern society in comparison to the preceding one is that ‘civil society does not sustain the individual as a member of a community, as a communal being [*Gemeinwesen*]’ (*CHDS*, p. 147) which indicates that all communal ties have been dissolved and the individual’s social life has been transformed into an independent private existence.¹²⁰ Marx sees modern civil (bourgeois) society as the ‘logical conclusion of the principle of *individualism*’ where individualistic existence is the ‘*ultimate goal*’ and social activity, work, recreation, spiritual aims, cultivation of personality, have turned into mere *means* (*CHDS*, p. 147). Since the principle of individualism’ is the universal principle which shapes the life of individuals in civil society and the modern political state is characterised by the acknowledgment of abstract individuality as the basis of the formation of its political community we can infer that civil society is the *real* source of determination of the abstract political state rather than the reverse as was argued by Hegel. (*CHDS*, p. 158).¹²¹

The absoluteness of the principle of individualism dissolves all the erstwhile social bonds that united actual men in an interdependent communal co-existence. The individual is *abstracted* from his *sociality* in his actual empirical situation since the social determinations that previously defined his essential social being as a member of a particular community through which he sustained his ‘station in life’ have now become purely exoteric and contingently exercised upon him. These external determinations are necessary for his existence but the bond which they furnish in tying him to the social whole is a bond he can ‘cast away’ at will (*CHDS*, p. 147). So the individual becomes necessarily a one-sided formal existence, a generic abstraction in his empirical individuality and set apart and in opposition to the substantive self he formerly had as communal being. This constitution of the individual in the modern civil society as abstract individuality is isomorphic to the one-sided formal abstraction of the citizen as separate from his social being presupposed by the political state. But the isomorphism between the abstract individuality in civil society and of the citizen as member of the political republic is not a mere

conditions of life *predetermined*, and have *their position in life and hence their personal development assigned to them* by their class’ is surely absent. (my emphasis). Marx and Engels, *The German Ideology*, pp. 85-6.

¹²⁰ Marx nowhere mentions that modern civil society is an ‘economic sphere’ as it is mis-labeled by David Leopold, *The Young Karl Marx: German philosophy, modern politics, and human flourishing* (Cambridge: Cambridge University Press, 2007), p. 63. The Marxian emphasis is shed on the independent individualistic comportment of private persons.

¹²¹ On Marx’s persistent criticism that Hegel transforms the ‘empirical’ into the ‘speculative’ and then attributing the origin of the ‘empirical’ to speculative reason, see: D. Leopold, *The Young Karl Marx*, pp. 48-9.

reflection but an *inverted reflection*. For while individuality in civil society is singular and exists as such, in the political state abstract individuality is meaningful only as a political universality of the individual constituting the political community. Therefore the ‘atomism of society’ reflects itself in an inverted form as the *political universalism* of the political state with its duty to promote the universal end while it itself only universalises the atomisation of the abstract political citizen since it acknowledges him only as such. The duplication of atomised civil society into the sphere of a separate universalising political state suggests that ‘the *political state is an abstraction* from civil society’ (CHDS, p. 145). The duplication of civil society into the separate political state is reflected also within the citizen himself. The political state in its empirical existence constitutes the ‘bureaucratic order’ of society. This order stands remote to the private citizen and treats him as the ‘material’ of state activity. On the other hand, the private citizen is ‘part of the *social* order, the order of civil society’ (CHDS, p. 143) occupied with his private concerns. Consequently, if the private citizen is to exist as a ‘citizen of the state’, his true vocation under the condition that he ought to realise his universal self as species-being, then he must partake of the two orders simultaneously and given their division ‘he must therefore *divide up his own essence*. As a *real citizen* he finds himself in a double organization’ (CHDS, p. 143). We could draw the consequence derived from this antinomic situation the citizen finds himself in the modern state by saying that as private person he is the real *object* of the state’s bureaucracy while at the same time as citizen he is the imaginary sovereign *subject* of the state.

The bestowal of a permanent *political* role to private property in the system of political representation by Hegel compels Marx to grapple with the salience of private property in the constitution of the political state. Hegel assigns permanent political representation to the landed gentry via the institution of primogeniture which bequeaths the whole land to the first born male and thus keeps the property intact and ensures ‘independence of means’, a prerequisite for Hegel for the growth of a political orientation ‘beyond’ any particularistic interests and thus conducive to an ‘unharnessed’ service of the common affairs. Since in primogeniture landed property is transferred from generation to generation, its existence transcends the life-span of its successive owners. And since Hegel had tied the possession of land property to its possessor’s ‘independent’ will formation it follows that the real determination of individual will is private property itself rather than the free volition of the owner himself. Private property itself emerges as ‘the *subject* of will; the will survives only as the *predicate* of private property’ (CHDS, p.

168). A real inversion takes place. Private property emerges as the *substantive* characteristic of the human personality and human will as the quintessence of freedom turns into a ‘property of property’. Given that all the contemporary forms of political representation in the state’s legislature presupposed property qualifications, it becomes plausible to claim, as Marx does, that the abstract political state in the *semblance* of its independence from private property is actually ‘the power of private property itself’ and what remains to the state is ‘the *illusion* that it determines where it is in fact determined’ (*CHDS*, p. 168).

Marx in connection to property makes an association that underpins his later mature writings. Since society is the necessary socio-material substratum constitutive of private property and the latter is legally recognised by the representative ‘will of society’, private property is directly or indirectly ‘conditioned by its connections with the wealth of the whole society, with property conceived as social property’ and thus there ‘is *no true private property*’ (*CHDS*, p. 166) as a kind of natural endowment. Private property is in a sense a practical *illusion* albeit with very *real* effects.

Any theory of democracy must conceptualise a rational state within which people’s sovereignty is or can be self-consciously actualised. Marx’s critique of both Hegel’s constitutional state and of the representative republic castigates the disembodied character of existing ‘democracy’ as pure formalism where the ‘democratic element’ participates only ‘in abstraction’ in an ‘abstract political state’ divorced from the ‘universal affairs’ of the actual society. The first step to remedy this schism is the actualisation of political democracy via the consolidation of genuine popular representation through ‘electoral reform’ and the universalisation of suffrage (*CHDS*, p. 191).¹²² For only ‘[i]n his political role the member of civil society breaks away from his class, his real private position; only then does he come into his own as a *human being*, only then does his determination as the member of a state, as a social being, appear as his human determination’ (*CHDS*, p. 147). If political democracy secures the manifestation of the will of the people that is knowledgeable and bound to ‘the laws of reason’ (*CHDS*, p. 120) then a major precondition have been set to overcome political democracy itself. For the ‘republic’s political life’ is ‘the negation of the estrangement’ characteristic of the monarchical state’s ceremonial politics premised on the exclusion of the people but such

¹²² Kosmas Psychopedis, *Norms and Antinomies in Politics* (Athens: Polis, 1999), pp. 463-4.

negation by the republic takes place only ‘within its own sphere’ leaving the separate civil society unaltered. (*CHDS*, p. 90). Universal participation in the political community does not guarantee but it actualises the possibility of annulment of the separation between political state and civil society by eliminating both simultaneously and ‘elevating’ the human *qua* social essence divided between political and private existence to its true identity as a non-fragmented communal social existence of humanity.

Marx responds to the constitutive schism of modernity between its abstract political universalism and its crass particularism of self-regarding individualistic civil society by offering the normatively grounded ‘utopian’ solution of the *de-differentiation* of the political state from civil/bourgeois society into a novel societal configuration where ‘political power’ is not a separate power apart from the community’s organisation of its trans-individual ‘social forces’. By this social appropriation of the state’s ‘universal political power’ (*OJQ*, p. 232) the transcendence of the abstract forms of the *political* and the *civil* is achieved. This requires that the individual person ‘has become a *species-being* in his empirical life, his individual work and his individual relationships’ (*OJO*, p. 234) that is, universalistic through and through in respect to all others whom he ought to treat as pure human beings, equal co-participants in the realisation of their communal being or ‘species-life itself, society’ (*OJQ*, p. 230). The transformation of empirical life into species-existence has as its final precondition the ‘abolition of the market and the conditions which give rise to it’ (*OJQ*, p. 241) suggesting that the commercialisation of civil life and the reign of the principle of private property are the ultimate impediments to the human species’ s realisation. Hence, the democratic polity that realises *human emancipation* and the organisation of man’s ‘social forces’ (*OJQ*, p. 234) must lie beyond the provenance of private property. This is societal democracy’s presupposition if it is to supersede the divided essence of communal social life rent into the private, egoistic individual, the ‘self-enclosed monad’ on the one hand and the universalistic, ‘abstract’ political existence of the citizen on the other.

In the next chapter, we address Marx’s criticism of the duality of political representation in Hegel’s state, his critique of the abstract political individuality of the representative republic and his idea of social representation as the kind of social relationship that expresses the communal essence of the human species being.

Chapter 5

Marx's Critique of Political Representation and the Social Representation of the Species-being

In this chapter I present Marx's critique of political representation as it is articulated in the two major texts of 1843, the *Critique of Hegel's Doctrine of the State* and *On the Jewish Question*. The basic claim Marx addresses against the modern institution of political representation is that it is impregnated and socially circumscribed by the dominant form of civil society, the bourgeois organisation of social life as a gamut of self-regarding interests based on 'practical need'. The bourgeois form of social existence thrives by securing a deeply entrenched divide between the private (socio-economic life) and the public (the political sphere). The divide is such that the question of 'human emancipation' becomes excluded as a possibility from the social agenda.

The theoretical accounts of liberalism and the Hegelian approach that attempt to provide a coherent argument for the place of political representation in the institutional complex of the modern state so as to ground the state's 'democratic' character on the one hand and to acknowledge the socio-ethical import of political representation as a guarantee of the stability of the rational state on the other, fail as long as the divide between civil society and the political state remains in place and the 'political community' as a human species bond is left subordinated to the sway of the market society. The Hegelian account fails because his notion of political representation does not admit of equality of citizen representation in the affairs of the state and this belies the principle of universality of freedom that must be expressed by Hegel's 'rational state'. The liberal account fails because though it acknowledges universality of political representation of the individuals, it assumes this universality to be an aggregate of wills lacking the necessary unity that renders the political community an organic whole.

Nevertheless, in Marx's account, political representation in so far as it reflects the possibility of the identity of the citizen being a universalistic being overcoming his particularistic attachments

provides a stepping stone for the ultimate transcendence into a form of human consciousness that acknowledges *social representation* as the essential structural relation constitutive of the human species-being. Marx's critique is launched from the normative perspective of the 'species-being' as the ideal standard of which the 'really rational state' should be a concrete instantiation.

5.a. The Critique of Hegel's and Liberalism's Conception of Political Representation

Marx focuses his critique on Hegel's criticism of the democratic liberal conception of representative politics. Hegel distinguishes the social estates constituting the membership of civil society into the 'fluctuating element' and the 'immobile element' (landed property) each corresponding respectively to the bicameral constitution of the political state that Hegel deems appropriate. For Marx, Hegel has wrongly conflated two opposing principles of representation, the 'hierarchical representation' with the 'political representation' which rather than being 'different manifestations of the same principle' they are 'two essentially different principles' corresponding to distinctive social conditions, the principle of 'political representation' expressing 'the political constitution of civil society in the modern sense' whilst 'hierarchical representation' is pre-modern (*CHDS*, p. 182). Since 'hierarchical representation' in the chamber of peers by 'right' belongs to the landed estate whereas political representation to the chamber of deputies is effected by *election* then there is no effective political universality of the members of civil society. The two estates do not obtain representation in the state as common members of it, as an 'empirical universal', but their distinctive particular social situation assigns them a differential mode of participation in the general affairs of the state. Furthermore, the Hegelian idea of representation juggles conceptually the political with the social. The fact that the 'landed gentry', the nobility can participate in the legislature 'by birthright', that is on the basis of a political prerogative means that political representation for them is not separate from their social being. They do not have to exit the particularity of social existence within civil society in order to enter the universal realm of the political state. '[T]he legislature is an attribute of their

empirical person; they are there not as *deputies* but in *their own right*.' (CHDS, p. 181).¹²³ In contrast the 'second estate' is mired in the social particularity of its civil existence and in order to elevate itself to the domain of 'rational deliberation' and acquire a political role in the general affairs of the state it must elect deputies so as to be politically represented. It follows that the members of the state community do not share the same 'empirical' status universally since the one class's social being is directly political whilst the rest live under a divide between their social life and the higher form of political participation in the representative organs of the state.¹²⁴ The same stricture applies to the 'corporations' which are meant to be the agencies through which civil society can achieve its political representation. They are legally constituted by the political state as particular corporate bodies and by having the exclusive political 'right' to represent themselves politically it means a) that their social standing is directly coincidental with their political capacity to be represented and b) that the right of political representation is not really *political* in the sense of it being universally attached to 'citizenship' but a privilege afforded to 'a particular existent being' therefore annulling the universality of right or law constitutive of the political sphere. (CHDS, p. 185).

These tensions vitiating Hegel's understanding of the role of political representation as the vehicle that allows the un-political civil society to integrate itself into the representative political system is the product of his attempt to marry within the political framework of the 'rational state' the co-existence of a medieval hierarchical organisation of the estates with the 'abstract political existence' of modern civil society (CHDS, p. 182). In this regard, the French post-revolutionary constitutions which reflected the formation of the modern political sphere as 'the abstraction of civil society from itself' and thus they have produced 'the political principle itself' (CHDS, p. 183) are more advanced than Hegel's constitutional model of a rational political order.

The fundamental political reason for the advance of political democracy over constitutional monarchy is the prioritisation of the legislature over the executive power and thus of the expression of popular representation. Whenever the legislature has emerged as 'the dominant factor' it has brought forth 'great, organic, universal revolutions' because 'the legislature acted

¹²³ Elsewhere Marx calls the owners of entailed estates 'born legislators' who, in Hegel's account, are assigned the role 'of representatives of the body politic' through 'selection by birth' (CHDS, p. 173).

¹²⁴ Marx's view of 'hierarchical representation' contests Leopold's reading that in Hegel representation involves 'central representative institutions' and not 'assemblies with restricted memberships'. D. Leopold, *The Young Karl Marx*, p. 59.

as the representative of the people, of the species-will [Gattungswillen]', (*CHDS*, pp. 119-120). The democratic representative polity, through the legislature, aligns the character of the state in conformity to the general will of the people and thus it *progresses* in accordance with the people's development (*CHDS*, p. 119), whereas in regimes where the executive reigns supreme, the executive power is 'the representative of the particular will' (*CHDS*, p. 120) and the political order is subject to arbitrariness and irrationality. The constitutional priority of the legislature over the executive power is not a democratic panacea for there exists historically the possibility of 'an irrational people' whose representation of will as law would not result in the 'rational organization of the state'. The ultimate defence against populist irrationalism according to Marx rests on respect of 'reason' which is 'a matter of knowledge than will' and so reason's tribunal is the insuperable limitation of will so that '[t]he will of a people may not transcend the laws of reason any more than the will of an individual' (*CHDS*, p. 120). It follows that under the constraint of the 'laws of reason' (*die Gesetze der Vernunft*) legislative practice 'does not make the law' unconditionally but in being guided by reason 'it only discovers and formulates' the law. (*CHDS*, p. 120).¹²⁵

Such advance of the modern liberal democratic principle of the abstract political universality of the citizen over the contradictorily compound constitutional state propounded by Hegel does not imply that the former is bereft of problems of its own. Marx treads on the footsteps of Hegel himself who castigated the liberal democratic conception for abstract universalism that disregards the concrete empirical organisation of the particular social estates of civil society (*PR* § 308R, p. 347). The basic idea of democratic liberalism is that the totality of citizens or 'every member of the people is an equal participant in popular sovereignty' regardless of social distinctions 'based on birth, rank, education and occupation' (*OJQ*, p. 219). The singular individual as citizen is considered in abstraction from his social embedment in civil society and the dominance of practical egoism and self-interest that pervades it.

Hegel considers the liberal democratic view to be highly problematical because it rests on the abstract idea of state membership which by itself is taken to confer on everyone the right to

¹²⁵ The 'laws of reason' as limiting condition of legislative activity is ignored in Teeple's account while he attributes law-making to the executive power. *Marx's Critique of Politics*, pp. 80-1. Kouvelakis also neglects the normative limitation the 'laws of reason' set to the legislative will of the people and thus he is misled to characterise it as 'absolute'. *Philosophy and Revolution*, p. 295.

participate individually into the general affairs of the state thus destroying the rational organisation of the state which in turn is based on the articulation of the various social estates constituting the state as a concrete whole. This liberal democratic abstraction amounts to the implantation into the state organism of ‘a *democratic element devoid of rational form*’ (PR § 308R, p. 347). Marx’s response reveals his democratic credentials. It is not a pre-existing ‘rational form’ of the state to which the ‘democratic element’ ought to accommodate itself but ‘the democratic element should rather be the real element which confers a *rational form* on the organism of the state as a *whole*.’ (CHDS, pp. 185-6). How can a state be rational, i.e., grounded on the universal self-determination of the members it consists of, if it either excludes the majority of its members from participation in its affairs or if it acknowledges the ‘democratic element’ only on condition that the latter abides to an externally imposed, pre-established heteronomous rationality?

Marx addresses the Hegelian dilemma of whether ‘direct democracy’ as participation of all individuals in political deliberation of the general state affairs is preferable on grounds of principle or ‘indirect’ participation of the ‘mass of individuals’ through *deputies* is more amenable to the proper political functioning of the state. If direct participation of all individuals in public deliberation involves an ‘essential contradiction’ in Hegel’s viewpoint, it rather involves an ‘actual contradiction’, the prosaic problem that the sheer magnitude of the mass of participants negates the possibility of effective deliberation¹²⁶ and this is ‘still the best argument against the direct participation of all’. (CHDS, p. 186). For Marx, either horn of the dilemma is a non-solution to the problem of the political representation of civil society since the very formation of the problem itself is a determined consequence of the existence of the ‘abstract political state’ and it arises solely for it. (CHDS, p. 187).

Hegel summarises the liberal democratic view in the proposition ‘*All*, as individuals, should share in deliberating and deciding on political matters of general concern’ taken up by Marx (CHDS, p. 186), in order to bring to light his essential opposition to the conception of (political) universality underpinning the liberal conception. It must be noted that Marx bypasses the explicit distancing of Hegel’s standpoint from the liberal view and assumes that Hegel shares a similar

¹²⁶ For proposals to address the quantitative problem of political deliberative input in large constituencies, though within the frame of the separation of governmental power from civil society, see: James S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (New Haven: Yale University Press, 1991), pp. 81-104.

view by the fact that he had defined the social estates as the ‘empirical universal’ which by political representation seeks to establish itself as an ‘explicit universal’ whereby the ‘concerns of the state’ become the concerns of all the state members. Marx’s critical stress vis-a-vis the liberal conception that acknowledges the universality of individuals as political participants in the state is that the universality in question must become an overall political unity.

In a really rational state one could reply: ‘Not *all, as individuals* should share in deliberating and deciding on political matters of general concern, for ‘individuals’ do share in deliberating and deciding on *matters of general concern* as ‘all’, i.e. within society and as the members of society. Not all as individuals, but the individuals as all. (CHDS, p.186)

All the individuals being members of one society by producing and consuming and interacting with each other contribute to the general matters of society shaping it as a single unit. Society is the combined result of their individual efforts. But this overall singleness of society as a whole does not find its political counterpart in the state. The rational state ought to be organised as a political association which reflects the organic wholeness which the social members enjoy. All must be capable to partake in the formation of the political whole in a way that it is not a mere aggregation of their individual wills but the concerted outcome of them as a unitary political community. This unitary political community in Marx is democratic *par excellence* for it exhibits inclusion of all individuals in their concernment over political matters, it affords *equality* in individuals’ contribution to the deliberation of the common affairs (no distinction between ‘hierarchical’ and ‘political’ representation that privileges one segment over others), and *freedom* in deciding the general matters in-togetherness (‘as all’).

In juxtaposing to the totality constituted by ‘all as individuals’ his formula of the totality of ‘individuals as all’ Marx is stressing the element of active unity formed by the individuals as an entity that exceeds their mere aggregation as individuals. It emerges as a unitary entity that surpasses each individual element taken severally though composed by these very individuals. It

is a kind of unity that is the unity of a kind. As political, this kind of unity amounts to a ‘general will’ irreducible to the addition of particular wills even if no particular will is excluded from being counted in. This type of unity of the universality of societal members suggests that the individuals self-consciously posit their own unity in a way that encompasses a specific socio-political communal relationship that transcends their existence as a collection of individuals co-existing ‘externally’ or next to each other. Formally, the unity is a set of individual elements whose *inner connection* constitutes a distinct but not separate element of the set.¹²⁷

The liberal idea of the political aggregation of individuals as an ‘abstract universality’ that does not reflect the interconnectedness of the social members into an organic whole is criticised by Marx in stressing that the aggregation of the individuals however extensive it may be, it does not express a *real connection between* the individuals themselves and thus it does not constitute an aspect of their individuality. Rather, the individual is conceived abstractly in separation from the concrete social interrelations he is entangled with, construed simply as an ‘abstract individuality’.

‘Allness’, the aggregate, is not an essential, mental, real attribute of the individual. An aggregate is not acquired at the cost of one’s abstract individuality. Instead, the aggregate is only the complete *sum of individuality*. One individual, many individuals, all individuals. One, many, all – none of these determinations affects the essence of the subject, of the individual. (*CHDS*, p. 187).

Whatever the numerical size of the constituency is, it does not affect the mode of existence of political subjects or citizens in a representative polity conceived under the sign of *abstract individuality*. Citizens under representative government are considered as atomised. State

¹²⁷ An empirical instance of this *unity* is the combined force that cooperative production creates. The strength that results from team-work that would neither exist in the absence of the team members nor if there were present but working singly and their work product was simply added up. The relation of cooperation is the *inner bond* that distinguishes this unity from an aggregate. In Marx’s words, the ‘social force’ effected by ‘combined labour’ is ‘the creation of a new productive power, which is intrinsically a collective one’ (*Cap. I*, p. 443). In a similar vein, Aristotle in presenting one of the main arguments in defence of democracy pinpoints that when people ‘assemble together’, the resultant supra-individual unity (*ouh os ekaston alla os sympantas*) ‘collectively and as a body, although not individually’ surpasses ‘the quality of the few best’. *Politics*, p. 108 [1281a39].

conferral of political status denudes them of any social reference. Social class position, status, beliefs and attitudes do not shape the political character of the abstract individuality. This extinction of (socially) qualitative distinctions permits their reduction to number and hence their addition in lesser or greater aggregates. The quantification of the citizen *qua* political monad renders the question of participation of all or of some in the legislature, irrelevant since in either case it is a matter of indifferent magnitude and of formal representation.¹²⁸

The division of the political state from civil society means that the individual when he obtains a political presence in the political state has to leave behind or ignore all the social ties in which he is enmeshed. Consequently, political participation of the individual in abstraction from his social embedment necessitates a separation *within* the individual between his political function and the particularity of his civil existence.

