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The Marxian Critique of Citizenship:  
For a Rereading of *On the Jewish Question*

**M**arx's *On the Jewish Question* (*Zur Judenfrage*) is one of those texts that perfectly illustrate Hegel's famous adage that "what is well known is, precisely because it is well known, generally unknown."<sup>1</sup> There are at least two reasons for *On the Jewish Question's* paradoxical popularity: first, it has fed an overabundant and (with rare exceptions) confused debate on Marx's supposed "anti-Semitism" and second, as if to accent this "heretical" quality, it has been passed down to posterity as announcing all "Marxist totalitarianisms," due to its radical critique of "the rights of man."

In what follows, I will not undertake a detailed exegesis of this text, which is short but particularly dense and rich. More particularly, I deliberately will leave aside all that pertains to the political and religious *stricto sensu* (including the Marxian vision or, rather, category of Judaism as it appears in this text)<sup>2</sup> and will content myself with a few remarks on the second aspect: the Marxian critique of "the rights of man and of the citizen." This aspect is particularly scandalous today, after the end of "totalitarianisms," that is, after the defeat of the twentieth-century revolutions. In this conjuncture, the vocabulary

and the juridico-political category of “citizenship” and, with the latter, political liberalism (in its multiple and often competing versions, whether from “the Right” or “the Left”), seem to form the final horizon of politics. For we must not avoid the question; there is indeed in Marx a radical critique of citizenship defined as a specific moment that dictates the equality and freedom of individuals as bearers of rights and rightful subjects. The emancipation promised by the project of communist revolution as Marx conceives it cannot be expressed in the language of citizenship, of right or rights. Socialism or communism cannot be categorized as and cannot result from an accumulation of rights or from an extension of citizenship, even if the latter is posed as “social citizenship.”

So, given the judgment of our day, should we resolve ourselves to cast aside the critique formulated by the socialist and communist tradition, and especially by Marx, of citizenship and of right? The cause I will plead here is that Marx has a right to have his case reexamined before he is definitively condemned. It seems to me that his radical critique of citizenship, his effort to think modern politics—and particularly that modern politics par excellence, *revolutionary* politics—outside the figures of right, should be taken seriously, especially today, before it is consigned to the oubliette of history.

I will begin by specifying that, in the text in question, Marx does not aim to treat systematically the question of citizenship or of the rights of man but to respond to Bruno Bauer, and particularly to his work *Die Judenfrage*.<sup>3</sup> Here Bauer continues, with customary ultraradical phraseology, his battle against the German-Christian state of his time in terms that, according to Marx, remain in fact theological, internal to the very state Bauer claims to combat. Bauer thus misses the content of both “political emancipation,” as delivered by the Revolution of 1789, and “human emancipation,” which, Marx concludes in the two texts included in the *Deutsch-Französische Jahrbücher*,<sup>4</sup> had become the horizon of a *new* revolution. Marx thus undertakes to clarify the contents of this distinction, particularly with the goal of dissipating Bauer’s illusions with respect to what is meant by the advent of the modern political state, which, for Bauer, promises the liberation of all religious consciousness. To this end, Marx turns to the most advanced or “pure” case of the liberal democratic state, of which the United States is a model. Marx shows that, despite its rupture with the Old Regime, the modern state retains something of the former’s transcendence, in an of course secularized form. He also demonstrates that this transcendence is expressed in a juridical universalism, which is abstract and truncated, blind to its own pre-

suppositions and impotent to resolve the questions it poses. The critique of the figure of the citizen, and the necessity of its “overtaking” or “abolition” (*Aufhebung*) in the perspective of the new revolution, condenses the ensemble of Marx’s argument, which we will approach from a threefold point of view: the anthropological foundation of the utterances (*énoncés*) of citizenship, the “abstract” character of their form, and the status of right circumscribed herein.

### The Anthropological Presupposition of the Rights of Man

According to Marx’s well-known dictum, the rights of man, insofar as they are *distinguished* from the rights of the citizen, are those of the “*member of civil society*, i.e., the rights of egotistic man, of man separated from other men and from the community.”<sup>5</sup> Marx thus examines the four “natural and imprescriptible” rights as they are articulated in “the most radical” version of the Declaration of the Rights of Man and of the Citizen, that of 1793, to wit equality, liberty, security, and property. He shows that all come back to property,<sup>6</sup> of which they serve as metaphors and whose free enjoyment they aim, in turn, to guarantee. “Natural” rights are conceived on the model of the individual-monad, ideally self-sufficient and motivated by the unlimited desire to satisfy personal needs, what C. B. MacPherson designates as “possessive [or proprietary] individualism.”

Often considered to be a moral critique, due to its denunciation (quite banal for the time) of the “egotism” of bourgeois society, Marx’s argument rests on the following: that this anthropological figure of man-as-property-owner results from an exclusion, from a primordial separation (from the point of view of a “synchronic” analysis of bourgeois society, for the rest of the text will strive precisely to reconstitute its genesis) between man and his “generic essence” (*Gattungswesen*), that is, man considered in constitutive multiplicity of his relations with other men and with social activities. This concept, which has clear Feuerbachian overtones, Marx takes up only to transform it (to “Hegelianize” or “historicize” it, let’s say, to make a long story short) in an essentially *reactive* sense. The “generic essence” must be understood above all as a *critical machine* directed against the abstract universalism of rights, which it shows is unable to determine the conditions, and substantial content, of freedom. Indeed, it is the illusion of an “original,” and of course final, “independence”<sup>7</sup> of man-as-property-owner (via “natural rights,” whose “conservation” the political association of citi-

zens is called on to guarantee), that is targeted here, to the extent it prohibits us from considering the effective conditions of production of a common liberty: “This individual liberty and its application form the basis of civil society. It makes every man see in other men not the *realisation* of his own freedom, but the *barrier* to it.”<sup>8</sup> This “generic life” is thus in no way “natural”;<sup>9</sup> on the contrary, it is “egotistic man” in bourgeois society who retrogrades to the rank of “*natural* object,” precisely in the sense that, separated from social mediation, he is nothing more than the “*passive* result of the dissolved society, . . . an object of *immediate certainty*.”<sup>10</sup> Here we can glimpse, but only in intaglio, the meaning of the emancipation of this atomized individual of bourgeois society who, by reuniting with his generic essence, makes possible the social “recognition” and “organisation” of his “social force” in his “particular work,” in his “particular situation,” to borrow the formulations of Marx’s text.<sup>11</sup> In this framework, it should be stressed, the “abstract citizen” is not purely and simply eliminated; he is reabsorbed into the real individual man; he ceases to exist as transcendental double, as reality separated from social as well as individual life, which is henceforth reconstructed in the immanence of its mediations.

Reticent to make more explicit the determinations of this “generic life” that succeeds bourgeois society, therein faithful to his fundamentally anti-utopian stance, Marx is more committed to showing how the very text of the Declaration is haunted by the hidden face of the abstract universalism that it proclaims. What is excluded in the constitutive moment of bourgeois society, “generic life,” will return, but in “alienated” form (in inverted projection, imaginarily mastering its creators), in the “idealism” of the community of citizens, which will renew the originary separation in the form of a multiplicity of “concrete” exclusions. In *On the Jewish Question*, Marx goes no further. But he says enough for us to decipher the functioning of the utterances of abstract universalism. For if the “man” of the Declaration of the Rights of Man and of the Citizen is the property owner, it follows that the unpropertied person is revealed to be, logically, a bit less of a “man.” To put it another way, if all men are born and remain free and equal before the law, if the citizen can only be that particular man, the question of citizenship, and of access to it, becomes: Who, or rather what, is a man? Is an unpropertied person a “man,” in the full sense of the term? Is a woman a “man”? Is a slave or a colonized person a “man”? We know that the founding fathers of liberalism, in impressive unanimity, answered these questions in the negative.<sup>12</sup> Locke subsumes the black slave under