The perfected political state is by its nature the *species-life* of man in *opposition* to his material life. [...] Where the political state has attained its full degree of development man leads a double life, [...] 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. (*OJQ*, p. 220).

The separateness of the realm of politics from social life duplicates itself as an internal schism in the consciousness of the individual. This interior chasm holds the individual in perennial tension between the universalistic political role he is called upon to perform and the social vicissitudes he is exposed to. The same tension is reflected in the disjunction between the consideration of the universal interest that the political role demands and the actual particularistic interests reflecting his positioning in the bourgeois social order. The incompatibility of the political and civil spheres that pervades the individual makes his double self conditioned by his 'double life' to subsist in contradiction. To partake in the political domain he must bracket his social empirical essence.¹²⁹ To accommodate himself in private life he must denounce the

¹²⁸ G. Teeple, *Marx's Critique of Politics*, p. 79.

¹²⁹ Especially his or her forms of group-based social existence like social class, gender, race, ethnicity. The contemporary version of 'abstract political individuality', the so-called 'procedural fairness' theory of political

universalistic aspect of his political self, his inclusion in the identicalness of abstract political individuality. To realise the common good as the universal interest he is called to transcend self-interested pursuits. If he affirms the latter he experiences his difference ‘between the living individual and the citizen’ (*OJQ*, p. 221). The integrity of personhood is dissolved into the alternate tergiversation of political commitment and privatistic engagement. Instead of the unity of the social self, the disunity of the civil and political selves is expressed. Political representation of the schizoid individual condemns him to either have his social particularity extinguished in the purity of political abstractness or if he prioritises the representation of his private interests then the ‘ideal superiority’ of the sphere of politics as the realm of the communal realisation of politically emancipated man is derogated to the service of the financial power that reigns supreme in civil society (*OJQ*, p. 238).

The insuperable impasse of ‘political democracy’ which regards man, ‘not just one man but all men as a *sovereign* and supreme being’ but disregards the actuality of man who ‘is not yet a *true* species-being’ in ‘his contingent existence’, in his exposure ‘to the rule of inhuman conditions and elements by the entire organization of our society’ (*OJQ*, pp. 225-6) can only be transcended if the material presuppositions of political democracy’s rift from civil society are superseded. Since for Marx the material presupposition of the democratic state is civil society itself then only the elimination of the conditions that shape civil society’s attitudes of egoism and self-interest can allow the species relation of political universality to flourish. This elimination amounts to the abolition of ‘the market and the conditions which give rise to it’ and only thus ‘the conflict between man’s individual sensuous existence and his species-existence will have become superseded’ (*OJQ*, p. 241).

5.b. Membership in the Marxian ‘Really Rational State’

representation lacks any conceptual power to account for the systematic political ‘under-representation’ of historically marginalised groups. See: Melissa S. Williams, *Voice, Trust, and Memory: Marginalized Groups and the Failings of Liberal Representation* (Princeton, NJ: Princeton University Press, 1998), pp. 4-5.

To clarify the social relationship at the basis of the state or the type of connection that the individual might hold to the community it is appropriate to introduce a double conceptual contradistinction between *multiplicity*, *collectivity* and *community*. These three entities constitute forms of universality and even, in a certain respect, overlapping moments of social development of the interrelationship of individuals.¹³⁰

Multiplicity can be defined as an *aggregate without unity*.¹³¹ It is an indefinite collection of individuals who can be subsumed under the same class on the basis of an identical, objective predicate which characterises each instance of the class (for instance, all those who are exposed to the same social determination or live in similar social conditions without being cognisant of the fact or of each other). Multiplicity is a form of universality because its lack of unity means that it can be extended indefinitely like the series of numbers though it lacks the latter's seriatim ordering. The individuals in the multiplicity are completely indifferent and unrelated to each other. As such the multiplicity lacks the power of representation either political or social for it lacks any sense of common identity. Even the connection of indifference or the possession of the identical attribute exists behind the backs, so to speak, of the individuals forming the formless multiplicity.¹³²

Collectivity is an aggregate with a unity which is externally provided by a representation, a symbol, an interest, or an essential attribute to which individuals relate to consciously. It is a form of universality in that its unity renders it into a *universal* which encompasses the totality of all those who have the same relation to the unifying externality. The audience members of a television programme, the followers of a political party, the citizen-voters in a representative polity or the believers of a religious denomination are exemplary instances of this type of connection. Though the collectivity forms sorts of a body due to the unity bestowed upon it, its individuals are unrelated with each other. They are interrelated only through the mediation of the

¹³⁰ Rosanvallon defines the 'political' in a parallel developmental way as 'the process whereby a human *collectivity*, which is never to be understood as a simple "*population*", *progressively* takes on the face of an actual *community*.' (emphasis mine). Pierre Rosanvallon, 'Inaugural Lecture', p. 34.

¹³¹ I do not borrow the concept of 'multiplicity' from Alain Badiou's similarly sounding notion of the 'multiple-without-oneness'. My concept refers explicitly to human individuals living in society, it is existential not operational. See: 'One, Multiple, Multiplicities' in A. Badiou, *Theoretical Writings*, ed. by R. Brassier and A. Toscano (London: Continuum, 2004), pp. 67-80, (p.70).

¹³² My concept of 'multiplicity' encompasses Marx's understanding of 'multiplicity' as diversity of 'outward forms' lacking 'inner connection' at the surface level. K. Marx, *Theories of Surplus-Value*, Part III (Moscow: Progress Publishers, 1975), p. 500.

same *relatum* to which they attach themselves or recognise themselves under its auspices and which provides a certain overall coherence to the collective.¹³³ The external unity of the collectivity secures the possibility of collective representation albeit in an alienated way since the formation of the collectivity comes from the outside. It is not self-positing for it lacks inner bonds among the individuals which could generate a self-unity. Rather it is beholden under the spell of the power of the representative figure (symbol, discourse, political leader, representative government, Godhead) to constitute the individuals as a particular collectivity. Nevertheless, the ability of the individual to freely enter and exit from any given collectivity testifies to the existence of a certain sense of freedom to associate with others. This individual freedom of attachment to collectives at will, reflects the riddance of ‘natural ties’ that bourgeois society allows to the individual consolidating his seeming independence from the web of social relationships.¹³⁴ The unity which political democracy affords to the citizens is that of a collectivity. The citizens are externally connected by the representative government which results from the aggregate choice of their singular wills premised on the principle of political representation of ‘one man, one vote’.

The community (or commune) is a *group with an organic unity*. Its organic character means that the individuals who comprise it are interconnected with each other by an *inner bond* that constitutes their association into a social whole to which each and everyone is dependent upon. The individuals do not depend simply on the societal whole as an entity apart, as the mere precondition of their social subsistence, but they also depend upon each other by having *direct* relations with each other. By depending directly on (some) others who in turn depend upon others and so on, they depend *indirectly* or in a mediate way upon all other communal members hence they are interdependent overall. All forms of society from the simplest to the most complex are illustrations of ‘community’ even though the social processes that determine the communal interdependence (mode of production, division of labour, shared values or social ethics, communal property, system of right, form of government) may differ in their determining

¹³³ This unificatory function is illustrated according to Marx by the figure of the Asiatic despot ‘in whom the unity of the commune exists’. (*Gr*, p. 493).

¹³⁴ ‘The individual in this society of free competition seems to be rid of natural ties, etc., which made him an appurtenance of a particular, limited aggregation of human beings in previous historical epochs.’ K. Marx, ‘Introduction’ (1857), appendix to *CCPE*, pp. 188-217 (p. 188).

import on the shape the community takes. By being an organic totality the community constitutes a singular universal.

Community is the highest developed form of the social relationship. It involves face-to-face interaction between the communal members as in primitive communes or interconnection among societal members through the mediation of objects (in common production or in commodity exchange), of persons and of nature that fleshes out the interdependence of each with each other and with the social whole.

The category of the community can be distinguished into two social forms, the alienated and the non-alienated form of community. The alienated form of community is grounded on the condition that the social interdependence pervading the members' social life has not been self-consciously posited by them but it is 'found already there' as a structured mechanism that predetermines the life chances of the individuals. Even though it is the historical product of the social activity of living individuals and of past generations, the mode of organisation of the dominant relations and connections has not been instituted as the consequence of the exercise of the common will of the society at large. This is the type of social interdependence that Hegel identifies as constitutive of the modern civil society as a 'system of needs', without acknowledging its alienated character but assuming it as the realm of realisation of subjective freedom. Each particular individual works for his own end but its realisation requires the universal mediation of others and thus it 'gains satisfaction by simultaneously satisfying the welfare of others' (*PR* § 182A, p. 220). The actualisation of each selfish end necessitated by the mediation of the general other 'establishes a system of all-round interdependence' (*PR* § 183, p. 221). Individuals have to act in a 'universal way' (orient themselves to the abstract other) to fulfil their own ends and so to 'make themselves *links* in the chain of this *continuum* that ties them in an overall unity' (*PR* § 187, p. 224). Hence civil society in Hegel is structured as an 'interdependent community'. It allows subjective freedom to the individuals to pursue their particular ends but its major deficiency is that the presumably resultant general welfare takes place behind the backs of the interrelated subjects. It is 'unconscious necessity' that grounds the communal interrelationship whereby 'in providing for himself, the individual in civil society is also acting for others.' (*PR* § 255A, p. 273). The communal relationship that ties the members of civil society into an integral whole and provides for their mutual satisfaction is neither self-

consciously posited by them nor even present in their consciousness as the outcome of their concerted endeavours. They are bearers and ‘links’ in a social ‘chain’ whereby they are blind to their communal interconnection which emerges as both alien and itself subordinating the totality of particular subjectivities to its quasi-autonomous imperatives. The individuals by exercising their subjective freedom end up in overall unfreedom.¹³⁵

Marx describes the alienated character of the community under the command of capital, the becoming *independent* of the social relation interconnecting the productive members of the ‘social body’ from those same social agents who constitute it in the first place.

The social character of activity, as well as the social form of the product, and the share of individuals in production here [in generally commodified society] appear as something alien and objective, confronting the individuals, *not as their relation to one another, but as their subordination to relations which subsist independently of them* and which arise out of collisions between mutually indifferent individuals. The general exchange of activities and products, which has become a vital condition – *their mutual interconnection* – here appears as something alien to them, autonomous, as a thing. (my emphasis, *Gr.*, p. 157).

The negative ethics exuded by Marx’s critical description of the primary social relation shaping communal existence under capitalism indicates the emancipatory telos, the negation of what it is taking place, though it ought ‘not to be taking place’, that could salvage the alienated community. The basic social relations of production, distribution and consumption through which (social) individuals sustain and reproduce their life ought not to be *independent* from them and hypostasised as an alien force but be subordinated to their self-conscious communal rational will becoming thus the template of social representation of the community’s life expression.

¹³⁵ Marx finds in Hegel a pattern of resolution of contradictions relevant to the realisation of ‘free spirit’ in the state, ‘by appealing to a natural necessity antithetical to freedom. Thus the transition from the particular interest to the universal interest is not achieved by a conscious law of the state, but is mediated by chance and *against* consciousness.’ (*CHDS*, pp. 118-9).

Marx had already furnished the mould of the non-alienated community whose overall interconnection does not ‘subsist’ as an independent relationship, alienated as an entity apart, in his idea of membership in the ‘really rational state’. He contends that if individuals:

[...] are a *part* of the state, it is obvious that their very *social existence* already constitutes their *real participation* in it. Not only do they share in the state, but the state is *their* share. To be a conscious part of a thing means to take part of it and to take part in it consciously. Without this consciousness the member of the state would be an animal. (*CHDS*, p. 187).

Three ideas can be derived from Marx’s concept of what it means to be a ‘member of the state’. The first is the necessity of consciousness mediating the relation of belonging in the state. This consciousness does not refer to a simple awareness of being listed as a subject under the sovereignty of the state and subjected to its law. It refers to a self-conscious attitude by which the individual voluntarily partakes of the state.¹³⁶ It follows that the state itself must be a conscious product of the individuals participating in it. The self-conscious relationship with the state entails a double dimension. The individual ‘takes part’ *in* the state as if the state is a distinct entity encompassing the individual(s), and its existence as a discrete oneness, as a determinate state association, must be acknowledged as such. The self-conscious individuals by forming the state as a self-union constitute a ‘We which is an I’. Furthermore, the individual ‘takes part’ *of* the state in a conscious manner. This means that the state though distinct from the individual(s) is not separate from him. It does not stand at a distance as an abstract universal subsuming the individuals under itself. It does not appear as an external entity consisting of an objectified complex of political institutions in the form of the ‘political state’. Since the state is none other than the *association* of the totality of the individuals composing it then to *partake of it* means that the state is a trans-individual tie where each cognises that his contribution is essential to preserve the linkage of the whole made up of each. In this trans-individual interconnectivity each must acknowledge that he is ‘an I which is a We’. That to be an individual (member) he must be more than an individual, in the sense that his whole *social existence* is implicated in the state

¹³⁶ David A. Duquette, ‘Marx’s Idealist Critique of Hegel’s Theory of Society and Politics’, p. 233.

association. And certainly to be more than a mere (human) animal which partakes in its species-being, the unity of itself as multiplicity, unaware or unconcerned of doing so. The double aspect of the individual's self-conscious membership in the state unity and through it with himself as otherness-in-commonality¹³⁷ leads to the second idea, namely that 'the state is *their* share.' The condition that individuals as 'members of the state' 'share in the state' is a straightforward analytical judgment. As such it does not specify at all in what manner the members of the state relate to it. Being in the state, one or the other and ultimately 'all' share the identical condition of membership. Consequently, all of them may share the status of being inert objects treated by the state at (its own) will. The formal equality of state membership does not warrant necessarily the type of relationship they enjoy in respect to the state. They could equally well be equally subjected to tyrannical rule without exception or to a liberal regime that recognises universal equality of individual rights.

Nevertheless, Marx's completion of the conceptual definition of state membership introduces a synthetic judgment. The totality of individuals *also* shares the state. Rather than having a mere common connection to a state standing externally to them, the individuals by sharing the state between themselves establish an inner connection linking each with each other. That 'the state is *their* share' means that they are *shareholders* of the state. Each particular (individual) is a necessary member-part in the constitution of the universal (the state). Moreover, in view of the fact that this relation forming the state is a self-conscious one, i.e. posited by the individuals themselves then their holistic interconnection is a concrete universality or a concretised universal. There is no negative relation between the particulars and the universal as in the case of the Hegelian 'abstract universal' where the particulars are opposed to the universal by not being the universal and the universal is opposed to the particulars by not being any particular. Since Marx's 'really rational state' is meant to embody these two conditions of the abstract universality of common state membership and concrete universality of the state as the self-conscious general interconnection of the particular individuals themselves then this state association fulfils the condition defining the essence of *democracy* itself. It satisfies the essential conceptual determination of Marxian democracy, the identity of the *formal* principle (abstract

¹³⁷ This approximates Nancy's idea of communism as the 'being-in-common' of the 'in-common of being' as compearance. Jean-Luc Nancy, 'La Comparution/The Compearance: From the Existence of "Communism" to the Community of "Existence"', *Political Theory*, 20.3 (1992), pp. 371-398 (p. 378).

universality) with the *material* or *substantive* principle (concrete universality). By realising the identity of formalism with materiality the ‘really rational state’ becomes democracy which is ‘the first true unity of the particular and the universal’ (*CHDS*, p. 88). The political constitution of the democratic state is a particular product ‘posited as the people’s *own* creation’. It is the ‘demos as a whole’ which institutes the particular form of its constitution; and democracy’s distinguishing characteristic from all other forms of government is that ‘in it the *constitution* is only *one* facet of the people, that the *political constitution* does not form the state for itself.’ (*CHDS*, p. 87). The democratic political association of the members of the state community is only a dimension of their communal co-existence and does not constitute an independent domain in which the societal members would be formally recognised as members of a political state that exists for itself.

The Marxian democratic state with its three foundational conditions, universal inclusiveness, all-round social interconnectedness and society’s conscious self-articulation, constitutes the germ of mature Marx’s concept of communism. What remains to be specified for the completion of the concept of communism is the mode of distribution of the social product or *the manner of sharing* the state that pertains to socialised humanity.¹³⁸

The third idea or conceptual component of the definition of Marx’s ‘really rational state’ is that the individuals’ ‘social existence already constitutes their real participation’ in the state. This means that they do not have to seek the realisation of their essential being, their communal essence as species-being in a remote realm, be it religion or politics. They would not have to ‘exit’ society, so to speak, in order to ‘enter’ another domain so as to be recognised as equal, free and participants in an overall (political) union that ratifies such participation as their higher self.

The state as the common *share* of its members and the mode of their social interconnectedness obtains conceptual concreteness in the paradigm of a society organised along the lines of ‘communal production’. In contrast to an exchange society where labour becomes general or social only indirectly through commodity exchange, and the linkage of the individuals necessitates the *objective mediation* of money which means that their linkage is imposed

¹³⁸ The stipulated conditions for such shared distribution are formulated in an austere way in Marx, ‘Critique of the Gotha Programme’, in *Later Political Writings* ed. by T. Carver (Cambridge: Cambridge University Press, 1996), pp. 212-3.

externally, in communist society general labour, i.e. production by society for the sake of society itself, is presupposed from the outset,

[General labour] would have to be *posited* from the outset as a link in *general production*. But on this presupposition it would not be exchange which gave labour its general character, but rather its presupposed communal character would determine the distribution of products. The communal character of production would make the product into a communal, general product from the outset. The exchange which originally takes place in production – which would not be an exchange of exchange values but of activities, determined by communal needs and communal purposes – would from the outset include the participation of the individual in the communal world of products. [...] whatever the particular material form of the product he creates or helps to create, what he has bought with his labour is not a specific and particular product, but rather a specific share of the communal production. [...] there would take place an organization of labour whose consequence would be *the participation of the individual in communal consumption*. (*Gr*, pp. 172-3).

In this description of a communally organised society the three pillars of the Marxian rational state re-appear in clarity. Universal inclusiveness is grounded on the indubitable ‘participation of the individual in the communal world’ from the outset. The universal bond of the individuals in their ‘very social existence’ as a social relationship that traverses them all and makes the state *their share* is exemplified by the character of communal production *and* consumption where the individual does not appropriate one or another product according to his purchasing power but the *share* of communal production that ought to be allotted to him. Lastly, the self-conscious character of the instituted state as a societal association is reflected in the element of *positedness* of the ‘general labour’ which must be presupposed at the outset as the organising premise for communal production to take place. A totality of cooperative labour that sets up by itself the arrangement of the ‘exchange of activities’ as precondition of production instead of the linkage

of general labour being effected by an alien division of labour that sutures the independent producers through the money ruled commodity exchange mechanism.

5.c. The Species-being's Bond of Social Representation

Given the modern divide between the unpolitical civil society and the political state there is no overall political association that encompasses the totality of the members of society and consequently 'the state exists *only* as a political state' (*CHDS*, p. 188). For civil society to attain political representation it must participate in the legislature and its law-making activity. Since the function of the executive power of the state is the administrative implementation of the laws formulated by the legislature it cannot exist as an independent power but only as an appurtenance of the legislature. Hence 'the totality of the political state is the legislature' (*CHDS*, p. 188). The aspiration of civil society to participate in the legislature shows its social desire to obtain political existence and constitute itself as a 'political society'. There are only two alternative routes to civil society's participation in the legislature. One method of political participation is to select 'deputies' who will represent the various particular civil interests in the legislature. The other is that everyone becomes a co-legislator himself. Both methods have defects in respect to the two forms of government that espouse the separation of the political state from civil society, namely constitutional monarchy and the republican view of the 'abstract political state'. As far as constitutional monarchy is concerned, *en masse* participation in the representative assemblies undermines the delicate balancing among its decision-making organs of political power and subverts its principle of representation based as it is on restricted and politically privileged corporate representation (*CHDS*, p. 188-9). For the political republic the problem is twofold. If civil society participates in the legislature with its 'deputies' and since the legislature is the only form which provides political membership then civil society still remains unpolitical and the dualism between the political state and civil society is further entrenched (*CHDS*, p. 189). The permanent separation of an elite corps of representatives (regardless of the periodic circulation of persons occupying the fixed loci of political representation) from the body of society reflects the permanent exclusion of the great majority of the people from the actual exercise of legislative

duties. It tacitly advises civil society to ‘mind its own business’ rather than ask to be actively involved in the general affairs of the state.

On the other hand, if ‘all people as individuals’ are to participate in the legislative body then a practical and a theoretical difficulty emerge as impediments. From a pragmatic viewpoint ‘civil society would cease to exist if everyone became a legislator’ (*CHDS*, p. 189). Theoretically, participation of all individuals requires their conceptual reduction to abstract individuality. Since the legislative activity is not viewed by democratic liberalism as a directly exercisable activity connected with the life conditions shaping the ‘societal existence’ of the members but it is only legislative participation as the properly ‘social, i.e. political function’ that constitutes the individuals into a political body out of their civil condition as an unorganised mass then the constitution of civil society as a legislature, as their exclusive mode of political existence, requires the conception of the legislative participants as single individuals who stand opposed to each other as self-seeking beings (*CHDS*, pp. 189, 79). In the liberal theory of the ‘abstract political state’ the communal interdependence of the members of society is disregarded and only as a communally *unencumbered* individual can he partake of the political association as co-legislator. A political function deemed necessary if the individual is to be morally obligated to the laws of the republic.¹³⁹

There is a radical alternative to the separation of civil society from the political state and of the questionable role that political representation plays as a device that could politicise civil society while at the same time it functions to perpetuate the very divide that called representation into existence in order to mend it. Marx’s alternative envisages that ‘civil society is the *real* political society’ (*CHDS*, p. 189). This alternative mode of political constitution of civil society builds on three paramount motifs that help us elucidate the core of young Marx’s political thought. 1) It allows the completion of the critique of political representation by highlighting its insignificance in the new form of state. 2) It overcomes the separation of civil society from the political state in a way that it does not eliminate the political domain altogether but makes political activity an integral aspect of the ‘societal existence’ of the community. 3) It introduces

¹³⁹ In Kantian liberalism, the participation of persons in legislation [...] [which] is part of the very definition of a moral person – consists in the fact that only such laws can be considered obligatory that can also be viewed as an instance of a universal, cooperatively established law.’ Ludwig Siep, ‘Person and Law in Kant and Hegel’ in Reiner Schürmann, ed., *The Public Realm: Essays on Discursive Types in Political Philosophy* (Albany, N.Y: State University of New York Press, 1989), pp. 82-104 (p. 91).

the form of *social representation* in lieu of political representation as the universal bond of membership in the ‘really rational state’. On the assumption that ‘civil society is the real political society’:

[...] the *legislature* entirely ceases to be important as a *representative* body. The legislature is representative only in the sense that *every* function is representative. For example, a cobbler is my representative in so far as he satisfies a social need, just as every definite form of social activity, because it is a species activity, represents only the species. That is to say, it represents a determination of my own being just as every man is representative of other men. In this sense he is a representative not by virtue of another thing which he represents but by virtue of what he *is* and *does*. (*CHDS*, pp. 189-190).

If civil society becomes the political society, the legislature loses its importance as a ‘representative body’. The ‘legislative power’ in the representative polity entails two distinctive political functions. It formulates the laws of society and it establishes the political representation of the various social segments in the law-making process. Political representation is the vehicle that translates popular will into public law. We have seen that this aspect of the translation of will into law cannot presuppose the unconditional expression of the will since it has to follow the imperatives of reason. It is not the will which defines the ‘laws of reason’ but reason which ought to guide the formation of will. ‘The legislature embodies the energy of the will in its theoretical form’ and its function ‘is not to substitute the *will* for the *law*, but to *discover* and *formulate* the real law’ (*CHDS*, p. 190). Consequently the aspect of political representation that involves will’s transmission into law is not intrinsically tied to the relationship of political representation. What makes political representation attractive is ‘its *formal* political significance’ especially in view of the fact that there was no other outlet for unpolitical civil society to obtain political existence. Its significance arose ‘because the legislative power also represents the political form of civil society’. Actually Marx believed that participation in the executive power would have been a ‘more appropriate goal’ of popular aspiration than participation in the

legislature (*CHDS*, p. 190). So the appeal of political representation was rather the upshot of the exclusion of the people from politics than any intrinsic need to legislate for society.

The possibility of the becoming political society of civil society is seen by Marx to be the potential outcome of the dialectical tension generated by the popular demand for ‘electoral reform’. He is rather optimistic about the power of the vote and his wager on the political effect of the ‘universalization of vote’ is in conceptual tension with his critical stance vis-a-vis the liberal idea of ‘all as individuals’ participating in the legislature since universal suffrage itself is based on the principle of atomised voting. Nonetheless, the political import of ‘unrestricted active and passive suffrage’ on the politicisation of civil society is undeniable since it brings the people into the arena of political power to the detriment of an exclusivist political state as the sole power holder. Furthermore, popular selection of commissioned deputies (for Marx opposes the idea of independent-minded representatives merely formally authorised, *CHDS*, 194) through elections is ‘the conscious product of the trust of the citizenry’ (*CHDS*, p. 174) and hence the legitimate expression of the society’s political will. The achievement of universal suffrage is taken to be the moment in which civil society ‘really’ raises itself to an ‘abstraction from itself’ leaving behind its anchorage in civil particularities and thus attaining the ‘*political* existence which constitutes its true, universal, essential existence’ (*CHDS*, p. 191). On the condition that such universalistic political existence becomes civil society’s ‘authentic existence’ then the rift between civil society and the abstract political state will tend to ‘dissolution’. It is significant for the early Marx’s understanding of political representation, the juxtaposition he implies to exist between the vote and representation itself. The vote he contends ‘is the immediate, direct, not merely representative but actually existing relation of civil society to the political state’ (*CHDS*, p. 191). The fact that Marx sees the vote as the ‘immediate’ and ‘direct’ expression, instead of a ‘merely representative’ one, of civil society’s participation in the general affairs of the state suggests the idea that he would favour a kind of plebiscitary democracy where people would vote on all major state issues of concern than leave the choice to their representatives.

The Marxian notion of social representation is grounded on the connection each human being has to the species-being. This is not a relationship of subsumption of particular members under their natural kind, for the species-being in Marx is the communal association that human beings have with each other. So the connection of human beings with each other is not mediated by the

identical reference to an external abstract identity (human nature), they are neither connected as a multiplicity or a collectivity (as abstract humanity), but their real participation in communal life constitutes their direct bond ‘as a species-being, in community with other men’ (*OJQ*, p. 221). They are inextricably tied as individuals with the communal interconnection that permeates them all. Individuals as social beings have ‘social needs’. It is not the case that there is a kind of opposition between social needs and natural needs that the individual has as a ‘physical’ being for the latter are also social in form since they are object- and person-dependent for their satisfaction and this entails their social shaping by the communal existence of the individual. Social needs are necessarily addressed to other human beings and presuppose those other human beings as satisfiers of the ‘social needs’ and thus they presuppose the engagement of those others in definite forms of social activity which provide for the fulfilment of such needs. Hence, the definite form of social activity of the one constitutes him into the ‘representative’ of someone else’s ‘social need’. This representative nexus between the definite form of social activity of the one with the social need of the other is not a particularistic interchange but a universalistic bond for both the need and the form of activity are not addressed to any particular other but to the community at large as an organic whole.¹⁴⁰ The community as a whole is not an abstraction hovering above its constituent member-parts but as we have seen in the previous section in the discussion of the ‘really rational state’ it is an integral oneness consisting of the totality of its members.

Thus each communal member by being ‘what he is and does’ represents in his personal existence and in his specific communal activity their own communal association as a concrete universal, its species-life. Each is representative of the universal bond by virtue of which the overall state community exists. The social activity of each member ‘represents’ the ‘determination of the being’ of the other members as co-participants in the social organism. Each mediates the connection of the other to the whole. So, each stands for the whole in his concreteness not as a solitary individual but as social member of the whole which exists solely by virtue of such membership.

¹⁴⁰ On the universalistic character of social need in early Marx, A. Chitty, ‘The Early Marx on Needs’, *Radical Philosophy* 64 (1993), mimeo, pp. 1-18.

Social needs and forms of social activity are also universal, though experienced and exercised by concrete individuals, because they are the product of the historical development of the ‘social powers’ of humankind just as ‘the affairs of state are nothing but the modes of action and existence of the social qualities of men’ (*CHDS*, p. 78), ‘social qualities’ whose formation implicates not just their expression within a given social context but their historical constitution as well. This historical developmental dynamic is posited by Marx in his view that the constitution as ‘the incarnation of the people’ must be based on the principle of ‘progress’ so as to reflect the emergence of ‘new needs’ and social progress. (*CHDS*, p. 119).

In ‘true democracy’ where man has resumed ‘the abstract citizen into himself and as an individual man has become a *species-being* in his empirical life’ and ‘political force’ has become one of man’s ‘social forces’ and thus human emancipation has been completed (*OJQ*, p. 234) political activity as a definite form of ‘species activity’ will be shared by all members partaking in the general affairs of the society. This leaves open the question of the handling of the ‘specific affairs’ of societal democracy as singular political actions. Any ‘single political act’ says Marx:

‘it is [...] obvious that it cannot be performed by *all people individually*. If this were not so it would mean that the individual was himself the *true* society and thus would make society superfluous. The individual would have to do everything all at once, whereas in fact society has him act for the others, just as it has them act for him.’ (Underlining is mine, *CHDS*, p. 188).

‘Society has him *act for* the others’. A relationship of *social representation* is posited by Marx as the ground on which the individual performance of political tasks takes place in the name of society and for the benefit of the other societal members. Three conditions circumscribe the substance of the relation of social representation. To act for the others rather than for oneself means that the essential feature of the individual’s social activity is purposefully oriented to the being of others, that his practice is attuned to the service of them consonant with the specific task

he is called upon to perform. The teleological aim of serving the others by performing the political function suggests that the essential defining characteristic of the social individual is his being-for-other. In acting for the others the individual is implicated in a social interrelationship whose other pole acts 'just as it [society] has them act for him'. There is a condition of *reciprocity* (and equality in provisioning different services) constitutive of social representation. The individual acting for others is at the same time the purposeful telos of others who act for him. Thus his humanity is not being denied by turning the individual into a mere instrument of service but he is duly recognised as an end in itself by the others acting for him.¹⁴¹

Acting for others implies two exhaustive alternatives. Either the individuals on whose behalf the actor acts can perform the act themselves or they cannot. If they can, then the actor becomes a 'substitute' hand performing an action that could as well be performed by any of the persons acted for. It follows that this relation of substitution of one by another is made possible on the premise that a basic equivalence exists between the one or the other. The substitutability of one by any other in committing the act presupposes that they share an identical human capability or that the same social competence has been universalised at the given stage of development of society. He commits an act representing a 'determination of [their] being just as every man is representative of other men'. Alternatively, the other option is that the individual who acts for the others does so because he can perform an act necessary for the persons on whose behalf it is acted-for and which the persons could not perform themselves for a variety of reasons (time limitations, lack of expertise, indifference to perform the necessary task, etc.). To that degree the performer of the act on behalf of the others is not an equivalent 'substitute' but a *necessary complement* of the others, who in his particular specificity in acting for the other *represents* the completion of the others, the redress of the others' inability to perform the act on their own. In this sense, the actor-for-the-others represents not a duplication of any other but a kind of *ideal* self for the others. In performing the task as a necessary communal activity that realises the community's universal self by fulfilling one of its communal needs, his act would represent for others an expression of their communal essence as species-being.

¹⁴¹ A similar restraint on the instrumentalisation of the human being as a 'usable' entity in Marx's conception is argued by A. Chitty in 'First Person Plural Ontology and Praxis', *Proceedings of the Aristotelian Society*, New Series, 97 (1997), pp. 81-96 (p. 96). The normative basis for the rejection of the instrumentalisation of the human person is the Kantian supreme moral law never to treat a human being 'merely as a means'. I. Kant, *Groundwork of the Metaphysic of Morals*, trans. by H.J. Paton (New York: Harper Torchbooks, 1964), p. 101.

In the hypothetical case of a society where individuals would produce as human beings for each other's human need, Marx assumes that one of the consequences of such species activity would have been for each that 'I would have acted for you as the *mediator* between you and the species, thus I would be acknowledged by you as the complement of your own being, as an essential part of yourself' (*EJM*, p. 277). Each individual by his productive act procuring for the other's need as a human being represents for the other the human species in person.

The first mode of *equivalent representation* is characterised by depersonalisation since anyone can occupy the *locus* of the actor for the others given the symmetrical distribution of competence and their common human identity. This mode of representation corresponds to the concept of the collectivity. The second mode of *complementary representation* where the activity of the one complements the being of the others expresses the multivalent interdependence of the communal members.¹⁴² This mode of representation corresponds to the concept of the community. Both modes of representation constitute in tandem the notion of social representation.

In the 'really rational state' 'the legislature entirely ceases to be important as a representative body'. It exercises the legislative function and it 'is representative only in the sense that every function is representative'. Every function in society is representative of the whole as an integral aspect of its self-reproduction and legislature as one among the societal functions represents in its specificity the achieved articulation of the social whole. The legislature *represents* the legislating process as a *social need* required by society whereas the legislators represent or embody the function of legislating. Legislature loses its exclusive political status and becomes a 'definite social activity', hence a species activity and as such *representative* of the species itself. Legislative activity is representative of the species because it emerges as universalistic both in purpose and in substance. Its purpose is universalistic in that it deals with the general concerns of the society. Its substance itself is social, fused within the continuum of social activities that secure societal reproduction rather than being set apart as the instantiation of the political *par*

¹⁴² Human complementariness in bourgeois society has become 'the reciprocal complementing and exchange of human activity itself [that] appears in the form of: the *division of labour*. This makes man [...] an abstract being, [...] and transforms him into a spiritual and physical abortion. The very *unity* of human labour is regarded only in terms of *division* because man's social nature is realized only as its antithesis, as estrangement.' Marx, *EJM*, p. 269.

excellence. The members of the legislature are not a special class of political power-holders, specialists in their role of deliberating the common affairs but themselves human beings as social individuals 'representative of other men' to the same extent that the other men are representative of them. This connection of mutual representativeness implies a foundational egalitarianism where each species individual is identical to each other in that the (human) form of the one represents that of the other and vice-versa. This egalitarianism reflects the principle of equivalence characteristic of the collectivity. But the other principle characteristic of community, complementariness, is also present. For the legislative function is not performed by all at once, hence some do it while the rest do the rest of the definite social activities though all, to the degree they can and if they so desire could participate in the legislature. Given the equality of membership in the communal association it cannot be supposed that the legislative function becomes the exclusive prerogative of any particular social category. Nor that access to the 'laws of reason' which is legislature's duty to 'discover and formulate' is the preserve of any kind of technocracy.

The three elements (purpose, function, agency) that constitute social representation are all universalised. The purpose encompasses the general affairs of the community, the function in its social specificity is geared to the societal totality as a universal and the agent is an instance of the universalistic species-being. Moreover in the legislative activity (as in any other form of social activity) there is a unity of identity and difference. This unity establishes the essence of legislative activity as social representation. The legislators as persons are representatives of the *identicalness* of being human and substitutable or *standing in* for any other human being while as persons in being legislators they are different in that they perform a distinctive activity *representative* of a basic social need whose realisation *stands for* the well-being of the societal species-life.

Social representation differs qualitatively from political representation in that it transcends the mediated character of political representation where one is a representative 'by virtue of another thing which he represents', hence subjecting his very existence to a condition (cause, will, demand) that is other than himself. The human being in order to represent socially he is not compelled to go out of himself and be something else but he is representative 'by virtue of what he is and does'. In being a being-for-others necessarily he is already in his essence the condition

of existence of the others and through the others of himself. In being a human person he reflects in person the humanity of all others and the bond of identity with them while in what he does he expresses his differential contribution to the mutual complementariness of his species-being existence.

Chapter 6

The Authorial Function of Money in the Society of Private Property

In this chapter I argue that Marx in his writings of 1844 develops a powerful theory of alienation that accounts for key structural features of modern social life. Alienation characterises the totality of exchange acts that constitute the social intercourse of individuals who enter the commodity exchange social relationship as private property owners. The organising principle of social commerce is money. Money becomes the ‘ultimate goal’ of exchange. Though it appears to be a mere means through which access to the other’s commodity is achieved (C-M-C), money’s function as a means of circulation is transformed into the purpose for which commodity exchange takes place (C-M) and by this transformation money assumes an overarching power over society. Its function as an *agent* mediating the transactions of the individuals is subordinated to its new role as the *author* of the actions of the individuals. It becomes the motive power that impels individuals to transact with each other for otherwise the world of commodities turns to be inaccessible to them. Within the ‘system of private property’ all goods assume the commodity form and access to commodities becomes possible only with possession of money. This social necessity compels the individuals to perform socioeconomic roles ordained by the requirements of the commodity circulation process. To elucidate this power of money in the circulation process I draw some supporting evidence from Marx’s analysis in *A Contribution to the Critique of Political Economy*.

Marx’s analysis of commodity exchange reveals that commodity exchange constitutes two distinct forms of ‘substitute representation’ of the commodity owners. Commodity owners become ensnared in the forms of ‘substitute representation of the other’ and of the ‘substitute representation of one’s own self’. The aim of each commodity owner is to get the product of the other so their *own* product is of no importance to them. It is merely a means that provides access to the desired good. Thus the object produced or owned is not a vehicle of self-expression. On the contrary, the owned object is the medium through which the owner comes to take the place of the other, to enter into the other’s relation of possession of the good. Ownership of the good is

meant to be an expression of the individuality, of the particular personality of the owner. So in coming to take the place of the other which expresses the other's individuality each exchanger becomes a virtual representative of the other's self-identity. He becomes a substitute for the other. The surrogacy is representative because the one does not take up the place of the other literally but it is *as if* he had taken the actual place of the other or substituted for him, himself. He is virtually present in the other's place but materially absent from it. This intersubstitutability of selves is mediated by the object of each one's want. The only way to satisfy their own want is to possess the good of the other. It is the object possessed by each other that compels them to enter into a social (exchange) relationship with each other. The social interaction they get involved into is not formed for its own sake, it is not geared to the person himself but to the object he owns. They crave for the object not the person, the person merely stands in for the object he owns. Hence both are 'in mutual servitude to the object'. (*EJM*, p. 277). The priority of object held as private property over the owning person is a form of alienation.

For Marx, based on the credo of political economy, the private property owned is the substantial part of a man's individuality. This is a view espoused also by Hegel (*PR* § 51, p. 81). Private property expresses the material form by which one's personality is realised. When this property is exchanged in the commodity transaction the new owner in obtaining the good he also appropriates the self-expression of the other. He puts himself in the 'shoes' of the other so to speak. He is vested with the self-expression of the other in a way that his self-fulfilment, the satisfaction of his need for which he entered the commodity transaction makes him be a substitute of the other, substituting his person for that of the other. This is the first form in *nuce* of substitute representation of the other. The second aspect or form of substitute representation is the surrogacy of one's own self. This form is both a result and a precondition of the first form. The possession of goods, of products, of labour is the private property of their owner. Ownership as such conditions and expresses the particular social self, his social standing in society. The person *is* his property according to the proclamations of political economy which Marx adopts and builds his argument upon. The fact that participation in commodity exchange requires the subject's disposition to alienate what is his and is expressive of his social being in order to get what he wants means that he has to substitute for his true self another self or adopt an attitude to his own self that degrades him into *the means* by which he can get what he seeks for. To enter into commodity exchange he must become 'self-estranged', to double himself as surrogate of his

own self, or to represent himself in his labour or product as something alien to himself. This aspect of substitute representation is a precondition of the other aspect since all commodity exchangers have to turn themselves into means of accession to the other's possession of the desired good. It is also a result of the other form of substitute representation since the generality of commodity exchange necessitates each to continually surrogate himself in the place of the other and thus not be who one is supposed to be. In the chapter I develop the presuppositions that Marx sees as necessary for the two aspects of substitute representation to take hold and I trace some of the consequences that result thereof.

Marx sees the mediating function of money in commodity exchange to have a symmetrical correspondence to the mediating role of Christ in Christian religion. In the first section I discuss why money obtains such omnipotent role over social commerce and I trace out the structural features of the representative figure of Christ as the mediator of the religious community with God.

Furthermore, I employ an argument by analogy to show that there exists a *structural isomorphism* between the forms of substitute representation realised in commodity exchange and the forms that the relation of political representation takes in representative democracy. The cluster of resemblances, or set of correspondences, permeating the two societal relationships, the economic and the political, characteristic of civil society and the domain of politics respectively, is traced to their origin in the fundamental divisions that the society of private property both reflects and consolidates.

6.a. Money and Christ as Mediators of the Earthly and Heavenly Worlds

Marx in 1844 having started the study of political economy countenances the salience of money as the supreme organiser of social intercourse mediated by exchange. Marx in his commentary on James Mill's *Elements of Political Economy* criticises him for the construction of 'abstract laws' which lead to the misconception of the role of money. James Mill exhibits a reified understanding (fixing a dynamic contradictory relation into a single invariable causal

proposition) toward law in his concept of *money* as ‘the medium of exchange’. This definition according to Marx assumes that the ‘nature of money’ is to embody solely ‘the property externalised within it’ (*EJM*, p. 260). Money appears to be just a material entity that translates as value a certain amount of property. This expressive function of money is only a momentary aspect of the actual relation of exchange and in its definitional exhaustion of the concept of money it conceals the real content of the relationship. The real basis on which the exchange of products takes place is not money itself but the human beings who exchange with each other. The *mediator* between products, the performer of ‘the *mediating function* or movement’ is the ‘human, social activity, by means of which the products of man mutually complement each other’ (*EJM*, p. 260). It is not a ‘thing’ that ought to put in motion the exchange process but a ‘social activity’ that should have established the exchangeability of complementary products. We must suppose that the complementariness of the products reflects the requirement by human beings of mutual need gratification.

The fact that money emerges as the controlling agent or ‘author’ who defines the exchange of products instead of the ‘social activity’ of the exchangers indicates that social activity ‘is *estranged* and becomes the property of a *material thing* external to man, viz. money.’ (*EJM*, p. 260). The exchange of products, instead of being the outcome of the human, social activity that must express men’s reciprocal need, has become the controlled effect of a ‘material thing’ alien to man’s nature. An inversion structures the social exchange of products. A ‘material thing’, a non-human entity *stands in* for the role of the social activity of man. It appropriates the ‘mediating function’ of social activity and becomes the determining force of exchange *per se*. The appropriation of the mediating function by money is not a mere deception on the part of the exchanging parties. It is a real condition of the way the exchange relationship is constituted for, as Marx stresses, the ‘mediating function’ has become the *property* of money itself. Money *substitutes for* social activity in the mediation organising the exchange between human beings. But money is a social, man-made institution. As a ‘medium of circulation’ money should have been acknowledged as a material representative of the social activity underpinning it. By substituting for social activity as the determinant moment, money *misrepresents* the actual character of the relationship. It becomes the cause rather than the effect that activates the social movement of exchange.

Social exchange of objects not only grounds the sociation of individuals, their being involved in social relations but it also caters to their physical reproduction and since this takes place through a social process, exchange defines the contours of social reproduction of human life. From the moment the social activity of exchange is severed from its actual human bearers and becomes subordinated to the clout of money, whereupon money regulates social life in place of men regulating money as the instrument of their *own* exchange, money becomes an ‘alien mediator’ through which ‘man gazes at his will, his activity, his relation to others as at a power independent of them and of himself – instead of man himself being the mediator of man.’ (*EJM*, p. 260). If genuine social existence ought to be the expression of human beings’ relatedness with each other and the positing of their self-determining activities, the social condition of money as an alien mediator assuming ‘a power independent of them’ means that man as creator of money, as *author* of its social utility and its power of exchangeability has turned into a servile being, dependent on its own creation.¹⁴³ An alien force henceforth mediates the relation of man to himself instead of the self-mediation of humanity by its own social self.

Money emerges as a transcendent power assuming divine features.¹⁴⁴ As an all-seeing God superintends the totality of the extant things, money becomes the almighty force that confers value to all objects. Objects obtain value only insofar as they attach themselves to money otherwise they remain worthless and useless and they do not obtain any social currency. Money as mediator determines their social significance. An *inversion* has taken place. Instead of money functioning as a medium of representation of the objects’ worth, it determines by itself the representative worth, if any, of the objects. Marx formulates this inversion in the relation of representation as follows:

Separated from this mediator [money], objects lose their worth. Thus they have value only in so far as they *represent* him [it], whereas it appeared at first that he [it] had value only to

¹⁴³ ‘[I]n short, he, the lord of his creation, appears as the servant of that creation’ (*EJM*, p. 266). In a later publication Marx shows that the ‘social process of exchange’ is the real determining moment of the commodity-owners’ conduct. As individuals they are independent of each other but to partake in the exchange process they can do so only on condition that they are commodity-owners and therefore ‘they exist for one another only in so far as their commodities exist, they thus appear to be in fact *the conscious representatives* of the exchange process.’ (Emphasis mine, *CCPE*, p. 41).