the category of merchandise, next to the horse. He considers the laboring class, and all those who find themselves excluded (even if only temporarily, as in the case of a salaried worker engaged in a contractual relationship) from the ownership of themselves as well as from the possibility of accumulating goods, to be incapable of living a rational life and, naturally, of having access to active citizenship.<sup>13</sup> We know that early on, the figures of the slave and of the proletarian were linked, that one rubbed off on the other, especially in the representation of the proletariat as a race distinct from that of the masters, a vision that was extraordinarily popular during the entire nineteenth century. Even Emmanuel Sieyès, author of the most famous political text of the French Revolution, speaks of “the majority of men” as “work machines” and “bipedal instruments.”<sup>14</sup> Benjamin Constant, one of the favorite authors of today’s sycophants of neoliberalism, compared unpropertied people, the “immense majority,” as he stressed, to minors, who will “always be deprived of leisure, an indispensable condition for the acquisition of enlightenment.”<sup>15</sup> Alongside the proletarians, slaves, and other representatives of a subaltern humanity, women must not be forgotten. Their “natural” equality (as members of a same “human kind”) immediately confronts the insurmountable sexual “difference,” identified as a “difference” of “rationality” (at least from the point of view of its practical exercise) that legitimates their exclusion from citizenship and their relegation to the “domestic” or “private” space.<sup>16</sup>

I will stop here an enumeration that could quickly grow tiresome: it is clear that the abstract universalism of rights rests on an anthropological figure that defines the subjects of these rights and that this figure functions according to a “principle of hidden exclusion,” to borrow the words of André Tösel.<sup>17</sup> The *égalité* that exists in principle among “men” in no way prevents there being an internal hierarchization of their humanity, provided that no obstacle of “nature,” that is, of birth,<sup>18</sup> forbids a priori the passage from one degree to another, as, for example, Kant has demonstrated.<sup>19</sup>

Of course, one could counter that it is precisely through the reiteration of these abstract universalist utterances that the exclusions in question “gradually” have been overcome, even if only partially, and that the effectivity characteristic of these utterances, inseparable in this sense from the internal tension that results from their specifically “abstract” character,<sup>20</sup> has been deployed. Of course, but we must recall that this has been anything but a linear process, that long and arduous struggles have been required, and that, as a result (as we will see later), the “reiteration” of “abstract” utterances must

itself be seen more as their *transformation* than as their sheer repetition. To speak only of suffrage and electability, the postrevolutionary period, which in France followed the Declaration of the Rights of Man and the emergence of citizenship, saw not an enlargement but, on the contrary, a significant *restriction* of the right to vote,<sup>21</sup> both for unpropertied people (local or general assemblies of the “Estates,” especially the Third, had been elected by nearly universal male suffrage) and for women (some women, especially among the nobility, had had the right to seats in these assemblies), since the Constituent Assembly quickly installed a system of suffrage that was strictly masculine and based on a franchise restricted to property-holders. The domination of proprietary liberalism (excepting the brief interlude of the Jacobin Republic) was not a simple, more or less residual or *arrière-garde* “resistance” but the unleashing of a formidable movement of “disemancipation”<sup>22</sup> through the imposition of the figures of “passive citizenship” on unpropertied people and women and the frenetic pursuit of colonial and slaveholding barbarism.

As for the struggles that managed to bring down at least a few of the exclusions and separations under discussion, they only succeeded when they took aim at their anthropological blind spot and at their constitutive abstraction: by revealing as “political,” and even as politics’ contents par excellence, those “simple component parts” of civil life whose “political character” the “political revolution” had abolished, making them into simple “social” differences.<sup>23</sup> In this way, these struggles have also revealed the abstract universal for what it is, a barely veiled *particularism*, contaminated by the very “particular” that it excludes from its field, and which, in turn, is shown to be the true “universal.” The more that the universal perseveres in its abstraction, the more it is revealed to be the particularism of white, male, colonizing property owners,<sup>24</sup> while the intrusion of “particularisms,” or of “corporatisms” (of proletarians, of colonized peoples, of women), is shown to bear effective universality.<sup>25</sup>

### **Citizenship and the Political State as Abstractions**

No doubt carried away by the brilliance of Marx’s formulations, commentators have been very loquacious in general about the text’s religious metaphors, especially when Marx poses the truth of the schism imposed by political emancipation between, on the one hand, a civil-bourgeois society devoted to the pursuit of particular interests and, on the other, a state that

guarantees égaliberté to all citizens, whatever their position within the said civil-bourgeois society. And yet, contrary to the mystification conveyed by the state, which claims that the citizen is the truth of the man, the reverse is true, according to Marx: “This *man*, the member of civil society, is thus the basis, the precondition, of the *political* state.”<sup>26</sup> This amounts to saying, turned around, that the citizen, the ideality proclaimed by the Declaration, is the projection of profane man, devoted to the materialism of bourgeois society, who thenceforth appears as the natural man. Society reproduces the Heaven/Earth duality that characterizes Christianity (the bearer, and even “inventor” of universalism, thanks to the figure of Paul). Politics, the kind defined by the abstraction of the citizen, is then revealed to be the true religion, the secularized transcendence, of modern society.