¹⁴⁴ ‘[It] must become a *veritable God* since the mediator is the *real* power over that with which he mediates me.’ (*EJM*, p. 260).

the extent to which *he* [it] represented *them*. This reversal of the original relation is necessary. Hence this *mediator* is the lost, estranged *essence* of private property, private property *alienated* and external to itself; it is the *alienated mediation* of human production with human production, the *alienated* species-activity of man. (*EJM*, pp. 260-1).

Money does not represent anything if it does not represent the objects brought into exchange. Products on the other hand cannot have their social worth acknowledged if they are not mediated by money as the representative of their value. Beneath the appearance of equivalent contribution to the creation of the represented-representative nexus lurks the inversion in the source of determination of the product-money representative connection. Whereas money as the representative of the products' worth should have facilitated their exchange in its role as the 'medium of exchange' it is revealed to be the real source of determination of products having value and of their possibility to enter the social circuit of exchange in the first place. It is money as representer that holds the power to bestow the status of 'represented' on products. Products without the attribution of the status of 'represented' by and in the form of money remain socially inexistent as if actually non-produced. Nonetheless products are the expression of the working life-activity of individuals. The deprivation of their social utility to the extent money denies them 'participation' in value representation amounts to devaluation, to the social disappearance of the human life that is objectified in them.

Instead of the product expressing its worth in the form of money as its representative, it is only money as the representative that has the power to establish the representative link. Money emerges as the condition of possibility for the product to exist as carrier of social worth. Money is the essential substratum whose prerogative to allocate social worth on products demonstrates its unequally held power to subordinate the products to its function of representation of value.

The supremacy money attains as the representative of social worth, as the motive power mobilising social circulation of products, substitutes for, as we have seen, social activity for-itself as the mediator of exchange. This does not mean that social activity disappears from the scene for it would then be impossible to have any exchange at all. What it means is that social activity itself is corrupted in regard to its posited purpose. For the essential purpose of the social

activity pursuing exchange is the satisfaction of the needs of the community but since money has become installed as the definer of social utility, it is the pursuit of money elevated to the real purpose of social activity that can provide access to need satisfaction and even more fundamentally, which determines for the prospective exchangers which object it is worthy to strive after. In this way, productive life activities geared to human need satisfaction become useless to the degree money does not acknowledge any 'value' for their products. It thus comes to determine the scope and the utility of human production destined for social exchange instead of human producers determining the exchange of their productive activities.

Money in having this power to define the social utility of the diverse forms of human productive activity becomes 'the alienated mediation of human production with human production', the foundation of the 'alienated species-activity of man' (*EJM*, p. 261).

Marx's attribution of a divine status to money (as it operates in the historically born social form of bourgeois society) is not meant as a mere metaphorical use so as to illustrate its cult 'as an end in itself' in contemporary social life. (*EJM*, p. 260).¹⁴⁵ He wants to establish the existence of a structural isomorphism, a parallelism, between Christ and money in respect to the relation of representativeness that Christ and money have to God and Man and private property and society respectively. The isomorphism that is expressed in the mutual mirroring of (monotheistic) religion and the institution of private property due to the prevalence of the given social form characteristic of bourgeois society extends *mutatis mutandis* to the domain of politics. By employing analogical argumentation I will try to elucidate significant similarities between the structuring of the world of commodities effected by the representative function of money with the role political representation plays in the constitution of the representative polity. The political community mediated by the sphere of politics in the representative nation-state emerges, I claim, as the morphological reflection of the primacy of private property conditioning the shape of bourgeois society.

The isomorphism posited between religion and private property is stated thus:

¹⁴⁵ Walter Benjamin illuminates insightfully the character of capitalism as 'a purely cultic religion [where] things have a meaning only in their relationship to the cult'. This resonates with Marx's discovery that objects have social worth (are socially meaningful) only in relationship to money. See: 'Capitalism as Religion', *Selected Writings* Vol. 1, 1913-1926, ed. by M. Bullock and M. W. Jennings (Cambridge, MA: Belknap Press of Harvard University Press, 1996), pp. 288-291 (p. 288).

Christ originally represents (1) man before God, (2) God for man and (3) man for man. In the same way *money* originally represents (1) private property for private property; (2) society for private property; (3) private property for society. But Christ is God *alienated* and man *alienated*. God continues to have value only in so far as he represents Christ, man continues to have value only in so far as he represents Christ. Likewise with money. (*EJM*, p. 261)

Money's analogy to Christ then means that society and private property continue to have value 'only in so far as they represent money'. If we abstract from the substances/subjects posited, the elementary formal relation that appears is that between two sides connected via an intermediary. The presence of the intermediary is essential for the constitution of the relationship. It is the placeholder of the relationship itself for without its mediation the two sides would be unrelated, the relationship would not exist at all and the two sides would lie external to each other hence potentially related only contingently. Because of its tripartite character the relationship as a whole can be said to consist of two distinctive relations conjugated by the substance of the intermediary into one. The mediator as the middle term brings the two extremes in contact whereas by themselves would not be in contact or even be the extremes. The bringing into conjugation of the two respective sides by the mediator takes place because the mediator embodies a *representative connection* with each of the relative sides and by unifying in its substantive existence the respective representative connections interconnects the two sides with each other. What must be stressed as the structural core of the relationship is the condition of the *primacy* of the mediating instance over the respective sides. This obtains because the two sides taken in their independence would exist indifferently to each other. They become *relata* and thus something different from themselves only due to the power of the intermediary to establish a tie of representation with each and thus to relativise them through itself.

In the cases Marx presents, the primacy of the intermediary as representative over the represented beings is surmised by the condition that the 'value' of each entity is conditional on the representative nexus and not vice-versa. The representation of God in Christ is not derived

from God having a ‘value’ as an independent substance but has ‘value only in so far as he represents Christ’ (*EJM*, p.261). Christ reveals or confers divine status to God, likewise for Man. This reversal in valuation is premised on alienation, on Christ being the figure of the alienated God and Man concurrently. This means that they have *transferred* their essence as self-subsisting entities onto Christ and it is by reflection into Christ that henceforth they can be recognised for what they are meant to be. The ‘original’ relation of representation has been corrupted into its opposite. ‘Originally’ Christ represents both God and Man.¹⁴⁶ This suggests that God and Man pre-exist the figure of Christ and at a certain (historical) moment they ‘authorised’ or conferred upon Christ the symbolic role of intermediation. The initial constitution of the relation of representation presupposes a consenting act of recognition for its genesis. But its consolidation or perpetuation requires either a continual renewal of the constitutive act or the inherent dynamic of the relationship itself (that the representative itself becomes the sole ground on which the relation as such can be) manifests itself in self-perpetuation.¹⁴⁷ This becoming autonomous of the representative relation from its constituent ‘authors’ accounts for the alienated character or the inversion in value attribution from the representer to the represented rather than the reverse. The symbolic figuration of the representative persona becomes an established social convention which with the passage of time is met with as an *already there* reified constellation for the succeeding generations. To state it formulaically. I am a Christian believer not because I posit Christ as a representative of God but because to be Christian I have to accept that Christ is taken to be *the* representative of God. To deny this I do not question the representative tie of Christ to God but I deny my identity as Christian. Hence the religious relation has undergone a process of inversion. The initial power of the religious community to freely institute the representative connection of Christ to the Godhead has been transformed by the historical ossification of the

¹⁴⁶ ‘The true God may be Personated [...] by the Son of man, his own Son [...] and induce all Nations into the Kingdome of his Father; not as of himselfe, but as sent from his Father;’. Hobbes, *Lev.* XVI, p. 114.

¹⁴⁷ Hegel grasps the constitutive distinctiveness of the two communities, ‘the *emerging* [*entstehende*] [and] the *subsisting* [*bestehende*] community, which maintains itself’ but he cannot cognise the resultant reversal in the power of representativeness brought about by the historical transition from the constituent to the constituted, Church-led community, even though he acknowledges the primacy of the ‘God-man’ as the sole ground for the existence of the ‘new religion’, because he assumes dogmatically that God’s othering as Christ is merely ‘a transitory, disappearing moment, *not a true*, essentially enduring, absolute moment.’ (My emphasis). See: *Hegel Lectures on the Philosophy of Religion*, One-Volume Edition, The Lectures of 1827, ed. by P. C. Hodgson (Berkeley: University of California Press, 1988), pp. 475, 474.

symbol of representation into a relation of dependency where inclusion in the Christian community is grounded on the acceptance of the representative figure.¹⁴⁸

The description of the formal character of the mediated relation as presented above is incomplete at least as far as Marx's account is concerned. For Marx seems to posit *three* distinctive relations or representative connections established by the representative persona. This triplicity becomes possible because the representative encompasses a double nature simultaneously. It bears within itself two antithetical aspects each of which is identical to each of the two sides accordingly. And as the contradictory unity itself the mediator appears as the third element. Christ is divine and human and both at the same time (that is he is human and non-human simultaneously), money is private property and social wealth and private social wealth.¹⁴⁹ The contradictory unity of the representative as 'Christ' assumes an *independent existence* since as such it is irreducible to its two component identities of being human and divine. If the unity was dissolved, 'Christ' would have lost his representative function. Likewise with money.¹⁵⁰ In the formation of the contradictory unity of the representative figure as an independent category *per se* we see a germ of the 'dialectical movement' that Marx, writing in a later period, will define as the necessary 'coexistence of two contradictory sides and their fusion into a new category'.¹⁵¹ The dialectical constitution of the representative persona suggests the confluence of both a 'negative' and a 'positive' aspect in its spiritual substantiality. The negative aspect is the

¹⁴⁸ The domination of the believers by the representative figure, exemplified for instance by the 17th century Anglican liturgical practice of 'bowing at the sacred name of Jesus', entailed most often a *politics of representation* by contesting religious groups implicating the House of Commons itself. See: Horton Davies, *Worship and Theology in England: From Crammer to Baxter and Fox, 1534-1690*, Vol. II (Cambridge, U.K.: William B. Eerdmans Pub., 1996), pp. 392, 343-4.

¹⁴⁹ In Marx there are two senses of the category of the 'social'. The first sense (which is operative in the present context) is the opposition of the individual/private versus the social as the supra-individual. For example, *barter* as the individual exchange of products under the regime of private property is 'the very antithesis of a *social* relationship.' (*EJM*, p. 267). Also, '[b]y social is meant the co-operation of several individuals, no matter under what conditions, in what manner or to what end.' Marx, *German Ideology* in *Karl Marx: Selected Writings in Sociology & Social Philosophy*, ed. by T. Bottomore and M. Rubel (New York: McGraw-Hill, 1964), p. 62. The second sense of the 'social' acknowledges that the individual as private interest is social in its very essence since society itself is the *sine qua non condition* of possibility for the private individual to exist. See: *Gr.* p. 156. The private/ individual interest appears as an anti-social inclination *within* the social. It resembles Kant's notion of 'unsocial sociability' in 'Idea for a Universal History with a Cosmopolitan Purpose' in *Kant: Political Writings*, ed. by H. S. Reiss (Cambridge: Cambridge University Press, 1991), pp. 41-53 (p. 44).

¹⁵⁰ 'In the first place, a commodity in which the functions of standard of value and medium of circulation are united accordingly becomes money, or the unity of standard of value and medium of circulation is money. But as such a unity gold [as money] in its turn possesses an independent existence which is distinct from these two functions.' (*CCPE*, p. 124).

¹⁵¹ Marx, *Oeuvres: Economie*, I, p. 81 cited in Paresh Chattopadhyay, 'Passage to Socialism: The Dialectic of Progress in Marx', *Historical Materialism*, 14.3 (2006), pp. 45-84 (p. 64).

revelation of an underlying split between man and god (whatever the latter may signify for the community) that necessitates the structural interposition of a mediator to recuperate or bridge the chasm dividing the two.¹⁵² The positive aspect concerns the element of universalism that the figure of Christ introduces as the sole representative of God.¹⁵³ God in being One is juxtaposed to the totality of humans. Christ by representing Man as such opens the possibility of encompassing the totality of human beings as religious believers under his symbolic rubric. The Christological community permits, formally at least, a universalistic participation in disregard of particularistic social, economic and cultural identities. Since the other (divine) side of Christ represents God's oneness for humans, the universalistic multitude aggregated under the name of Christ is rendered unitary or it can conceive itself as one universal (collectivity) community.¹⁵⁴ Such 'catholic' (and imaginary) construction of the Christian community goes hand in hand with the abstract political universality (the citizen as the pure political actor devoid of socioeconomic and cultural determinants) presaged by the modern political society.

The third relationship that Marx posits is the mediating function of Christ between men themselves. The implication of this is that the representative connection not only connects human beings with the transcendent realm but it also interconnects human beings into a social relationship in the form of a religious community. The perpetuation of the religious community via the representative persona becomes the real basis that conditions the double connection within the religious community that provides accession to God on the part of Man (making God present for men, re-presenting 'him' in the shape of Christ) and the divine elevation of man through identification with the suffering humanity of Christ as the obverse side of his divine nature.

In actuality the three distinctive relations posited by the mediating representative are the two antithetical extremes of a single relationship. Christ representing 'God for Man' and 'Man for God' are two opposed moments of one and the same relationship. They are opposed since Man is

¹⁵² 'Religion is precisely this: the devious acknowledgment of man, through an intermediary'. Marx, *OJQ*, p. 218.

¹⁵³ The early modern theological debate clashed over the legitimate representative agency of God (Christ versus angels) till Christ was pontificated as the unique legitimate agent. The Christian God can only have a unique representative *just as* the contemporary political community could have had only a single legitimate sovereign and later only a sole legitimate representative government of the political republic could exist.

¹⁵⁴ Hegel rightly discerns that the need to conceive 'God as spiritual, in universal form and stripped of finitude [...]' was engendered by the progress of history and the progressive formation of the world-spirit.' Socio-historical development conditions the spiritual socialisation of the notion of universality. *Hegel Lectures on the Philosophy of Religion*, note 199 (excerpt from the 1831 lectures), p. 465.

not God and God is not Man, the nature of each excludes the other in essence. The semblance of a dual relation between Man and God is generated because the presence of the intermediary presupposes that the direct relation has been broken up (alienated) and it is the function of the representative to stitch it together. Consequently the two distinctive relations are actually the two opposite standpoints (the movement from man to god and vice versa) that the intermediation of the representative permits to take. Of crucial importance is the other branch within the overall relation of representation, that is, the condition of Christ representing ‘man for man’. Whereas Man and God partake of two essentially opposite natures which are conjugated by the contradictory unity of the representative figure, Men as such partake of an identical nature. Hence the possibility of having a representative as a go-between who *stands for* an ideal personification that can reflect man’s nature for another man presupposes that man stands divided from his own self, that he is separated within his species-being and in need of a representative confronting him as a third party having ‘independent power’ so as to come in terms with his own nature. In analogous fashion to the domination of capital over labour that is seen as ‘a necessary stage of transition [*Durchgangspunkt*]’ on the road to ‘a free human society’ Marx considers the broken up unity of the spiritual (religious) life of human existence sutured by the religious representative as a necessary stage in the process of human emancipation. As he puts it: ‘This antagonistic form [capital over labour] has to be traversed *just as* the human must give his spiritual forces *a religious form and erect them as an independent power confronting him*’.¹⁵⁵

6. b. Money and Alienation in the Regime of Private Property

The function of representation becomes clearer in Marx’s analysis in the case of money. Money as the general representative of private property becomes not only the expression but also the determinant instance of the alienated human relationship of the form of society it rules. Marx posits a social ontological teleology mediated by the historical emergence of private property as

¹⁵⁵ My emphasis. K. Marx, *Ökonomische Manuskripte* (1863-7), p. 65 cited in P. Chattopadhyay, ‘Passage to Socialism: The Dialectic of Progress in Marx’, p. 68.

the precondition of the rule of money. The ontological premise is that man is ‘a social animal’. Sociality as the inherent dynamic of development of human nature entails the positing of a total interconnectedness of human beings among themselves and this is only possible in the form of social exchange that brings human individuals into multiform interrelationships and unites them into a grand whole expressive of their species-life. Hence, according to Marx ‘man must finish up in exchange and exchange – given the premise of private property – must finish up in *value*.’ (*EJM*, p. 261). Value is an ‘abstract relation’ and for an abstract relation to be, to obtain a ‘real existence’ it must assume a form, a socio-material presence and the form of value as abstract relation is ‘money’. The form-giving power of ‘money’ to the abstract relation of private property for itself is money’s representativity. The abstract relation of one private property with another private property established by commodity exchange is as such something invisible, absent from the realm of phenomenal existence. Money as a material substance makes present the phenomenally absent or implicitly present but unperceivable generality of private property as the essential condition organising social intercourse.

The central premise that accounts for the character of modern society organised along the axis of private property is that the mediation of money reveals that the human relationship, the relation of man to man, is ‘no human relationship’ any more since through exchange ‘*things* lose the meaning of personal, human property.’ (*EJM*, p. 261). Things as products of men possess a dual character. By being direct products of the human beings’ own creative force they exist as their ‘personal property’ geared to personal enjoyment and need satisfaction. At the same time they appear as the self-expression of the person who makes them. The specificity of who a person is as a human being is objectified, inscribed in the very form of thinghood of the thing produced. As such the man-made things incorporate the constitutive property of being human, the power of transformation of nature in a conscious manner. Commodity exchange rests on the condition that the purpose of the man-made product is neither personal enjoyment nor self-realisation but its substitution for something else. In this regard, the commodity sets up a double separation between the producer and his product. The self is separated from his creation both from its function as a means of use and enjoyment (from personal property as private property) and from the possibility of objective self-manifestation as a human (from the human property of self-expression). Since the exchangeability of commodities has become a general condition in society the alienation/separation of the individual producer attains a generality and becomes the

condition *par excellence* of the human condition. Producing humanity, the species itself, is subjected to this state of alienation. What is of relevance here is the distinction Marx suggests between ‘personal property’ and ‘private property’. Private property is *alienated* personal property. Not merely in the legal sense of transfer of property to someone else, but as a form of property which in being meant to be exchanged on purpose bears within it a primary separation of the individual producer from his own human self.¹⁵⁶ This situation accounts for the paradoxical, at first view, description of ‘[t]he social relationship of private property to private property [as] already one in which *private property is estranged from itself*.’ (EJM, p. 261, my emphasis). The generality of the sale of one’s own private property as the normal practice in bourgeois society would suggest that private property comes to be itself what it is (the realisation of the essence of the society of private property) *not* a condition of ‘estrangement from itself’. Methodologically, the dual sense of alienation as dehumanisation and transfer of property is not a matter of *added on* significations neither a case of conflated meanings whose disambiguation could give us two clear and distinct ideas out of its mixed mode or compound sense. The legal sense of alienation is coextensive with its social sense for they are established simultaneously by the act of commodity exchange. It took centuries till the consolidation of generalised commodity production and thus the normalisation of commodity exchange as an everyday practice allowed for the legal sense to emerge as a neutral descriptor (with no evaluative content) of what transpires as a matter of course and as the *given* social intercourse. In the process the normative sense of alienation has been neutralised by the neutral legal sense in a similar fashion to the dissimulation of social commodity exchange, which is ‘no human relationship’ but has turned into the characteristic social form of human interaction. The ideological veil the legal sense casts over the normative sense of ‘dehumanisation’ is due to the fact that in the legal sense the ‘transfer of private property’ has been severed from the purposive character of the act. The social condition that the commodity transferred has been produced *for the sake of being sold* which presupposes the human alienation of the producer from his product is extinguished by the formal

¹⁵⁶ The distinction of personal from private property provides a solution to the dilemma made much by critics of communist society where the abolition of private property is interpreted to mean that no individual possession can possibly exist and consequently such society effaces completely the basis of individuality. In *Grundrisse*, the antithesis between personal and private property is made explicit and involves two different modes of social organisation of production both of which necessitate the mediation of community. (Gr, p. 492).

contractual arrangement which is indifferent to the motives or intentionality motivating the transaction.¹⁵⁷

The social situation of *indebtedness* reveals the third condition of human alienation, next to loss of self-expression and indifference to one's life-work product, 'under the rule of private property' (*EPM*, p. 314). The 'social necessity' which compels the debtor to sell (*CCPE*, p. 141), that is, to access money as 'means of payment' in order to pay off his debt shows the *coercive* character of participation in the circulation process of commodity exchange. Under the threat of legal sanctions (thus by the state's mediation) or even under moral compulsion if a loan has been granted on the basis of 'trust' *guaranteed* by the personal existence of the debtor and thus of morality having become subservient to the (il)logic of private property, human individuality forfeits its constitutive freedom of self-determination. Moreover, this systemic compulsion indicates the *authorial function* of money which instead of acting as a facilitator of circulation of products in accordance with use-value needs, it has turned man himself into an 'incarnation', an embodiment of money's ideality.¹⁵⁸

In accordance with Marx's analogy that Christ and money in alienated society overturn their mere representative status and become the definers of the value of the beings represented by them (*EJM*, p. 261) we see in money as credit that 'man' has *value* only to the degree he 'incarnates' money or represents money in person by being the material vehicle of the 'spirit of money'. The power of constituting a representative held by the represented beings has shifted into the power of the constituted representative to exclusively confer 'value' on them even

¹⁵⁷ Also, the intrinsic development of the circulation process that culminates in money's function as credit and its attendant form being 'means of payment, as the absolute form of exchange-value' shows that '[t]he conversion of commodities into money as a final act, or the first metamorphosis of commodities as the ultimate goal [C-M], [...] has now become an economic function.' (*CCPE*, pp. 141-2). Marx's point is that the 'evolution' of the circulation process that leads to credit money and the disjunction between sale and purchase, necessarily posits 'money as the ultimate goal' even if the initial purpose of entering commodity exchange was need for another's commodity and not money as such. Being indebted 'turns selling into a social necessity for him, irrespective of his individual needs.' (*CCPE*, p. 141).

¹⁵⁸ 'In the credit system *man* replaces metal or paper as the mediator of exchange. However, he does this not as a man but as the *incarnation of capital and interest*. [...] [M]an has been exiled from himself and transformed into material form. Money has not been transformed in man within the credit system, but man is himself transformed into money, or, in other words, money is *incarnate* in him. Human individuality, human *morality*, have become both articles of commerce and the material which money inhabits. The substance, the body clothing the *spirit of money* is not money, paper, but instead it is my personal existence, my flesh and blood, my social worth and status.' (*EJM*, p. 264). The subordination of human morality to the imperative of private property as money and the resultant linguistic perversion in morality's meaning is starkly revealed in the technocratic lingo of international financial institutions which appellate the financial risks associated with money-lending to corporations and sovereign states, *moral hazards*.

though on the surface level ‘credit, estranged from men, functions with all the appearance of the greatest possible recognition of man’s worth by economics.’ (*EJM*, p. 264).

The consequence of the universalised *separation* of private property from the human self who creates it and since this process necessarily passes through the representative function of money makes Marx conclude that ‘[h]ence, money, the existence-for-itself of this relationship [of private property to private property], represents the alienation of private property, an abstraction from its *specific* personal nature.’ (*EJM*, p. 261). ‘Abstraction’ here is alienation, the denuding of a social entity or relationship from its *specific* determinations that condition its essential nature. Money is elevated to the epitome of human alienation for in its material body as the representation of ‘abstract social wealth’ even private property suffers the extinction of its particular material character as thingness. Money becomes the impersonal force (of society) powered by the depersonalisation of commodity owners effected by their subjection under the heteronomous operation of the mechanism of commodity circulation. This depersonalisation process (it does not matter *who* they are as long as they *are representatives* of their commodities) is the obverse side of the ‘economic’ personalisation imposed upon commodity-owners by the ‘metamorphosis of commodities’ in the process of commodity circulation. As Marx puts it:

[T]he metamorphosis of commodities [...] *transforms the commodity-owners* as well, and *alters the social role they play in relation to one another*. [...] The different forms which money assumes in the process of circulation are in fact only crystallisations of the transformation of commodities, a transformation which is in its turn only the objective expression of the changing social relations in which commodity-owners conduct their exchange. *New relations of intercourse* arise in the process of circulation, and *commodity-owners, who represent these changed relations, acquire new economic characteristics*.’ (My emphasis, *CCPE*, pp. 138-9).

The ‘changed relations’ and the ‘social roles’ assumed (commodity-owner, seller, buyer, buyer and seller, hoarder, creditor-debtor) are not freely adopted roles expressive of the individuality of the persons engaging in a self-posed social intercourse but by-products of the structural

constraints imposed by the developmental dynamic of commodity circuits. The social relationship of commodity exchange obliges commodity-owners to ‘represent these changed relations’ only by acquiring new functional characteristics.¹⁵⁹

The totality of the innumerable commodity exchanges taking place daily constitutes the commodity circulation process. Since in this process participates the great majority of human beings in society (even a child buying chewing gum is a money-commodity owner), this is a structured social relationship that implicates the human species-being as a whole. It is a particular, historical social form of the social ontological relation of the human species-being defined by Marx as ‘[t]he process of *exchange* both of human activities in the course of production and of *human products* is equal to the species-activity and the species-spirit whose real, conscious and authentic existence consists in *social* activity and *social* enjoyment. Since the essence of *man* is the *true community* of man, men, by activating their own essence, produce, create this human community, this social being which is no abstract, universal power standing over against the solitary individual, but is the essence of every individual, his own activity, his own life, his own spirit, his own wealth.’ (*EJM*, p. 265).

The circulatory process emerges as a social *mechanism* which compels human agents to behave in certain pre-defined ways consonant with the social roles imposed by the requirements of commodity-money-commodity-money ad infinitum flow. Within the process the human agents do not express themselves as *they essentially are* but as *representative agents* of the economic functions performed. Therefore their social particularity, the specific determinations of their life existence are subdued to the detriment of their humanity and they exist as *abstract beings*, as general types embodying individually and alternately the various social positions commanded by the perennial metamorphoses of the commodity. This social subordination of the human species-being in its generality under the imperative of commodity circulation amounts to generalised alienation of humanity in the society of private property. The relationship of representation they flesh out in their commodified transactions is a condition of alienation not a freely posited understanding of the other as executor of their own will. The social

¹⁵⁹ Marx portrays incisively the contradictory formation of the personality of the hoarder (‘accumulation of money for the sake of money’) as the reflected duplication of the social function he performs ‘in the barbaric form of production for the sake of production’. Also, the hoarder is ‘the commodity-owner as the guardian of a hoard’, he *acts for it as its trustee*. (*CCPE*, pp. 134, 140).

interrelatedness instead of consisting of a process of acting for one another by complementing each other's social need through exchanging their 'social activities' and thus realising their essential communal being-for-other, they are trapped in an inter-individual dependence where physical and social self-reproduction takes place on condition that they partake in social exchange under a congeries of commodity selves necessarily defined in an external way. Money is thus the ruling force of coherence of the individuals' multiplicity of social interactions in the cornucopia of the commodity world. Since the principal *telos* of the commodity world, 'its ultimate goal' is money, money changes its function and from a mere mediator or representative of commodity value becomes the *principal* distributing human *agents* in functions in accordance with its teleological imperative. The whole commodity world beneath the façade of freely driven human engagement in accidental commodity transactions is constituted as a teleological machine which has become a *real hypostasis* vested with subjectivity in having the self-determining power to propel the actions of its innumerable human supports.¹⁶⁰

6. c. The Substitute Form of Representation as the Essence of Private Property

The science of economics starts with the premise, reflecting 'the process of reality itself' that '*the relations between men [are] relations between private property owners*'. (EJM, p. 266). In this perspective, as in reality, 'exclusive ownership' entails three basic aspects that define the social existence of the individual. Firstly, it provides for the 'preserv[ation] of his personality', secondly it 'distinguishes him from other men' and thirdly it permits him to 'relate' to other men. (EJM, p. 266). Marx draws the correct conclusion that given the assumption of private property as the 'personal, *distinguishing* and hence essential existence' of man then any loss of it 'signifies the *alienation of the man* as much as of the *property* itself.' (EJM, p. 266). Alienation here is not mere separation or 'externalisation' of the property from its owner. It is social annihilation of the individual since his personality as the essential distinguishing mark of his humanity is grounded on possession of private property. Furthermore loss of private property

¹⁶⁰ The limitless 'circulation of money as capital is an end in itself' that has 'the possessor of money' as its 'conscious bearer [Träger]' and the 'capitalist' functions as such only 'as capital personified and endowed with consciousness and a will.' (Cap.I, pp. 253-4).

amounts to dissolution of his social standing in the order of social distinctions within which and through which he ‘distinguishes’ himself from others. He loses the capacity to entertain a social *persona* eliciting the recognition by others of his uniqueness. These consequences for the individual reveal a deeper layer of estrangement undergirding the society of private property. That the personality and the sociality of the individual are dependent on private property in a way that its loss results in the ruin of its owner¹⁶¹ bespeaks of a general condition where human existence and its social worth is conditional upon private property and thus men are overpowered by their world of objects (*EJM*, p. 266).

Alienation of property as something that has become external to the person obtains when the individual releases the owned thing from his dominion, severing his ‘*personal* connection to it.’ (*EJM*, p. 267). Alienation ‘becomes estranged *private property* only when it ceases to be my private property, without at the same time ceasing to be private property [...] when it becomes *someone else’s private property*.’ (*EJM*, p. 267). So estrangement is the outcome of an act of commodity exchange. Private property changes hands but it maintains its *substance* as private property. The owner becomes ownerless but private property remains identical to itself.¹⁶² In the relation to ‘my property’ someone else *substitutes* himself *for me*. Owners change but private property remains what it is. Hence, seen from the standpoint of the relationship as a whole, what appears to be the transfer of private property from person to person is actually the intersubstitutability of persons powered by private property. Since ‘my personality’ is conditional on ‘my property’ as its ‘distinguishing mark’ in the act of *estrangement* ‘my personality’ evaporates together with the transfer only to become someone else’s power of personal recognition conditional on his acquired private property.¹⁶³ A similar substitution takes place in the representative relation. The principal authorises the agent to come and take the place of his *own* will; to become the substitute for one’s decision-making power. But this introduces a

¹⁶¹ Loss of decent housing due to pauperism broke down the ‘last power of resistance’ of the agricultural labourers and made them ‘mere slaves’ accepting the minimum of wages as ‘a law of nature for them’. (*Cap*, I, pp. 848-9).

¹⁶² More than two decades later Marx will employ almost identical terms to designate the movement of ‘private property’ as value. In the money-commodity circuit, value in its two ‘modes of existence’ as money and commodity ‘is constantly changing from one form into another, *without becoming lost* in this movement; it thus becomes transformed into an *automatic subject*. [...] As the *dominant subject* [*übergreifendes Subjekt*] of this process, [...] value requires above all an independent form by means of which *its identity with itself may be asserted*. Only in the shape of money does it possess this form.’ (My emphasis, *Cap*, I, p. 255).

¹⁶³ A central motive in luxury consumption of the haute bourgeoisie is the purchase of exorbitantly priced goods (mansions, yachts, art objects etc.) if only to possess goods that were formerly owned by the ‘rich and famous’ and thus symbolically to take their place and enjoy the prestige inscribed in the ‘good’.

division in the will of the principal. The will loses its integral character. The gap opened in the unity of the will brings with it a series of contentions over the alignment of the will of the represented with that of the representative. This divided will, at the basis of political representation has given rise to two contesting traditions, the conservative tradition arguing for the ‘independent will’ of the representative¹⁶⁴ and the democratic tradition arguing for ‘imperative mandate’ or the strict abiding of the delegate to the instructions received.¹⁶⁵ The ‘independence of judgment’ of the representative in the elitist accounts of political representation rests on the idea that the ‘represented’ is a kind of populist rabble who lacks its own moral and political competence to judge and thus it is better for the representative to maintain a certain ‘distance’ so as to be the least affected by the multitude’s predilections.¹⁶⁶

The relation of private property to private property takes place, as acknowledged by ‘economics’ itself, as the consequence of a state of *need*. The human being is a being of lack. The object owned by the other is the necessary complement to his physical and social sustenance. In spite of the predominance of the self-relation of the owner with his ownership, his identification with private property as his ‘distinguishing mark’, commodity exchange reveals to the exchangers that beneath the ‘mutual alienation’ of their products there lies ‘another *essential* relation to the objects than that of private property.’ (*EJM*, p. 267). Not to see or not being conscious of this species relation to objects implies the one-sided perverted social particularisation of human beings as bearers of private property. Human need is a condition of necessity that breaks through the imaginary self-sufficiency of the owner’s entanglement with his property. It makes him aware that his integral self lies beyond the egotistical identification with the commodity self. The human being is ‘a *total* being and as a *total* being his needs stand in an *inner* relation to the products of the labour of others – for the felt need for a thing is [...] proof that the thing is part of *my* essence, that its being is for me and that its *property* is the property,

¹⁶⁴ See Edmund Burke’s view of the representative’s independent ‘mature judgment’ which in no way must be constrained by ‘authoritative instructions’ and ‘mandates issued’. ‘Speech to the Electors of Bristol at the Conclusion of the Polls’ in *On Empire, Liberty, and Reform: Speeches and Letters*, ed. by D. Bromwich (New Haven: Yale University Press, 2000), pp. 50-61.

¹⁶⁵ The Leveller Richard Overton can be taken as an example and his view that the delegate must pursue his constituents’ will and not his own. H. Pitkin, *The Concept of Representation*, pp. 146, 276 n.3.

¹⁶⁶ In the Federalist view of political representation, the ‘merchants as the natural representatives of all these classes of the community’ (Alexander Hamilton) are the appropriate ‘social superiors’ to render the political voice of the labouring multitude. Ellen Meiksins Wood, *Democracy Against Capitalism: Renewing Historical Materialism* (Cambridge: Cambridge University Press, 1995), pp. 215, 216.

the particular quality peculiar to my essence.’ (*EJM*, p. 267). Total being refers to the totality of the diverse needs a human being consists of, the outcome of a long historical process of social development. Thus to fulfil oneself the productive activity of the others is not only necessary but constitutive of the essence of oneself. The material nature of the things that correspond to the ‘felt needs’ is not mere naturalness but the *social* materiality of the man made world of things whose properties are attuned to the realisation of the essence of humanity. The dependency of human need on the products of the others indicates that the human being is ontologically a *relative* being and essentially a being-for-the-other since the nexus of one’s need with the other’s product is reciprocal and universally shared. Hence impulsion to social exchange is consonant with the inner constitution of the human species-being. But that it takes the socially specific form of *barter* as an exoteric act of alienation, indifferent to its substantive content is the outcome of ‘the system of private property’. (*EPM*, p. 342). Barter or commodity exchange is ‘the social species-activity, the community, social commerce and integration of man within *private* property, and for that reason it is the external, *alienated* species-activity [...] [and] [b]y the same token it is the very antithesis of a social relationship.’ (*EJM*, p. 267).

The ‘system of private property’ imposes on the totality of the members of society an *external* societal integration because it compels them to enter the circulatory process of commodity exchange exclusively as commodity owners (labour appears necessarily either as independent direct producers or as ‘wage-labour’ that is as sellers of the commodity ‘labour-power’) in order to be possible to sustain themselves as creatures of need. They enter the commodity circuit primarily as isolated individual commodity owners which is not a natural state of things but as we have seen the consequence of universal alienation, the divorce of their human existence from their own production as self-realisation. This condition is the *conditio sine qua non* of the regime of private property. ‘Indeed, division is the universal basis of private property.’ (*EPM*, pp. 320-1). The necessity to enter commodity exchange under the penalty of physical and social extinction coupled with the coerced adoption of social roles¹⁶⁷ that reiterate the commodity

¹⁶⁷ In an otherwise thoughtful reconstruction of the ‘self-ordering movement’ of commodity circulation D. Levine makes the error to claim that in regard to the entrance to the circuit ‘it is equally arbitrary whether the starting point is said to be the commodity (C) or the money (M). David P. Levine, *Economic Theory, Volume 1. The elementary relations of economic life* (London: Routledge & Kegan Paul, 1978), p. 117. The absolute starting point is the commodity for money both logically, socially and materially necessarily presupposes a *prior sale* (money does not fall from the sky like mana), an act of commodity metamorphosis into money. Consequently the social role of ‘buyer’ *always* presupposes conceptually that of the ‘seller’.

exchange flux and propel its self-perpetuating movement means that the totality of individuals are trapped in a *social trans-individual interdependence*, the ‘social commerce’ of the ‘community’ life of bourgeois society, not of their own (self-conscious) making.¹⁶⁸ This social interdependence of the independent commodity owners because of its necessary universalisable character and its socio-historical universalisation has become the ‘social species-activity’ of humanity or ‘generalised commodity production’ as capitalism. Money is the universal representative of the commodity world and ruler of each and all participating individuals in the social commercium since it is the *social bond* integrating the civil community of private property as a whole. The social interconnection of the individuals takes place *only* through the interposition of money as mediator hence the person relates to money and through money to another.

The universal alienation underpinning the society of private property affects also the relation of the individual human being to his needs. Since need is a lack dependent on the potential object that can replenish it, it is not only the *mode of appropriation* that is mediated by money but also the *mode of satisfaction* is mediated by the ruling function of money as the conferrer of ‘social worth’ on objects. Hence not any object but only those objects deemed worthy to be produced as ‘use-values’ (in having an exchange value) are disposable for need satisfaction. The human individual in *having* needs (other than being in need), a bundle of needs/wants which constitute the primary basis of his/her inmost particular self and the motive force of personal deployment (the consumer self) is necessarily trapped in an other-determined mode of shaping of needs consonant with the available commodity objects. (*EJM*, p. 269). He enjoys potential ‘freedom of choice’ among available commodities but he is unfree to exit the commodity world at large as he was compelled to enter it in the first place. Hence need satisfaction rather than being a mode of self-realisation is actually the replication of an heteronomous commodity self.¹⁶⁹

¹⁶⁸ Formulated concisely and correlated to the determinacy of the modern state by civil society, Marx says that ‘the *modern state* has as its *natural basis* civil society and the *man* of civil society, i.e., the independent man linked with other men only by the ties of private interest and *unconscious* natural necessity’. Marx and Engels, *The Holy Family* (Moscow: Progress Publishers, 1975), p. 140.

¹⁶⁹ This fundamental aspect of alienated need interiorised by the human agent as a consequence of the social rule of money in the society of private property is ignored by the two Marxist efforts to theorise a theory of needs in Marx. See: Agnes Heller, *The Theory of Need in Marx* (London: Allison & Busby, 1976) and Michael A. Lebowitz, *Beyond Capital: Marx’s Political Economy of the Working Class*, second edition (Basingstoke: Palgrave/Macmillan, 2003).

The externalised bond of the community of the species-being is not yet a ‘social relationship’. The members of the species community do not share an *inner* relationship expressive of their reciprocal dependency as beings-for-one-another in their existence as beings-for-self. As beings-for-self they stand in opposition to each other¹⁷⁰ and the necessary presence of the other for the realisation of the being-for-self is treated as a *means* thus dehumanised. The inversion of the humanity of the human individual into the inhuman private property mode of comportment means that the elevation of man to his species-essence necessitates the abolition of the mediation of private property as the determining principle of the organisational structure of the social interdependence of humanity, ‘the *positive* supersession of *private property* as *human self-estrangement*’ (*EPM*, p. 348). This abolition is something more than a mere change of form as in the case of the community substituting itself as exclusive private property owner of the communal wealth (nationalisation of the means of production) in place of the individual private property owners. In this changed form private property subsists having only changed the agency of possession while the division between the state-community and its members persists and the totality of individuals are rendered into ‘wage-labourers’ and thus they continue their participation in society as individual commodity owners. For this reason Marx conceives the true aim of the communist movement seeking the emancipation of the working class to be ‘the ultimate abolition of the wages system.’¹⁷¹

The community of universalised wage-labour metamorphosed into ‘society as abstract capitalist’ (*EPM*, p. 333) cannot escape the fate that befalls any society subsumed under the category of ‘alienated private property’. The state of ‘alienated private property’ is the general condition that obtains when each and everyone alienates his private property in exchange for another. We have seen that alienation of one’s private property signifies the severance of the nexus between one’s personality and property, loss of self-realisation and indifference to one’s work activity. The new aspect that alienated private property as general condition of society introduces is that one cannot not only be his own self but he must also be someone else.

¹⁷⁰ ‘Free industry and free trade [...] produce the universal struggle of man against man, individual against individual.’ Marx and Engels, *The Holy Family*, p. 144.

¹⁷¹ Marx, ‘Value, Price, and Profit’ cited in Heller, *Theory of Need*, p. 66. This Marxian criterion of the abolition of the ‘wage-form’ as the precondition for the coming of the communist society can be taken as the evaluative norm to judge how much ‘socialist’ the societies of ‘actually existing socialism’ were in their systematic effort to universalise ‘wage-labour’.

In commodity exchange the alienation of one's private property is replaced by 'private property of a *different* nature'. Since this is reciprocally effected, 'private property appears as the representative of a different kind of private property, as the *equivalent* of a *different* kind of product.' (*EJM*, p. 268). Two consequences result thereof. The exchange relationship permits private property to establish a representative nexus of itself with itself in its difference from itself. Two qualitatively 'different natures' (the different kinds of products) become identical as representatives of private property. Their material quality is extinguished and their difference in kind is absorbed in private property's identity. Furthermore, a relation of equivalence is established that reduces the 'difference in kind' into a quantitative equation. The incomparable quality ends up being comparable quantity. Marx continues his analysis deriving the consequences which follow for the private property owners themselves.

Thus from both sides the relationship is such that each embodies the existence of the *other*, each exists as his own *surrogate* and as the surrogate of the other. Thus private property as such is a *surrogate*, an *equivalent*. Its immediate identity with itself has given way to a relation to *another*. As an *equivalent* its existence is no longer peculiar to it. It thus becomes a *value*, in fact an immediate *exchange value*. Its existence as *value* is a determination *of itself* diverging from its immediate nature, external to it, alienated from it, a merely *relative* existence. (*EJM*, p. 268).

The structure of a double surrogate representation is posited here. Each party in the exchange is conditioned to be doubly surrogated. Each becomes 'the surrogate of the other' *and* 'his own surrogate'. The fundamental premise that underlies the transposition and the doubling of the self is the identity of private property with the personality of the owner. So when the owner comes into possession of a private property of 'a different nature' expressive of the selfhood of the other owner, the new possessor puts himself in the place of the other, 'embodies the other', that is, he enters into a personal relation with a product inscribed with the life-expression of its producer. By doing that, the other via the representation of himself in the product comes to be inscribed *within* the new owner and thus the latter turns into a surrogate of the other. In his own existence

as possessor he *represents* the other's self-relation to his objectified life. From the moment the new possessor through exchange turns into a surrogate of the other, his own selfhood is relativised vis-à-vis the particular other. His self-identity is negated for it becomes itself only by the other who defines his new existence by the property given. He is not only other-determined but in being himself he can be so only by representing its self as surrogate.

The first aspect of surrogate representation activated by commodity exchange is therefore the substitution of oneself by another such that the self partakes in a 'different nature' than its own. The other's difference takes the place of one's relation to self. This relation of surrogate representation resembles the form that political representation obtains in the case of the representative who is 'a social superior' to the multitude of represented whom he represents. Already in being a political representative, in holding a place in the domain of political power, it presupposes that a political exchange has taken place. The represented as a collectivity instead of being themselves at the helm of power as they ought in a democracy based on 'popular sovereignty', they have by consent given away to the representative the prerogative to be in power. The latter as a 'social superior' or as possessor of superior political judgment is obviously 'different' both socially and in terms of political competence. So the represented find in the representative a substitute of themselves who is different. They do not express in him their own essential nature as who they are, what the form of their life-existence is but they are represented by the other's difference from them, his unequal stature vis-à-vis them. Consequently in their political presence as represented by their representative, they countenance with a substitute of themselves who is other than themselves by being 'superior' to them. Their essential political life ceases to be their own self-expression and becomes that of another. The representative's *different*, independent and unaccountable political will has taken the place of their own collective will. Their political subjectivity has been inscribed with a contrary will (not of their own making) and as a passive constituency they speak in the mode of being spoken by *a voice* other than their own.

The second form of substitute representation that takes place in commodity exchange is the condition of each party existing as 'a surrogate of oneself'. In being 'a surrogate of the other' the other's different private property is the *presupposition* for the one to be 'a surrogate of the other'. In being 'a surrogate of oneself' the *presupposition* entails the being of one's own self.