But this is not what is essential. Instead, what this notion of abstraction highlights above all is that the “political revolution”—the very one that constitutes, “by *one and the same act*,” the political state and the atomized individuals who are qualified as citizens of right—“resolves” “civil life into its component parts, without *revolutionising* these components themselves or subjecting them to criticism.”<sup>27</sup> And this is true because, as Marx continues, these elements are the “*basis of its existence*,” but a basis that it, precisely, abstracts to constitute the political state.<sup>28</sup> That state is thus incapable of acting on the socioeconomic presuppositions that appear to it thenceforth as a natural reality, as a “precondition not requiring further substantiation.”<sup>29</sup> The state claims to dominate, and even transcend, this reality even though the state is in fact dominated by it and condemned to reproduce its constitutive separations.

This, according to Marx, is in any case the solution to the “enigma of the Terror,” that is, the limits of the Jacobin-Robespierrian effort to resolve the antagonism of bourgeois society (which, let us not forget, was considered the model to follow by the great majority of revolutionary currents of his era and even after, especially those inspired by Gracchus Babeuf). It is precisely because the objectives of the Jacobin leadership went beyond abstraction and simply juridical equality that they collided, in the most exacerbated fashion, with the limits of a politics cut off from its conditions, mobilizing all its energy in an effort to act on these conditions from a position of irreducible *exteriority*.<sup>30</sup> Out of the Jacobin failure, reconsidered in its full amplitude, to carry the movement for political emancipation beyond itself arises then the need for a new emancipatory horizon, without which society will regress into ineffective, historically obsolete forms of universality.

This is why what is habitually designated as “the expansion of citizenship,” as “the political emancipation” of those who have been excluded (or at least a significant portion thereof: we are still waiting for civil rights to be extended to that part of the proletariat designated, or rather “reified,” as “immigrants”) does not mean a simple broadening of “rights” but a profound transformation of the relations between the political and the non-political, the “private” and the “public.”<sup>31</sup> The access of working-class people (men only at first) to suffrage is indissociable from the (very partial) process of “decommodification” of their status as “force of labor,” of recognition of the workplace as a “political” place (or at least as a legitimate place for the collective organization of working-class people), and even of a kind of “socialization” of state institutions themselves (through the certainly quite bureaucratized forms of “neocorporatist” management linked to the formation of the “welfare state”). Women’s right to vote is similarly inseparable from a profound transformation of the “space of the family,” and from a recognition (again, partial) of its public/political character, especially through women’s entry into the realm of production, the assumption by the state of a number of functions connected to the sphere of reproduction (schools, child-care centers, elder care, etc.) or the right to contraception. In short, if there has been an “extension” of citizenship, this has been as a very condition of its “disabstractification,” of the extension of the sphere of politics itself, of the reexamination, under the effect of struggles by classes and dominated groups, under the effect of the separations of civil-bourgeois society. It becomes possible, in any case, to better understand why, according to Marx, this process of politicization, if it crosses a decisive threshold and challenges anew the very presuppositions of bourgeois society (the relations of property and production, to use Marxian language that postdates this text), must undertake to surpass the “merely” political state, and the abstraction of the citizen with it, especially as the foundational moment of right.

### **The Critique of Right**

The preceding critiques could be considered as “soluble” in the internal dialectics of the founding utterances of citizenship, if they did not lead, and in return even suppose, a critique of their very *form*, as founding utterances of right (and, in a sense, of law). Right only exists, from Marx’s point of view, in the act that constitutes the abstract political state and civil bourgeois

society, the latter decomposed into independent individuals, freed from the traditional, personal bonds of the feudal era. Right thus only exists after the schism that it expresses, or translates, just as religion expressed and translated the old unity that connected the diverse spheres of activity of the feudal world. This translation, we should specify, operates in a “language”—to borrow a key term from the analysis of right in *The German Ideology*<sup>32</sup>—that assumes itself as foundational and arises in denial of the schism to which it nonetheless owes its existence. This amounts to saying that right, and its declaration, did not come first (contrary to their own pretensions). They are the effect of a process that dissolves a directly political social form and makes possible “by *one and the same act*” the existence of unbound individuals, as well as their recognition by the political state as legitimate legal subjects, a recognition inscribed in the rights of man and of the citizen.<sup>33</sup>