Commodity owners enter the exchange as *already* estranged human beings. Commodity exchange *realises* their alienation but it does not create it in the first place. As commodity owners they are already predisposed to act as such. They have in other words, already severed the connection between themselves as human producers and their product as an expression of self-realisation, of personal significance, of the enjoyment of a work activity.¹⁷² Hence within commodity exchange, the exchangers realise or express their innermost split between self and private property and their personal subjection to it as human subjects. A split based on the production of the commodity not as an *end* for oneself but as the *means* for an impersonal exchange (and not geared to a concrete other's end). To this extent in the commodity exchange they *make present* the condition of their social life as alienated beings whose productive activity is orientated to an abstract other than themselves and the form this must take is that of private property for sale. Prior to the exchange, self-alienation is only potential, it is merely *implicitly present* and the act of commodity exchange turns it into a reality. So they become 'surrogates of themselves' as *representative agents* of their own private property. But there is more in this aspect of surrogate representation where one substitutes for himself. Both parties in the exchange relationship are *indifferent* to their own private property which they alienate. By being both of them indifferent they turn out to be *identical* to each other. Exchanging under the rule of private property has resulted in their identicalness which means that their human singularity, their social idiosyncratic individuality has been reduced to a single abstract element, commodity ownership. Their social specificity as concrete individuals has shrunk to the performance of a single abstract type of a social role.¹⁷³ This reduction of the distinctive individuals into an abstract identity under the spell of private property means that their individual uniqueness has been *equalised*. They have become *equivalent* to each other *just as* much as the 'different natures' of their products. They have been transformed by the act of commodity exchange into intersubstitutable beings. So the form of surrogate representation of oneself involves not only the alienation of

¹⁷² This is the reason of Marx's insistence that it is not private property that produces alienated labour but 'alienated labour' which results in the constitution of private property. (*EPM*, p. 332). Alienated labour itself presumably originates with the conquest of land and soil together with the human beings attached to it and thus arises slavery and serfdom 'which soon corrupts and modifies the original forms of all communities, and then itself becomes their basis.' Marx, *Gr*, p. 491.

¹⁷³ Money as 'the external, universal *means* and *power*' has the capacity to turn '*real human and natural powers* into purely abstract representations' by blocking their realisation while it can effectuate the opposite by turning '*real imperfections and phantoms* [...] into *real essential powers* and *abilities*' and consequently, 'money is the universal inversion of *individualities*'. Marx. *EPM*, p. 378.

oneself by his becoming a representative of his 'own' private property but also that the self has become a substitute of any and every other self serving the identical function or partaking of the same abstract identity. A generalised self comes in the place of the particular self and the latter in the singularity of his individuality is a substitute representative as an embodied instance of his general self.

In political representation the form that corresponds to the 'surrogate representation of oneself' is that of the *delegate*. The practice of delegation, inside or outside the electoral process, rests on 'descriptive' representation where an essential attribute of *similarity* is chosen to become the criterion of selection of the representative.¹⁷⁴ The representative tie between the representative and the represented rests on a basic similarity shared by both. Empirically, the attributes that the similarity nexus takes are primarily those of gender, race, social class, age, sexual identity, geographical location and professional occupation. Marx explicitly adopts the criterion of *similarity* as the ground of the relation of representation. The two social determinants upon which he grounds his criterion of similarity are 'material interest' and 'social situation' or 'different forms of property' and their attendant social relations.¹⁷⁵ The social basis that conditions the correspondence between the representative and the represented is *social class homology*. This category is nevertheless inflected in Marx by an interesting nuance. It is not similarity in class origins or class position that secures the representative tie, i.e., a direct, positive connection but the sharing of a common (negative) limitation of the mental horizon that reflects the *Weltanschauung* emanating from the socio-material conditions of existence of the social class in question. He generalises his view of the representative class alignment drawing from the case of the petty-bourgeoisie's representatives who 'may well be poles apart from them [the ordinary class subject] in their education and their individual situation' but '[w]hat makes them representatives of the petty bourgeoisie is the fact that their minds are restricted by the same barriers which the petty bourgeoisie fails to overcome in real life, and that they are therefore driven in theory to the same problems and solutions to which material interest and social situation drive the latter in practice. This is the general relationship between the *political and literary representatives* of a class and the class which they represent.' (*EB*, pp. 176-7).

¹⁷⁴ A. Phillips Griffiths and Richard Wollheim, 'How Can One Person Represent Another?' *Proceedings of the Aristotelian Society*, Supplementary Volumes, 34 (1960), pp. 187-224 (p. 188).

¹⁷⁵ Marx, *EB*, p. 173.

Since the bond of representation rests on similarity and not in difference the formal character of the representative emerges as equivalent to that of the represented group. The representative is a mirror reflection of the essential identity of the represented. He is posited as an embodied instance of the identical (social) nature of the represented. Since the criterion of selection is a certain shared similarity each and every one of the members of the represented group could in theory have taken the place of the representative. Thus the members of the represented group appear to be equivalent to each other and hence intersubstitutable with each other. Each as an individual is potentially a ‘surrogate of oneself’ since every other is an instance of an identical self.

Each particular individual is *relative* to the identical similarity he shares with the others like him. They are relative to each other not *per se* but as a consequence of being constituted as *the represented* via the mediation of the like representative who reflects back to them their political essence. So the positing of the particular political identity of each constituent member of the represented group is not a direct political self-expression but a derivative identification with a political self, a ‘surrogate of themselves’, that comes, so to speak, from outside themselves. This is the first aspect of the surrogate representation of oneself. The second aspect is the following. Since the represented are such only on condition that they share an identical attribute with their representative it follows that their political representation is achieved only by their being reduced to a single abstract feature, that embodied by their representative. This means that their particular social existence as ‘total beings’ with a manifold of needs, a gamut of dispositions and the bearing of a diversity of social determinations, shrinks in its political representative expression to the one unique trait they share with their representative. Thus their political representative status is made possible only by turning and adopting themselves a *one-sided abstract identity* that singularises politically its opposite, the particular social wealth of human powers and capacities each one is. In this regard, the represented are a ‘surrogate of themselves’ by substituting for their particular self, the general abstract self constituted by the representative tie of similarity manifested by the representative as an other-in-sameness.¹⁷⁶ Both forms of political surrogate

¹⁷⁶ The same dialectic characteristic of the double form of surrogate representation grounds the constitution of *social labour* in capitalism. Very synoptically, each particular, concrete kind of labour-power is transformed –via money/value- into a surrogate of itself by representing general simple labour or ‘universal labour-time’ and only under their subsumption as representatives of ‘universal labour-time’ ‘is the social aspect of the labour of the two individuals represented for each of them by the labour of the other’. Marx, *CCPE*, p. 33.

representation, of oneself and of the other, are expressions of political estrangement and in particular of the contradictory effects produced by the division of the political state from ‘civil society’ and of the latter’s general estrangement under the ‘system of private property’.¹⁷⁷ Marx condenses this double negativity of the political and of the civil in an apt formulation from the *Holy Family*. ‘The contradiction between the *democratic representative state* and *civil society* is the completion of the *classic* contradiction between public *commonweal* and slavery. In the modern world each person is *at the same time* a member of slave society [under the rule of money] and of the public commonweal’.¹⁷⁸

We have seen that the two forms of surrogate representation in the case of the commodity exchange relationship and in that of the political relation of representation when examined alternately the one form appears as the presupposition of the other form. To complete the exposition we need to take the relationship as a whole in order to see that both sides taken in their unity are *mutual presuppositions* of each other. As far as commodity exchange is concerned this is quite apparent from the fact that any commodity sale presupposes simultaneously a money purchase of the commodity and vice-versa. We have seen that money’s presence in the act of exchange presupposes a prior conversion of a commodity into money. So the commodity presupposes the money into which it must express its exchange value in order to be a commodity and money itself presupposes another commodity converted into it. ‘We are thus caught up in a vicious circle of presuppositions. This vicious circle is indeed circulation itself.’ (*CCPE*, p. 90). Commodity exchange or exchange of ‘private property’ with itself presupposes the general alienation of commodities or the category of *alienated private property* as such. What appears from the standpoint of the individual as an isolated act of exchange is revealed from the standpoint of the total relationship to be an endemic structural condition organised as a dynamic process where any commodity presupposes the totality of the commodity world mediated by money.

In the relation of political representation as a whole each extreme constitutes a presupposition of the other. The represented group in the absence of the representative is unrepresented, it does

¹⁷⁷ Marx does not restrict his analysis to the category of general estrangement but he indicates that general estrangement assumes also specific ‘forms of estrangement’ conditioned by particular historical national circumstances. The estrangement of ‘man’ takes the form of ‘political equality’ in France, of ‘self-consciousness’ in Germany, of self-measuring ‘practical need’ in England. (*EPM*, p. 364).

¹⁷⁸ Marx and Engels, *The Holy Family*, p. 144.

not exist as such. On the other hand, the representative cannot exist by itself without any reference to a group or collective body of which he or it is a representative *of*. The constitution of the represented as a constituency is the condition of possibility of the representative's existence. We have seen that commodity exchange presupposes alienation or division as the basis of its constitution. Does the same condition apply to the constitution of the represented-representative tie? In its totality political representation does suppose a primordial partition or division of its constituent parts. The foundation of democratic politics is popular sovereignty. Political representation in its very existence establishes a division of the people into two distinctive forms of political existence. The setting up of a representative government is an entity apart from the people which exercises political power in its name. The representative government *acts for* the people but in acting for it, it does not act in regard to a third party but it *rules over* the people themselves. By the same move that the representative government is set up, the people *at the same time* dislodges itself from its sovereign status as the supreme ruler and becomes an object of rule by its own self-created by-product. In externalising itself in the form of a representative government, the people turn automatically from a ruler into the ruled. Thus political representation in its essential core presupposes *the division of the ruler from the ruled*. This structural condition of the relationship is not affected at all by the *quality* of political representation, whether it is despotic or enlightened, detrimental or beneficial. Even in Carl Schmitt's apt definition of democracy as 'the identity of governed and governing' of 'the subject and object of state authority' or the ruler with the ruled¹⁷⁹, the call for identity is made possible because the division pre-exists it and the distinction is not eliminated even if the identity is achieved but only internalised as a self-doubling where the ruled is simultaneously the ruler of himself. The political community's self-subordination suggests again a dual state of political existence even if it is not an I-Thou relation but a self-relation of the ruled ruling themselves. The very relationship of political rule expressed by political representation both in its conservative, elitist version and in its democratic populist version presupposes a state of unruliness in the social existence of the individuals. The elitist version sets up a constitutive naturalised social discrepancy between privileged *reason* possessed by the representative and spurious popular *opinion* possessed by the represented. The asymmetry originates in the Platonic notion of the *guardianship* of the ideal republic, the estate of guardians possessing the

¹⁷⁹ Carl Schmitt, *The Crisis of Parliamentary Democracy* (Cambridge: The MIT Press, 1988), p. 26.

knowledge of the good of the political whole but it is exemplified in modern political thought by the reasons adduced by Edmund Burke in his defence of the superiority of the representative. This superiority rests on the condition that the representative is infused with reason (by Providence) while the constituents are suffused by biased opinions and inordinate ‘inclinations’ quite incapable of grasping ‘the general good, resulting from the general reason of the whole’. And since ‘government and legislation are matters of reason and judgment, and not of inclination’ it follows that it is the representative’s business to exercise his unbound reasonable judgment in deliberations over the interest of the whole.¹⁸⁰

The republican populist theorisation of political representation, offspring of Enlightenment thought, itself acknowledges that there is a conflict between intellect and passions, between egoism and moral conscience and consequently the unruly passions of the people must be tamed and be properly cultivated and brought under reason’s provenance.¹⁸¹ Marx has suggested that such an argument functions rather as an ideological rationalisation of the desired appropriation of political rule by its promulgators. He castigates the French theory of the *doctrinaires* who proclaim ‘the *sovereignty of reason* in opposition to the *sovereignty of the people*, in order to exclude the masses and to rule *by themselves*.’¹⁸² Hence, political self-rule can await the coming of the enlightened masses while popular self-rule is exercised virtually in substitute representative form by the people in otherness to themselves.

The paradox of political self-rule exists because it reflects a deeper division in society between the social realm and the sphere of politics. The community has to step outside its social self, to disregard the very social organisation of its conditions of life existence in order to enter a distinctive sphere where political self-rule is made possible exclusively. Only if the integral character of the human species is ‘restored’ by abolition of alienation and the political activity (ruling and being ruled) loses its abstractness and its alien power over human individuals by becoming a specific activity built in a multitask gamut of communal activity for the society as a whole is it possible to arrive at a self-determining humanity beyond the need of rule that

¹⁸⁰ E. Burke, ‘Speech to the Electors of Bristol’, p. 55.

¹⁸¹ The conception of ‘the self in terms of a ruling principle (reason) and a set of otherwise unruly parts’ originates by and in Plato’s *Gorgias*. Anthony A. Long, ‘Ancient Philosophy’s Hardest Question: What to Make of Oneself?’, *Representations* 74 (Spring 2001), 19-36 (p. 29).

¹⁸² Marx, Holy Family in *Selected Writings*, p. 57.

necessitates the presence of the power of the state as the 'concentrated and organized force of society'.¹⁸³

¹⁸³ Marx, *Cap. I*, p. 907, n. 3.

Chapter 7

The Dialectic of Political Form and Social Class Representation

The growth of civil society has evinced its crystallisation into distinctive social classes. Social class identity is not a static attribute but an ongoing formative process and a polarising relative social relationship. Class formation is the product of the social division of labour. Individuals are socially distributed into different material conditions of existence through which they strive to reproduce themselves. The modern bourgeois division of labour introduces ‘a cleavage in the life of each individual, insofar as it is personal and insofar as it is determined by some branch of labour and the conditions pertaining to it. [...] [They are] persons, but their personality is conditioned and determined by quite definite class relations, and the cleavage appears only in their opposition to another class’.¹⁸⁴ This cleavage between the individual as person and his class existence is due to the fact that ‘within the division of labour social relations inevitably take on an independent existence’.¹⁸⁵ As persons, the individuals see their location in particular conditions of life as ‘accidental’ and this impression creates the belief that they are relatively unfettered to shape their conditions at will. Their class existence, their common subjection under definite relations of production and their enmeshment in different types of private property, disappears from view. Their personal lives are governed by impersonal ‘material forces’ that reduce them to class beings, constricting dramatically the freedom to deploy their own life-designs. They are driven to act and think in class determined ways which in the ‘isolated’ mode of existence of the individual appear as forms of self-choosing. Political representation and the politics of representation introduce socio-political conditions that permit the cognisance of one’s own class existence, the passage of consciousness from a belief in being in a state of ‘thrownness’ into the contingency of circumstances to an understanding of sharing common travails and interests with similarly conditioned fellow human beings.

¹⁸⁴ Marx and Engels, *The German Ideology*, p. 87.

¹⁸⁵ ‘Ibid.’

I will address two problems that can supply an elucidation of the connection of representative politics and class representation in Marx's conception. Firstly, how is social class constituted by and through political representation and secondly, which form of the republic is most conducive to the cultivation of conditions supportive of the prospect of emancipation of the labouring humanity?

The exemplary text of Marxian class analysis is his discussion of the 1848 French revolution and the intertwinement of social classes in a series of political struggles in their effort to shape the regime so that it will represent their class interest. Two theoretical ideas can be derived from Marx's analysis. The first idea concerns the power of political representation to transform the implicit class existence of a social 'multitude' into a genuine class with a minimal, at least, collective self-awareness of its class being. The second idea involves a dual claim. Political representation in general manifests the class interests on the 'public stage' of society and this creates a condition of *transparency* about the stakes in the class struggle which calls for a requisite form of the republic that best upholds the democratic features sustaining such transparency. On the other hand, since interest representation takes place through the mediation of the literary and political representatives of a class there is always the possibility of a discrepancy, and in extreme cases of an opposition, between the real class interest and its political formulation. This discrepancy often takes the following form. The class representatives voice the general, common class interest but the class, especially if divided in distinct class fractions having particularistic interests, does not recognise itself in the representative penumbra and thus it experiences misrepresentation and withdraws its support.

7.a. Marx's Theory of Class Constitution and Passive versus Active Social Class Political Representation

The prototypical case of a non-class turned into a class by representation is that of the 'small peasant proprietors' who found their class embodiment in the figure of Louis Bonaparte at the

helm of state power.¹⁸⁶ What are the conditions the lack of which deprived the French small peasant proprietors from being a properly constituted class? To elucidate this Marx provides a set of criteria grounding the process of formation of a class. The fact that the presentation of the criteria of class formation and their connection to representation is the most explicit and lucid found in Marx's oeuvre, justifies a relative lengthy quote.

The small peasant proprietors form an immense mass, the members of which *live in the same situation but do not enter into manifold relationships with each other*. Their mode of operation *isolates them instead of bringing them into mutual intercourse*. [...] Each individual peasant family is almost self-sufficient; it directly produces the greater part of its own consumption and therefore obtains its means of life more through exchange with nature than through intercourse with society. [...] Thus the great *mass* of the French nation is *formed by the simple addition of isomorphous magnitudes* [...] In so far as millions of families live under economic conditions of existence that *separate their mode of life, their interests and their cultural formation from those of the other classes and bring them into conflict with those classes, they form a class*. In so far as these small peasant proprietors are merely connected on a local basis, and *the identity of their interests fails to produce a feeling of community, national links, or a political organization, they do not form a class*. They are therefore incapable of asserting their class interest in their own name, whether through a parliament or through a convention. *They cannot represent themselves; they must be represented*. Their representative must appear simultaneously as their master, as an authority over them, an unrestricted governmental power that protects them from the other classes [...] The political influence of the small peasant proprietors is therefore ultimately expressed in the executive subordinating society to itself. (My emphasis, *EB*, pp. 238-9).

¹⁸⁶ '[T]he state power does not hover in mid-air. Bonaparte represents a class, indeed he represents the most numerous class of French society, the *small peasant proprietors*.' (*EB*, p. 238).

The necessary condition for class constitution is identicalness of social situation. But this is not sufficient by itself. It also requires a ‘manifold of relations’ existing between the class members. If there is no ‘manifold interrelationship among them’, if *separation* is the mode of (dis)connection that keeps the individuals or families apart then their common attribute of being engulfed in similar living situations merely confers on them the status of a mass. Their social existence is that of an aggregate as a ‘simple addition of isomorphous magnitudes’. The external relationship that permeates the formation of the mass obeys the logic of number and subsists as ‘a diversity that would not be a diversity of itself’.¹⁸⁷ It is only observing Reason that can cognise the identicalness of the isomorphous, self-sufficient monads constituting the mass. This negative unity of the non-class as a mass (an external unity neither posited by the mass itself nor internalised by it) corresponds to my concept of ‘multiplicity’ in the typology of social forms of multiplicity, collectivity and community that I developed in chapter five.

Which are the predicates that constitute class being? Marx mentions three social predicates which at the same time must satisfy two fundamental relations. Class existence is circumscribed by similarity in ‘mode of life’, commonality of ‘interests’ and sharing in ‘cultural formation’. These aspects are the components necessary for the construction of any societal unity. True species life itself must fulfil these conditions if it is to be actually realisable. Everyone must participate in the communal organisation of productive life and self-consciously complement each other’s social needs, care and cater for the reproduction of the societal whole (the ‘interest’ of the species-being) and partake in the formative power of ‘world civilisation’. But class being is a partial being, the opposite of species being since the latter’s coming into being presupposes a *classless* society, the transcendence of class divided and alienated species life.¹⁸⁸ The particularity of class being involves the sharing of the three aspects that provide for the unity of a class, *in separation from* the triplex of the same determinant processes characteristic of other classes. In other words, the same formal constituents constitute a mass of people into a social class but the specific content, their distinctive character provides the demarcation line between each and any class. Hence it is not only the positive unity furnished by the sharing of common characteristics that renders a class its class character but simultaneously a negative relation to the other similarly constituted classes is required to ground the self-sameness of the class. It follows

¹⁸⁷ G.W.F. Hegel, *The Jena System*, p. 15.

¹⁸⁸ It requires a non-antagonistic, classless societal association with no ‘political power properly so-called’. Marx, *The Poverty of Philosophy*, introduction by F. Engels (New York: International Publishers, 1963), p. 174.

that each particular class being is inherently relative to the being of other classes. Still, positive unity and class relativity do not exhaust the concept of social class. Marx's definition entails a further prerequisite. The relativity of one class vis-a-vis the others is not a matter of simple difference, of one social stratum standing next to the other, below or above it (as gradations in the social rank of the social order or different occupational categories) but entails an oppositional relation, the 'bringing them in conflict' or an inherent antagonism must permeate their (class) relation pitting one against the other. Thus the substantive condition of class self-existence implicates a *polarising* relativisation of social classes that necessitates the manifestation of class struggles over the conditions that define their class identity, that is, 'their mode of life' (social struggles), 'their interests' (economic struggles), 'their cultural formation' (cultural struggles). The effective exercise of such struggles requires their *politicisation*, the capacity of social classes to introduce their demands and interests into the public arena and this in turn requires the mediating forms of political representation.

A mass of people living under a similar situation without any social 'intercourse' between them are an homogeneous multiplicity of 'self-sufficient' units thus pervasively atomised. They seem to live within society as if they were *outside* society, in a kind of a state-of-nature mode of existence, a form of existence hinted at by Marx in his designation of the mass of peasants as being primarily dependent on 'exchange with nature' rather than with society at large. They have not been drawn into the social division of labour which is the determinant force of class formation. The 'small peasant proprietors', though they are characterised by 'identity of interests' and some local connectivity, are a non-class. To become a class and thus capable of asserting their class interest they should have developed a sense of national community or of a community connected nationally by political organisation or other forms of supra-local organisation. Then they would have been competent to represent themselves politically and fight for their interests 'in their own name'. In that case they would be class conscious having a sense of class unity and acting to promote their interests, be in other words, a class for itself. I claim that in this passage from the state of being a dispersed atomised mass directly into a class-for-itself, Marx omits a most crucial phase of class constitution, that of becoming a class in-itself. That it is the lack of an *objective* social connection among the scattered peasants which explains their incapacity to develop the class consciousness appropriate for asserting their own interest.

And that it is the power figure of Bonaparte who supplies the missing link through which an external tie of class unity is made possible.

There is a certain paradox in Marx's understanding of the class representation of the peasant proprietors. Not in regard to the form of political representation attained but in regard to the class being which becomes represented. According to the class definition he introduces, the 'small peasant proprietors' were not a class and they did not become such during the whole political period he examines for they never organised their own political expression at the time. They did not achieve a class-for-itself consciousness such that they could form a 'common will' and thus push for class self-representation.

Any social formation is an evolving societal organism. The changing relations of production in French society of the first half of the nineteenth century exerted a series of effective determinations on the class make-up of the mass of peasants. The developing socio-economic processes did not alter drastically their *isolated* mode of production in such a way that they would have been entangled in an organic way within the overall social division of labour. Nonetheless they were gradually caught into the web of the cash nexus. To maintain their small land holdings they had to countenance money capital and sooner or later they ended up heavily indebted. This condition brought the mass of peasants in potential conflict with the (moneyed) bourgeoisie, an economic conflictual situation conducive to the generation of a sense of negative class union vis-a-vis rival classes. Hence, the peasant stratum was trapped in suspended animation so to speak. They were moving out of their disconnected mass form of existence into the first stirrings of class being but lacking both a united class will and the mediating political forms that could provide them with an independent class self-consciousness.

It is this contradictory formation of a mass turning into a speechless class seeking a political voice and finding it in a ventriloquist Bonaparte that explains Marx's presentation of the mass of peasant proprietors as having been transformed, all of a sudden, into a class enjoying passive representation. It is the agency of Bonaparte as an imaginary political complex, a representative template which accounts for the peculiar transformation of the peasants into a social class, albeit a form of class distinct from the one that bears a class consciousness and the accompanying nation-wide political organisation or movement. I discuss below the reasons that motivated the peasant class to endow Bonaparte with the status of a virtual representative of itself. The relation of political representation as we have seen necessitates the mutual conditioning of its poles

however asymmetrical the relative strength of each pole may be. This dialectical condition suggests that the passively represented group dependent on the representative is simultaneously the condition of existence of the representative and thus of his social dependency on it. This condition applies to any form of state power. State power whether under class rule or in seeming independence from any bloc of classes cannot not have a *social basis* sustaining its rule. ‘State power does not hover in mid-air.’ (EB, p. 238). Hence, ‘autonomous’ state power personified by the ‘second Bonaparte’ called for its grounding on a social stratum whose mode of (un)social existence could provide for the remoteness of centralised state power from its immediate anchorage onto the political representation of the active, but mutually neutralised, contending social class forces. Consequently, ‘Bonaparte represents a class, indeed he represents the most numerous class of French society, the *small peasant proprietors*’. (EB, p. 238). In being represented by Bonaparte as the embodiment of the state’s executive power, the peasantry is constituted as an inert object, it turns into a class in-itself obtaining an external class unity via virtual representation. The distinctive element of this type of political representation that differentiates it from the class representation of the other social classes, the bourgeoisie, the petty-bourgeoisie and the proletariat, is the lack of class will, of a common, collective will elaborated and voiced by the ‘political and literary representatives’ as it occurs for the other classes.¹⁸⁹ The peasantry is historically determined as a will-less class with Bonaparte posed as a *substitute representative* of its absent political will. Bonaparte wills for them and they recognise his will as their own in this master-servant transposition of will.

Drawing from J. L. Austin’s theory of ‘the performative nature of social representation’, tacitly anticipated by Marx’s analysis, an argument has been raised that Bonaparte functioned as a powerful ‘referent’ establishing ‘a bogus political representation constituting the social being it represents’.¹⁹⁰ This argument exploits the dialectic of presence-absence inherent in the idea of representation. The embodied political referent emerges as an instance of semiotic production of

¹⁸⁹ Paul Thomas grasps the element of lack of a common will of the peasantry but he overlooks its differentiating specificity that grounds the ‘particularity’ of Bonaparte’s representation vis-à-vis that of the other classes. P. Thomas, *Alien Politics: Marxist State theory Retrieved* (New York: Routledge, 1994), p. 98.

¹⁹⁰ Sandy Petrey, ‘The Reality of Representation: Between Marx and Balzac’, *Critical Inquiry*, 14.3, The Sociology of Liteature (1988), pp. 448-468, (p. 466). This argument on the constitutive power of representational signs draws partly from Eagleton’s elaboration of Marx’s political insight that ‘Bonaparte is indeed a signifier of class interests, but a complex, contradictory one that politically *constitutes* the very interests it signifies.’ Terry Eagleton, *Walter Benjamin, or, Towards a Revolutionary Criticism* (London: Verso Editions, 1981), p. 168.

the political reality ‘lived by those for whom the sign means.’¹⁹¹ The political signification of an ideational reality becomes a matrix that invites individuals to identify with and thus to recognise themselves as subjects represented by it.¹⁹² So far so good. What we may contest is the inference drawn and attributed to Marx that the performative character of representation suggests that ‘while nothing objective authorizes a successful performance, something objective can follow it.’¹⁹³ That ‘something objective’ can follow the ‘performative representation’ is an unobjectionable statement that captures the gist of Marx’s claim that the peasantry became a represented class only when the dictator presented himself as the supreme governmental power posturing as a divine ‘protector’ of the peasants ‘from the other classes’, ‘send[ing] rain and sunshine from above’ (*EB*, p. 239). What is objectionable is the idea that the ‘performative representation’ lacks an objective basis that makes possible its performativity. The implication of such ‘absence’ of a basis would mean that any ‘representation’ by its mere power of existence could perform such role. As if any person at the helm of the then state power could have sutured the peasants into a represented class.

There are three basic social determinations that furnish the (socio-historical) objective basis for Bonaparte’s representative performative ‘success’. These determinations share the common denominator of being manifestations of a broad social *homology* between the state of the peasants and the Bonapartist state. We can designate them as the *proper name, numerical oneness* and the *changed class articulation*. Louis Bonaparte carries the *name* of his uncle and pretends to be a re-incarnation of him, especially by invigorating the imperial attitude of the genuine Napoleon, appearing as an Emperor. Being an absolute or ‘unrestricted’ ruler after his second election, his imperial ‘obsession was realized, because it coincided with the obsession of the most numerous class of the French people.’ (*EB*, p. 239). Bonaparte represented the nostalgic desire of the peasant class to restore itself to its former ‘glory’ that the authentic Napoleon had brought to the peasants by consolidating and securing the peasants’ post-feudal status as ‘free landed proprietors’ and ‘their new-found passion for property’. (*EB*, p. 241). There existed a cultural tradition of idolatry of Napoleon and ‘as the second Bonaparte is himself only a

¹⁹¹ Petrey, ‘The Reality of Representation’, p. 463.

¹⁹² This process of identification with a symbolic content that does not express a subject but the subject ‘finds’ itself to be expressed by it after the encounter with it, is an elementary effect of opinion poll surveys where citizens lacking a prior opinion on a certain issue respond by declaring an opinion after the question and its choices has been addressed to them.

¹⁹³ Petrey, ‘The Reality of Representation’, p. 466.

substitute for Napoleon' (*EB*, p. 244) he inscribed himself as the genuine continuator of this tradition turning his person into a surrogate representative of the *proper name* of Napoleon. He had effaced his 'own' personality in exchange for the symbolic power of the proper name appropriated as 'his' personal ownership, and that transfiguration had won for him a landslide victory (in the 10 December 1848 election) to the Presidential office. In being no one but a *name* he could express the discontent felt by all classes toward the bourgeois republic, '[p]recisely because he was nothing he was able to signify everything, except what he in fact was'. (*CS*, p. 73). Just as in surrogate representation enacted by commodity exchange we have the substitution of personality by private property so in the sphere of political power the politician trades his personality for the manufactured public image, as the vehicle to accession to power. The constructed political personality managed by the media of mass communication or the trappings of the historical tradition as in the case we examine, indicates that the 'personalisation of politics' that 'it is most perceptible at the national level in the relationship between the executive and the electorate' lies at the core of representative government and it is not merely a feature characterising the recently emergent third phase of 'representative government' designated as the 'tribunal of the public'.¹⁹⁴

We have seen that Marx describes the material condition of the mass of peasants as a state of quasi-natural existence in which they are isolated from society and isolated from each other (excepting the maintenance of some weak 'local' ties), in their 'self-sufficiency' as productive units. In dialectical philosophy this condition defines the state of being 'the numerical one'.¹⁹⁵ The negative unity of each 'numerical one' in excluding all the similar 'numerical ones' maintains a 'negating connection' to the rest that constitutes it into an 'aggregate of numerical ones', a mass having its own 'negative unity'. In Hegel this 'negative unity' is *ipso facto* turned into a 'positive unity' by logical fiat. Not so for Marx. A socio-material determination must exist that necessitates the conversion of the negative into a positive unity or of the massive

¹⁹⁴ Bernard Manin, 'The metamorphoses of representative government', *Economy and Society*, 23.2 (1994), pp. 133-171, (pp. 157, 162ff).

¹⁹⁵ 'This simple unity, connecting purely with itself, which excludes every many from itself [or] negates them with respect to itself, is the *numerical one*; [...] that it excludes the many, [i]t is negative unity.' This '[n]egative unity is exclusive [...] [and] in this excluding it is immediately connected with the other; if what is excluded is conceived as multiplicity, then negative unity itself is immediately a many as well; for however many the many is, so many times is it negated by the unity; such a manifold negating or such a manifold, is the unity itself; and negative unity is rather its contrary, positive unity, and as such, multiplicity, which, being internally differentiated, is posited as an aggregate of numerical ones.' Hegel, *The Jena System*, pp. 9, 11-12.

multiplicity into a class in-itself. This determination was the social relationship that the post-revolutionary ‘centralised state power’ held with the numerous mass of peasants.¹⁹⁶ The concrete form of the state-peasant proprietorship nexus was *taxation* and bureaucratic clientilism. In the absence of ‘aristocratic intermediate levels’ destroyed by the Revolution (of 1789), a direct, reciprocal entanglement was established that made the state apparatus dependent on the peasants and the latter dependent on state power. The state unified the peasants into a taxable class and these in turn found in the state machinery an outlet for class mobility and a paternalistic ‘protector’ of their newly emergent class being. In Marx’s words, the (socially) objective interpenetration of the state-peasant nexus is grounded on the fact that:

[...] the small-holding is burdened by taxation. Taxation is the source of life for the bureaucracy [...], for the whole executive apparatus. [...] By its very nature, small peasant property is *suitable to serve as the foundation of an all-powerful and innumerable bureaucracy*. It *creates a uniform level* of relationships and persons over the whole surface of the land. Hence it also *allows a uniformity of intervention from a supreme centre into all points of this uniform mass*. [...] [I]t calls forth the *direct interference* of this state power and the interposition of its organs without mediation. Finally, it produces an unemployed surplus population which [...] grasps at state office [...] provoking the creation of state posts. (My emphasis, *EB*, p. 243).

This binding of the class of atomised property-holding peasants by the ‘uniform intervention’ of a ‘supreme centre’ on the one hand, and the individualistic but *en masse* recruitment into the state machinery on the other hand, constituted the objective basis for the passive representation of the peasant class by the ‘supreme centre’ and Bonaparte’s representation of the ‘most numerous class’.

The peasant mass ‘serves as the foundation’ of the executive apparatus without being a social class, in the developed sense of having attained an independent political or civil self-representation. At the same time this class in-itself subsists in isolation from civil society, as ‘the

¹⁹⁶ That an external third element is required for the transition into a ‘positive unity’ is nicely illustrated by Marx’s ‘notorious’ simile of the peasants as ‘a sack of potatoes’. (*EB*, p. 239). Logically, potatoes are ‘self-subsistent’ inert units that it is impossible to form a mixture by themselves or enter into a ‘chemical’ connection constituting a ‘compound’. To form a ‘unity’ they must be contained into a ‘sack’. It is the sack as container, distinct as material element from the potatoes that unifies them into a ‘sack of potatoes’.

class which represents barbarism within civilization'.¹⁹⁷ This double condition explains the paradoxical situation of a form of state power that 'seem[s] to have attained a completely autonomous position [...] *vis-à-vis* civil society' (*EB*, p. 238), thus giving rise to interpretative frames that deny the class representative character of the state or assign to it a 'relative autonomous' standing in relation to class society.¹⁹⁸

The third determination that reinforced the representative alignment of the peasantry behind autocratic state power was the very form of property ownership held by the peasants. Small holding land property is inherently driven to extinction because the mode of simple reproduction it furnishes is exposed to periodic 'natural catastrophes', to market crises, to state taxation. The historical effect of these adverse conditions led the French peasants into inevitable 'indebtedness' (*EB*, p. 241) and 'enslavement by capital' (*EB*, p. 242). Even though usurer's capital does not 'alter the mode of production of isolated petty production' (*Cap.* III, p. 730) it drastically affected 'the relation of the peasants to the other classes of society' (*EB*, p. 242). Firstly, in regard to its internal composition it led to a radicalisation of a minor segment of the peasantry that was quashed by the bourgeois forces of the republic. The majority of peasants remained 'conservative', 'enclosed within the old order' and sought redemption 'by the ghost of the Empire' (*EB*, p. 240). Secondly, the economic dependency on money capital turned the peasantry against the bourgeoisie and its political rule expressed by the 'parliamentary republic' and into the embrace of the figural representative of the executive power that opposed and finally usurped the parliamentary possession of political power. It is significant that the smallholding land proprietor in his dependency on money capital turned into a *nominal owner* of his property in a way that suggests an instance of substitute representation. In working for himself he was actually working for the benefit of his (exploiting) partner in (property) exchange. The utilisation of private property as his personal means of self-sustenance had turned into 'the pretext that allows the capitalist to draw profits, interest and rent from the soil, while leaving the tiller himself to work out how to extract the wage for his labour' (*EB*, p. 242). The entrance of the peasant proprietor into the money-commodity circuit results in a change of his relation of reproduction even if his relation to production remains the same. His productive substance loses its 'self-sufficient' character and with it its quasi-natural state and becomes socialised or

¹⁹⁷ Marx, CS, p. 72. 'Barbarism' here does not need be construed anachronistically in a pejorative sense but it may signify the lack of communication with and incomprehension of an 'alien' nation.

¹⁹⁸ P. Thomas, *Alien Politics*, p. 94, Nicos Poulantzas, *Political Power and Social Classes* (London: Verso, 1973).

entangled in the social interdependency characteristic of bourgeois society. The unity of his productive self as owner of his conditions of production is bifurcated into the economic functions of sharing his produce with capital on the one hand and with the state as a taxable *citoyen* on the other while he himself is reduced to the status of a self-employed ‘wage labourer’.¹⁹⁹ This trichotomy accounts for the emergent peasant class conscious ambivalence of opposing the bourgeoisie even though holders of private property themselves and affiliating with the authoritarian regime even though taxed heavily by it.

7.b. The Dialectic of Political Form between Monarchy and the Republic and Abstract Class Rule

A new political form, the republic, was instituted by the revolution toppling the monarchical regime. The abdication of the King inaugurated not a change of government but a change of *the form* of government. As in most political revolutions there is fluidity in social situations and volatility of political events, so the political form of organisation of the new system of rule is quite indeterminate till the moment of consolidation of the new regime, usually by the ratification of its constitutional charter. In the interim period till stability ensues a social space is opened where social classes can field their own vision and struggle over the prospective features of the novel political form. In the opened social space class action tends to assume primarily forms of political representation of class interests, demands and aspirations that seek to advantage the represented classes while at the same time provide political platforms behind which class segments and fractions align themselves and build a sense of class unity. Marx identifies three candidate forms of the republic, the *social republic*, the *democratic republic*, and the *parliamentary republic* as the representative political forms corresponding to the three most active social classes that vied for political rule, the proletariat, the petty-bourgeoisie and the bourgeoisie respectively. Of the three forms the ‘parliamentary republic’ prevailed as most conducive, according to Marx, to express the rule of the bourgeoisie. I will not examine the

¹⁹⁹ ‘The independent peasant or handicraftsman is cut up into two persons. As owner of the means of production he is capitalist: as labourer he is his own wage-labourer.’ Marx, *Theories of Surplus Value*, Part I (Moscow: Progress Publishers, 1969), p. 408.

historical turns of events or Marx's descriptive account of them.²⁰⁰ In view of the fact that the instituted republican form initiated the practice of universal (male) suffrage and invoked the principle of popular sovereignty as its normative basis, it appears as an exemplary case of political democracy. My theoretical concern is to distil the general features of Marx's analysis of the republican form so as to assess which features, if any, are deemed by Marx necessary as political conditions of possibility for the furtherance of the project of emancipating humanity.

These political conditions organise the public stage that allows the expression of class representation, the public presence of the 'literary and political' class representatives to act and formulate the will of the class. The class representatives are the *political actors* who act for the interests of a class, not the classes themselves. The same condition is true for street politics too. Participants in popular mobilisations of any type constitute *representative segments* of their own classes however numerous they may be. Classes by themselves are not metaphysical subjects who can present themselves directly as 'the primary political actors' as an hypostatising interpretative view of Marx has it.²⁰¹ As we have seen classes are constituted by social relations and definite socio-material conditions which *condition* individuals subsumable under these relations and conditions to act in certain constrained ways and they cannot be directly identifiable with empirical groupings.

The express aim of the revolution (of Feb. 1848) was to effectuate an 'electoral reform' so as to 'widen the circle of the politically privileged within the possessing class itself' (*EB*, p. 152). It ended up in the generalisation of the political right to vote which resulted in the convocation of the National Assembly which 'represented the whole nation' (*EB*, p. 153). The idea of a 'social republic' (the social transformation of the bourgeois conditions of existence) proclaimed by the proletariat was revealed to be untimely. Its 'content' was mere utopia for it could not be put in practice since it contradicted 'the given circumstances and conditions', it lacked the material resources required and disregarded the low 'level of education attained by the mass of the

²⁰⁰ There is an argument claiming that Marx's account contains quite a few historical inaccuracies and 'theoretical inconsistencies'. This argument rests exclusively on the series of journalistic articles Marx (and Engels) wrote, *The Class Struggles in France* ignoring Marx's denser theoretically account in *The Eighteenth Brumaire*. And the critic often confuses factuality with interpretation while he completely misapprehends Marx's understanding of class constitution. See: Richard F. Hamilton, *The Bourgeois Epoch: Marx and Engels on Britain, France, and Germany* (Chapel Hill: University of North Carolina Press, 1991), pp. 49-121.

²⁰¹ Martin E. Spencer commits this hypostatisation fallacy of reading Marx's idea of class as a 'primary political actor' in 'Marx On The State: The Events in France between 1848-1850', *Theory and Society*, 7 (1979), pp. 167-198 (p. 172).

people' (*EB*, p. 153). The conditions that rendered the implementation of the 'social republic' impossible are inversely homologous to the conditions that constitute a class for itself. We have the lack of the socially objective conditions which generate the common productive powers of social labour, the lack of a national network of organisational and political association and the lack of the appropriate 'cultural formation' or sociopolitical consciousness of the great majority of people. It is apparent that the proletariat was not yet a class competent to perform its revolutionary project and that the possibility of social revolution calls for the prior development of certain socioeconomic and political conditions. The historical impossibility of the 'social republic' leaves us with the option of the bourgeois republic incorporating the 'democratic' and the 'parliamentary' republican forms.

Marx suggests that there is a dialectical linkage between the newly emergent republic and the superseded regime. The revolutionary break by changing the form of government maintains at the same time a continuity with the former system of rule.

The *bourgeois monarchy* of Louis Philippe could only be followed by a *bourgeois republic*. In other words, if a limited section of the bourgeoisie previously ruled in the name of the king, the whole of the bourgeoisie would now rule in the name of the people. (*EB*, p. 154).

There is a double transposition taking place in the necessary political metamorphosis from the one political form to the other. The first transposition involves a change in the character of the legitimating source of political representation. Rule 'in the name of the king' was substituted by rule 'in the name of the people'. The represented entity passes from a singular subject (the king) to a universal subject (the people). The second transposition involves a shift in the substance of the representer (the actual possessor of rule) from a particular 'section' to the 'whole' of the bourgeoisie. In both shifts we evidence a process of generalisation, from the singular to the universal on the one hand and from a part to the whole on the other hand. This process of generalisation of the respective poles of represented-representer transforms the political representative tie also by making it general in character. The political revolution by uncoupling the representative nexus from its particularistic embodiments renders the relationship of political representation an abstract one. The relationship has now become one holding between two

abstract categories, ‘people’ being represented by a ‘class’. Political rule becomes depersonalised and political leaders or political institutions (representative assemblies and state apparatuses) become the *bearers* of rulership. Political rule has become abstract and (political) abstraction rules.²⁰² As the authorial power of money confines human agents to certain determinate economic functions so political rule in *abstracto* defines the distribution of political functions and subordinates their incumbents to the jurisdictional specifications of these functions (i.e. formal selection criteria in civil service recruitment, the ‘rule of law’, etc.).²⁰³

Historically, it is plausible to claim that there is truth in the proposition that the bourgeoisie ‘represented’ the ‘people’ since the bourgeoisie, the petty-bourgeoisie and the ‘most numerous’ mass of peasant proprietors all shared the common social denominator of being ‘propertied classes’ or modes of existence of *private property*. In this sense bourgeois rule of the political republic does not concern primarily which class fraction, political faction, class coalition, bloc of classes may rule politically in one or another historical conjuncture but that whoever exercises political rule acts above all for the preservation of the society of private property. My interpretation of the republican form of political rule as class rule construed in the broad sense of representing an entire specific class society rather than one or another particular class is consistent with Marx’s assignation to the urban proletariat of the task to ‘overthrow the bourgeois order’ (*EB*, p. 242). Not the overthrow of one or another class (or intra-class fractions) which may hegemonise political rule at any particular time²⁰⁴ but of the whole (class) *order* that perpetuates a class-divided society and its corresponding political form. My claim is further substantiated by the ambiguous response Marx introduces in order to explicate the political outcome of the exercise of universal suffrage. His diagnosis was that ‘the collective will of the nation [is] seeking its appropriate expression through the superannuated enemies of the interests of the masses’ (*EB*, p. 171). Clearly, the diagnosis supposes a misrecognition of the self-

²⁰² The abstract political rule of the bourgeois republic manifests itself as the political instance of the general condition endemic to capitalist society, of individuals being ruled by *abstractions*, the idea-form of ‘objective social relations’ having become ‘independent’ and opposed to ‘the seemingly independent individuals’. Marx, *Gr.*, 164.

²⁰³ Due to the abstractive character of the representative system of political rule political power has become ‘elusive’ and this has given rise to conceptions of political democracy (of C. Lefort) where the ‘locus of power is empty’ since the ‘people’ is not a ‘unitary subject’ and the ‘corporeality of the social’ (formerly expressed by ‘the body of the king’) has been dissolved. Sofia Näsström, ‘Representative Democracy as Tautology: Ankersmit and Lefort on Representation’, *European Journal of Political Theory*, 5.3 (2006), pp. 321-342 (p. 328).