The problem Marx poses is therefore not that the rights of man and the citizen are formal but that *they are rights*, to borrow the trenchant formulation of Bertrand Binoche.<sup>34</sup> As such they are absolutely *real*: I can very well be both a believer and a citizen, just as the modern state can very well eliminate the restricted franchise, thereby removing all directly political significance from property, effectively guaranteeing the right to vote to those who do not own property, and yet leave intact even the most concentrated ownership of property, since property is now “merely” a civil difference. Or, to give a more contemporary example, I can very well be a black South African, with the right to vote in postapartheid South Africa (a right won at the cost of blood), and live in the same township as before and work under the orders of the same white boss. It remains to be seen, of course, how South African capital, in the long term, can manage and assure the reproduction of a force of labor freed from under the “iron heel” of apartheid.

An obvious objection nevertheless arises here: If the “rights” of man and of the citizen are real rights, and if the “extension” of citizenship has “enriched” men and citizens with a whole series of “social rights,” has not Marx’s objection as to the insurmountable limits of right been invalidated “practically” by the historical evolution (which we can even admit is, at least largely, due to the effects of his critique)? And, in this case, rather than abandoning the reference to the rights of man, would it not be more appropriate to seize it in order to redefine the content of those rights? Several remarks are necessary on this point. We should remember first of all that, in this text, Marx speaks of the rights of man only in the sense that they differ from the rights of the citizen, of the foundational core of the “natu-

ral” and “unconditional rights” of man, structured, still according to Marx, around the right to property. Now, it must be acknowledged that, whatever the reworkings and “enrichments” of the founding declaration, manifest in the numerous rewritings and revisions that succeeded it, the primacy of the right to property was never questioned. Quite the contrary, it is the property right that accounts (at the level of positive right) for the discrepancies, hierarchies, and asymmetries henceforth inscribed in the order of “rights.” Rather than being linear extensions of the notion of “right,” the different “social” rights, because they cannot, precisely, be legally defined in the mode of the property right and its corollaries (as so many individual rights that can be opposed to a specific “debtor”), but only as “claims on the collectivity,” opposable to everyone and no one in particular (if not public power, that is, the state), turn out to depend on political determinations and thus cannot claim the same legal status as other rights. This is why they can be drastically limited, even eliminated, according to circumstances (such as the current neoliberal counterreform), in a completely “legal” fashion compatible with existing juridical and constitutional order. For purposes of comparison, consider the decision to seize an owner’s property without compensation, which entails a radical overturning of juridical order, a break with legality, and the shift to an “exceptional” political logic that openly determines the legal norms. An asymmetry internal to “rights” is revealed here, partially covered over again by the homogenizing effects of juridical language, which allows liberal theoreticians to establish a hierarchy that only grants “rights-claims” a secondary place (or even no place at all, as in the work of Friedrich Hayek) to “freedom rights,” even while it can be easily seen that the former will degenerate into pure formalities without the support of the latter (to be checked in the work of the inventor of the distinction of these two forms of rights, Isaiah Berlin in *On Liberty*).

The extreme case, from this point of view, is obviously that of the “right to work,” the demand for which, during the 1848 revolution in France, made the limits of right readily apparent. For, at the outset, any attempt to define this right makes its incompatibility with bourgeois society’s relations of property and exchange clearly perceptible. This is why, according to Marx, “behind this right” lay the “revolutionary demands of the Paris proletariat,”<sup>35</sup> demands that could not be reduced to the language of right and of rights. Later proclaimed in texts such as the United Nations’ 1948 Universal Declaration of Human Rights, the “right to work” has only been translated concretely (and fragily at that, as we can see today) as the “right to employment,”<sup>36</sup> that is, *de facto* (including in the sense of positive right), as the

right to compensation in case of job loss.<sup>37</sup> This “right,” even in such a limited form, is in danger of rapidly becoming a mere memory, including in countries with strong traditions of the “welfare state.”