²⁰⁴ The marginalisation of the political representation of the non-bourgeois classes (in the narrow sense) meant that the ‘mass of the bourgeoisie’ had found in the ‘bourgeois republic’ the ‘form of state in which they could rule jointly’. (*EB*, p. 165).

interests of the ‘collective national will’ since the interests of the ‘masses’ found their expression in political representation by their enemies. How can we explain this disparity of interests and the self-deluded character of the collective will? Marx does not provide an answer. He proceeds to discuss why the ‘party of Order’ (the political representation of the ‘joint-rule’ of the bourgeoisie) expresses the common rule of the bourgeoisie despite their distinctive class interests (landed property vs. capital) and their opposed pro-royalist sympathies. Thereby he furnishes an indirect answer that depends on the divergence of the layers of appearance from (social) essence. Individuals enmeshed in the particularity of their social conditions and the ‘different forms of property’ that shape such conditions develop ‘modes of thought and views of life’ circumscribed by these ‘social conditions of existence’ but their consciousness does not cognise the shaping role of these socio-material relations and conditions on their mode of thinking and feeling but the ‘single individual’ rather ‘imagines’ that his feelings and way of thinking ‘form the real determinants and the starting-point of his activity’ (*EB*, pp. 173-4). As a consequence the possibility of a discrepancy is opened up between ‘what a man thinks and says of himself and what he really is and does’. This field of imaginary self-deception encompasses also collective actors like parties. (*EB*, p. 174). This discrepancy grounds the potential divorce between the apperception of one’s *apparent* interest and the apprehension of his *real* interest. The apparent interest of each class fraction was opposed to the other. But their real interest was common because ‘big landed property in fact has been completely bourgeoisified by the development of modern society’ (*EB*, p. 174).²⁰⁵ So, in spite of their political differences representing their apparent interests, their combined parliamentary representation as a party meant that ‘they did their real business [...] under a *social* and not a *political* title, as representatives of the bourgeois world order’ (*EB*, pp. 174-5). *Class rule* therefore is not the particular political representation of a spectrum of apparent interests even if these are traceable to narrow class specific interests but the overall political mediation (that may pass through the executive power than via the parliament as in the case of Bonaparte’s rule) of the dominant social form of class existence in society. Marx himself concludes definitively that class rule pertains to the political reproduction via representation of *the general conditions* that secure the maintenance of class society instead of the representation of direct and apparent class interests in his evaluation of the electoral

²⁰⁵ The political expression of the transformed class character of big landed property became ‘the parliamentary republic’ as the ‘fusion’ of the two former monarchies and in which ‘the various species of bourgeois disappeared into the bourgeois as such, the bourgeois genus.’ (*EB*, p. 216).

programme of the party of Order which proclaimed ‘the rule of the bourgeois class, the preservation, that is, of the vital conditions of its rule: property, family, religion, order!’ (CS, p. 89). The legislative body controlled by the parliamentary majority was the political representation of the social existence of the whole ‘bourgeois world order’, of the society of private property.²⁰⁶ If the ‘party of order’ represented this whole order of generalised private property irrespective of the particularistic class interests promoted (which appear as variations on a common theme) as Marx claims, it is quite plausible that the ‘masses’ voted for it since their apparent interest was the preservation of the regime of private property that grounded the mode of their particular social existence.²⁰⁷

It follows that the division in Marxist theory over the question of state power as an instrument of the ruling class versus its ‘relative autonomous’ standing to the dominant class is a pseudo-dilemma. Both positions are compatible within this broader framework of a representative polity whose political form accommodates any class rule if only it takes place on behalf of maintaining class society in general. This essential political structure of representation of the *common* interest of class society as the general interest of ‘society’ instead of the particular representation of any class interests can account for the possibility of representative governments not serving any one particular class but only the perpetuation of the overall class order.

The transition from the monarchical to the republican form appears to be a sudden transformation from one form of government into an opposite one. But in a deeper layer it is a developmental step along a continuum of political rule since the ruling class agency remains the same in essence. According to Marx there is a social entity which grounds the continuity between the two political forms and this is the ‘centralised state power’. A huge bureaucratic machinery ‘arose in the time of the absolute monarchy’ (EB, p. 237) that ‘accelerated’ the decay of feudalism and helped to unfetter the maturation of the nascent middle classes, was perfected by Napoleon and under the two contrastive political forms of monarchy and the ‘parliamentary

²⁰⁶ ‘The *parliamentary republic* was [...] the only form of state in which both the claims of these particular fractions and the claims of all other classes of society were subjected to the general interest of the bourgeois class.’ (EB, p. 215). This general interest in the preservation of the bourgeois order was not necessarily perceived as an ‘apparent’ class interest, for the ‘ordinary bourgeois citizen’ was inclined due to egoism ‘to sacrifice the general interest of his class to this or that private motive’ (EB, p. 210).

²⁰⁷ The class affiliation between the different classes on the shared basis of private property as a reason for the resultant pro-bourgeois parliamentary representation is stated by Marx thus: ‘The Party of Order [...] possessed an army of unpaid vassals in the mass of the petty bourgeoisie and peasants who [...] found in the high dignitaries of property the natural representatives of their petty property’ (CS, p. 90).

republic' became 'the instrument of the ruling class' (*EB*, p. 238).²⁰⁸ The centralised state that undergirds the continuity of political rule has itself changed in accordance with the socioeconomic changes that took place in bourgeois civil society. Two structural features characterise the modern organisation of state power. Firstly, it incorporated as 'state attributes' the various decayed feudal political functions organising itself in a planned way 'characterized by a centralization and division of labour *reminiscent of a factory*' (my emphasis, *EB*, p. 237). It became functionally differentiated with a technical division of labour reflecting the novel organisational pattern instituted by the bourgeois mode of production. According to Marx then, the intrinsic organisational pattern of the state machinery is an homologous reflection of the social form imposed by the capitalist production process. The second feature concerns the administrative appropriation by the state of the newly emergent activities brought forth 'by the division of labour within bourgeois society' (*EB*, p. 237). As a result, '[e]very *common* interest was immediately detached from society, opposed to it as a higher, general interest, torn away from the self-activity of the individual members of society and made a subject for governmental activity' (*EB*, p. 237). The developing social division of labour was generating new types of productive activities which meant the constitution of 'new interest groups' having distinct 'common' interests built around these activities. By appropriating the execution of these activities in the name of the general interest of society the state expropriated these interest groups from their 'self-activity'. In a more philosophical vein, these two essential features of the modern state express the double relationship that the political state maintains to civil society as argued by Marx in his *Critique of Hegel's Doctrine of the State*. These are the relation of *externality* where the state imposes itself upon civil society (the division and opposition between 'common' and 'general' interest) and the relation of determinacy of the state as a reflected form conditioned by the property structure of civil society (its 'factory-like' organisational format).

Two aspects of the democratic political form or political democracy based on the political representation of popular sovereignty intimate its progressive character over the monarchical form of government in Marx's view. The first concerns the introduction of *transparency* in the political struggles taking place among the political representatives of the different classes. The class representatives can contend directly with each other in the political arena without such

²⁰⁸ The same theoretical account of the 'centralised state power' serving the 'nascent middle-class society' across the divide of the political regimes as 'an engine of class despotism' is reiterated by Marx in 'The Civil War in France', *Marx: Later Political Writings* (Cambridge: Cambridge University Press, 1996), pp. 181-2.

political contestation being mediated by the presence of the Crown that obfuscates political class conflict with ‘the possibility of diverting the national attention by their secondary conflicts amongst themselves and with the monarchy.’ (*EB*, p. 175). Direct universal suffrage permits the election of political representatives from the whole array of classes in society.²⁰⁹ By voicing and juxtaposing the various class interests one against another the classes represented undergo an educative political experience in learning to discern what their real interests might be and who the class opponents are. Parliamentary debates in England provided a consistent source of information on the mindsets and the ideological proclivities of the class representatives. They revealed and hid the real motives behind legal enactments but the struggle of words between the rival class factions was ‘the midwife of truth on the question’ debated. (*Cap. I*, pp. 830-1). Parliamentary representation functions as a vehicle of upgrading the political culture of the subordinate classes, a public school of raising class consciousness, a force of national enlightenment.²¹⁰

The second aspect and the most significant is that the form of representative democracy affords to all classes a share in political power. The Constitution which established the ‘new form of government’ based on the representation of popular sovereignty, if it meant to secure the political rule of the bourgeoisie it rather initiated a process of political contestation of the exclusive prerogative of the dominant class to rule, for:

[I]t gives political power to the classes whose social slavery it is intended to perpetuate; proletariat, peasants and petty bourgeoisie. And it deprives the bourgeoisie, the class whose old social power it sanctions, of the political guarantees of this power. It imposes on the political rule of the bourgeoisie democratic conditions which constantly help its enemies towards victory and endanger the very basis of bourgeois society. (*CS*, p. 71).

Three novel conditions are introduced with the constitution of the democratic political form based on universal suffrage, which mitigate the exclusive rule of the bourgeoisie. First, it allows all classes to be politically represented and thus to share political power and/or contest its mode

²⁰⁹ Thus it was revealed the error of the republican school of thought which thought the ‘people’ as *citoyens* to share the same interests and views as an undifferentiated body. ‘Instead of their *imaginary* people the electors revealed the *real* people, that is, the representatives of the different classes which comprised the people’. (*CS*, p. 56).

²¹⁰ As we have seen in chapter three, a similar function of public enlightenment is assigned by Hegel to the deliberations conducted in parliament by corporate representatives.

of exercise.²¹¹ The resultant national assembly is ‘the freely elected representation of the people’ with representation being ‘the muscles which connect the parliamentary head with the body of the nation’ (*EB*, p. 230). Second, even though the bourgeoisie maintains its ‘social power’ it is deprived of ‘the political guarantees’ of its social power. This deprivation refers to the loss of command of the repressive apparatus of the executive power being wielded in the interest of the bourgeoisie to put down any popular contestations of its rule. A levelled down playing field is created where executive power ought not to be monopolised by one class against the others. This condition is vitiated by the republican principle ‘of separation of powers’.²¹² Marx is adamant that the three powers of the political democratic republic (the parliamentary, the executive and the military) must form a unitary centre of power for otherwise sovereignty is divisible and subject to internal confrontation over the control of the state apparatus. Moreover, the concentration of both legislative and governmental (executive) power must rest in the hands of the people’s elected representatives and the executive power ought to be selected out of the ranks of the Assembly itself.²¹³ In general, if the executive is made independent from the legislature then ‘[t]he opposition between executive and legislature expresses the opposition between a nation’s heteronomy and its autonomy.’ (*EB*, p. 236)²¹⁴. A major contradiction in the constitution establishing the parliamentary republic was exactly this. That it provided for two independent though politically representative institutions (the National Assembly and the Presidency), both of which traced their legitimacy to the popular will and whose clash over the ultimate control of the executive power resulted in a prolonged interregnum and the subsequent demise of the parliamentary power. (*CS*, pp. 71, 77) Third, ‘the democratic conditions’ that accompany the democratic republic and constrain the exclusivity of class rule concern the vibrant functioning of a public sphere where classes can launch their own independent organs of communication and publicity, form their own political and cultural associations and freely campaign to influence

²¹¹ Likewise for England, Marx rather optimistically, deems universal suffrage as ‘the equivalent of political power for the working class. [...] Its inevitable result is [its] political supremacy’. Cited in David MacGregor, *The Communist Ideal in Hegel and Marx* (Toronto: University of Toronto Press, 1990), p. 169.

²¹² It originates from the ‘assembly of barons’ in pre-modern England that solidified in the ‘public mind’ the idea of ‘division of powers’ and of ‘limited power under law’ as foundational tenets of ‘representative government’. Francois Guizot [1851], *The History of the Origins of Representative Government in Europe* (Indianapolis: Liberty Fund, 2002), Part II, Lecture 1, pp. 227-9.

²¹³ H. Draper, *Karl Marx’s Theory of Revolution*, v. 1, p. 296.

²¹⁴ The heteronomy of the nation rests on the uncontrollable power that the executive can apply to it. The autonomy of the nation rests in raising ‘its general will to the level of law’. In the bourgeois controlled Assembly the law of the ruling class was made the nation’s general will. (*EB*, p. 236).

public opinion (the anonymous press functioning as ‘the third power in the state’).²¹⁵ Marx opposes any form of censorship, governmental practices of gerrymandering, restrictions on voter eligibility, exclusion of the uneducated from jury lists and upholds the independence of judicial courts from executive power while he favours unicameralism seeing the bicameral system as a designed bulwark against the direct expressivity of popular sovereignty.²¹⁶

In the absence of a social class whose self-consciousness demands the abolition of the system of private property and the negation of class society, the ‘constitutional republic’ continues to be the political form that is geared to the maintenance of the class rule of the ‘bourgeois world order’. The politically representative assemblies institutionalised in constitutional democracy will tend to reflect in a rather distorted way, due to the electoral sparseness of proportional representation, the only electoral system that truly respects the universalistic principle of *isopsephia* or equality of vote, the various segments into which the political category of the ‘people’ is fractured and the socio-cultural cleavages around which collectivities form their political identities and seek to express them by representative politics. The formation into a revolutionary class of the collectivity of waged producers (becoming capable in self-transforming themselves in tandem with the changing of circumstances) is the product of an-going class struggle. For such struggle to flourish nonetheless the ‘democratic republic’, according to late Marx, is a sociopolitical necessity for it constitutes ‘the last form of the state for bourgeois society’ in which the stakes of class struggle can be resolved ‘definitively’,²¹⁷ suggesting the possibility of accession to state power via majority rule. Otherwise the ‘democratic republic’ would have been irrelevant to the cause of the revolutionary transformation of bourgeois society.

²¹⁵ The ‘democratic conditions’ are highlighted by the political agenda of the petty-bourgeois democratic republicans (right of association, of free press, universal public education etc.) condemned by the regime of bourgeois despotism as ‘socialistic’. (CS, p. 121; p. 134 on the press). On Marx’s view of the free press as ‘the only effective control’ of governmental arbitrariness, H. Draper, *Karl Marx’s Theory of Revolution*, v. 1, p. 292.

²¹⁶ H. Draper, *Karl Marx’s Theory of Revolution*, v. 1, pp. 301-3.

²¹⁷ Marx, ‘Critique of the Gotha Programme’ in *Marx: Later Writings*, p. 223.

Conclusions

The general point arrived by the analytic excursion in these major thinkers of political modernity is that political representation constitutes a unitary political society as the basis of legitimate power or government. Representative government is set up as a separate part of the political community exercising its sovereign power 'in the name of' or 'on behalf' of the political society. Modern political thought (Hobbes, Locke, Hegel) conceives political representation as a structure which ensures that individual freedom and the public good are secured for the members of the political society. This account is vitiated by the split between political society or the state and civil society. Marx censures liberal and republican theory for ignoring the effect of the rift between civil/bourgeois society and political society on popular sovereignty. The representative polity is either an ideal reflection of abstract atomised individuality or a semblance of popular participation in the sovereign power of the state. In either case the concrete universality of freedom and the democratic self-determination of the political community is being denied. Instead, *money* as the organiser of social exchange and human relations under the regime of private property shapes the representative polity after its own image and renders democracy as popular sovereignty a lie.

I present briefly some concluding remarks as general points for each political thinker analysed. Hobbes' author-actor model is the ground of political representation. It provides for contractual transfer of will from person to person. It establishes the relationship of the representative acting in the name of the represented (political community). It is deficient in two major respects that deny the legitimacy of the representative government. The establishment of the sovereign representative is permanent. The initial authorisation cannot be retracted no matter what. It follows that no political freedom exists and alienated representation is consolidated. The sovereign representative is arbitrary. He is above the law and defines the laws and the public good at will. Thus he is unaccountable to the represented and breaches the representative connection. He ought to act for them and acts for himself.

In Locke the political community sets up the representative form of government through majority rule. It assigns supreme power to the legislative. The structure of political representation is triadic. The mandate given to the representative government is not to represent

the wishes of the represented but to act for the public good, for 'the preservation of society' on behalf of the represented. No one is above the law and positive law is itself judged by the standards of natural law, hence Locke's notion of 'unjust laws'. Justice is irreducible to positive right. In case the public good is not served by the representative power the latter loses its representativeness and it is legitimately exposed to overthrow. The political society enjoys the freedom to change either the government or the form of government or even to dissolve itself.

The societal differentiation of the political and civil spheres is explicitly addressed by the young Hegel. Political representation is recognised as the principle of the modern world. For Hegel, in the modern world the representative connection between ruler and ruled is reversed. The territorially-based political community grounds the institution of rulership and it is not, as in feudal society, the ruler who conditions the political existence of the community of the ruled subjects. To reconcile subjective and objective freedom and to maintain the ethical unity of the rational state, Hegel assigns a structural role to representation. Representation functions as a social glue of civil society to the political state and undergirds the state's differentiated unity. Three forms of representation provide for the confluence of civil society with the political state as the rational state. These are: ethical or equitable representation (concrete justice requires that judicious judgment of the defendant must be dispensed by representatives of the same social estate he belongs to), corporate representation (corporate representatives are socialised into the higher ends of the state) and participation by representation into the institutional complex of the political state proper. Hegel privileges the elitist conception of the representative who is not mandated and looks after the state's ends not the particular interests of his constituency. Political representation in the representative assembly is primarily a matter of deliberations for the edification of public opinion and a political show that the formal freedom of civil society is being respected.

For the Marx of 1843, Hegel's attempt at the political articulation of the rational state is misguided. Hegel acknowledges the universality of the principle of subjective freedom. His model of restricted political representation condones the superiority of some social groups over the rest. By institutionalising political inequality in political representation of subjective freedom the political state does not ensure universal freedom and thus its rational character is marred. In reality, the state's administrative bureaucracy seeks its own maintenance, not the representation

of the public interest. The bourgeois split of the private self from the abstract citizen impedes the convergence of particular interests with the universal end of the state. For it cannot be supposed that the individual can transcend his (property-based) egoism and accede to the universal end. Marxian democracy requires the supersession of the separation of the political sphere from the civil domain so that the universal, the common bond integrating the social whole, is concretised in the particular social existence of each individual. Universal political enfranchisement provides for political democracy but it cannot overcome the separation of civil society from the political realm by itself because it conceives the citizen as abstract individuality. It cannot express the social interdependence characteristic of the societal community. Only societal or 'true' democracy can do that. Societal democracy entails the self-conscious positing of the political constitution of society's communal being. The possibility of societal democracy rests on the organic unity of the human species-being. Each species member exists as a creature of needs and producer of social need-satisfactions. Hence each societal member is involved in an interconnection of mutual complementariness. Their common essence is being-for-the-other or being-for-self by being-for-the-other. In Marx, social representation by which each represents by being what he is and does, is a mutual relation. The producing self acts for another's need sustaining the other's concrete life while representing it as human. For Marx, social representation germinates under the regime of private property in alienated form.

Money as the universal representative of the commodity world subjects social exchange to the form of a double substitute representation. Each commodity owner acts for the other as a surrogate of the other in seeking to obtain the other's private property and as a substitute of his own self in reducing the self from an end to a means and thus becoming self-estranged. Commodity selves act out economic functions authorised by money in the circuit of social exchange. The system of political representation exhibits isomorphic elements and relations analogous to the features prescribed by the authorial function of money. As a consequence, it cannot vouchsafe the self-determination of the political community and political democracy as popular sovereignty appears impossible to be realised. The modern (French post-revolutionary) 'governmental form of the parliamentary republic' becomes the realm of the social classes' political representation. Social classes are represented politically in the legislature either directly or virtually by symbolic representation (the peasant class by the elected president of the republic). The parliamentary republic is an advance over constitutional monarchy for bourgeois

society in that it allows the political unity of the bourgeoisie by placing on the political agenda class rule as a whole instead of the political confrontation of the subdivisions of the bourgeoisie mediated by the presence of the Crown. Parliamentary government ensures political rule for the bourgeois class system as a whole rather than catering to particular segments of it. The parliamentary republic affords also the political representation of the subordinate classes provided that some democratic conditions are in force. Political representation in parliament and the public sphere can invigorate social class self-consciousness. Popular sovereignty beckons to societal democracy for its realisation. True democracy as the expression of human emancipation requires the supersession of the rift between civil society and state power which in turn requires the abolition of the generalised regime of private property. Till then social representation as the inner bond of the human species being will subsist under its alienated form conditioned by money's social power.

Though I address the role representation plays in the thought of each thinker separately, not comparatively, their examination under a single focus has suggested certain basic similarities which all of them share, three of which are the most significant. 1) They share the idea that political power, whatever its form, rests on the political community over which it rules. 2) All accept the notion of the indivisibility of sovereign power in the sense that they deem it destructive of the state if any kind of dual power existed within it. Hence none espouses a doctrine of the separation of powers. Even Hegel who develops a doctrine of the 'division of powers' sees the differentiated powers dialectically interlinked in an organic whole with the power of the sovereign at the apex and all other powers subordinate to it. As a consequence none of the four considers viable a model of 'checks and balances' between relatively independent but equal in authority powers. 3) For all of them, political representation constitutes the mode of unity of the community with the sovereign power even though the mode of unity is different for each one in particular.

My theoretical analysis has engaged with four of the most significant political philosophers of modernity. The need to focus on the concrete mode of articulation of their conceptual constructions and the place of political representation in them which is an endeavour to map out a virgin territory has not permitted me to enter into a comparative analysis of them. Nonetheless I think that this is a very promising research venue. Though the Hobbes-Locke and the Hegel-

Marx couples are often discussed comparatively in the literature, the comparative analysis of Hobbes with Hegel and Marx with Locke could bring out interesting research results.

Another interesting line of research investigation would be the resemblance in the thinking of Hegel and Marx on the connection between social class and its political representatives. There is a common ground in their conceptions, namely the idea that the class representative shares objectively the same substance with the class he represents. For Hegel the political representative embodies objectively the 'social sphere' that has chosen him to express its interest by his presence in legislature. For Marx also the literary and political representatives embody in their mentality the class horizons of the class they speak for. Common social and mental substance between social class/corporate community and representatives in the public-political domain is the ground of political representation. Their difference is that Marx introduces a meta-level in the representative connection. For him political representation assumes a reflexive character in that it is an essential condition for the class to attain consciousness of itself as a class. The representative is not a mere mirror-image of the class's interest. Political representation functions to transform class substance into a class subject. For Hegel too the representative has an educative role for his social estate, only this educational function through publicity is not oriented to the purpose of making the particular corporate class conscious of itself but to teach it the character of the state's universal end and to make it appreciate how to put the general affairs of the state above its particular interest-based pursuits. On the other hand, as I have pinpointed in the seventh chapter Marx also acknowledges this enlightenment dimension of the public/political activity of the class representative so the similarity in their accounts may be more than superficial.

Lastly, an intriguing connection disclosed by my research which I think deserves further extensive examination is the connection between representation and the doubling of the self. This connection holds both at the individual and the communal level. It seems to be a constitutive condition of modernity itself. Its elucidation will help bring about a better understanding of the socio-political divisions pervading our communal existence and perhaps indicate possible routes of overcoming them.

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