It is therefore not a question of abandoning the field of right (struggles in the realm of right and for rights are constitutive dimensions of class struggle) but of determining its limits. We must see that the struggles of dominated peoples, even when they are expressed in terms of right and rights, *exceed* right; they speak, in the final analysis, of something else. “Political emancipation” differs from “human emancipation,” to use the terms of *On the Jewish Question* (Marx would soon speak only of “*the emancipation of the proletariat*”)<sup>38</sup> to the extent that human emancipation requires not realizing right, or denouncing it, but breaking with the foundational claims that are simply the fictive reverse of its function of legitimating a state power separated from society.

The point of view of “human emancipation” thinks from the *internal* limits of political emancipation, that is, from its own failure. Political emancipation is, for Marx, a “big step forward”; it is not the final “*form* of human emancipation,” but it remains “the final form of human emancipation *within* the hitherto existing world order,” the “partial emancipation” that “leaves the pillars of the house intact.”<sup>39</sup> Its failure thus seems retrospectively necessary, in the new perspective of emancipation that attacks both the pillars and the roof of the existing order. To put this another way, political emancipation is no more an illusion than it is a strictly functional mechanism of bourgeois domination;<sup>40</sup> it is simply—if I may say so!—weighted down<sup>41</sup> by an internal, structural limit that prevents it from answering the question to which it leads (by its very “failing”), that of the advent of concrete universality.

### **Beyond Citizenship: Revolution**

This internal limit, in my view, has also made it impossible to account for the historic process of access to “political emancipation” as an “extension” of citizenship; instead, this process appears as a subversion of the very notion. In a way, the “emphatic” return of citizenship that we are witnessing attests to the crisis that the process is undergoing, or rather, it shows that this crisis is taking a new form. The movement (to continue using this terminology) of the “extension” and “concretization” of citizenship, in the framework of compromises imposed by class struggles,<sup>42</sup> was followed by an era of “cold” counterrevolution, a profound movement of disemancipation put forward

by neoliberalism. The exclusion of the dominated classes from the public sphere (indissociable from the destruction of the social conquests of the previous period), and even from the exercise of their right to vote (witness the collapse of the turnout in the main European countries and these nations' underlying alignment with the U.S. model), that is, the de facto reestablishment of the restricted franchise and of passive citizenship, represents a decisive dimension of this. We thus have proof, if proof were needed, of the unstable and (spatially and temporally) limited character of compromises currently—that is, *retrospectively*—interpreted (and often idealized) as “social citizenship.”

If this is true, the current proliferation of the “citizen” discourse, which contrasts sharply with its relative effacement in a preceding period nonetheless marked by the “advances” of “citizenship” (essentially expressed, we should say, by the discourses of socialism and of the anticolonial revolution), far from being a paradox, must be seen as a symptom (albeit ambiguous) of disemancipation. Sometimes a protest against certain of disemancipation's effects (in the name of “qualitative” or “social” dimensions incorporated into the definition of “citizenship”), sometimes a justification of that process's overall logic (in the name of a return to the virtues of abstract universalism), the figure of the “citizen” celebrated everywhere today accelerates the disemancipating process on the discursive plane by excluding the only critique that radically calls its presuppositions into question, that is, the socialist and communist critique.

Perhaps we can now better understand the reach of the Marxian critique of citizenship. For one can restate “*égalité*” and “citizenship” as often as one likes, but one will never thereby obtain the “transformation of the relations of production,” “seizure of power,” “abolition of wage labor, of the market, and of classes,” or the “withering away of the state.” Naturally, one might judge that, from the very point of view of an emancipating project, these objectives are quite outdated, even dangerous or at least harmful; but to do this, it seems to me that one first has to discuss them seriously, confronting their radical nature and making sure that abandoning them will not entail a serious weakening of the project. Just as it would be illusory to believe that Marx's theory can avoid confrontation with the defeats of the past century, it is essential that we understand the meaning of the resistances that his theory continues, and will continue, to inspire.

Translated by Alex Martin

## Notes

- 1 Hegel's preface to *The Phenomenology of Spirit*.
- 2 On this point, I refer the reader to the excellent synthesis of G. Bensusan, "Question juive," in *Dictionnaire critique du marxisme*, ed. G. Labica and G. Bensusan, new ed. (Paris, 2003).
- 3 Thus the title Marx gave his text was *Zur Judenfrage*: "On [or "About"] the Jewish Question," and not simply "The Jewish Question," as it is often translated erroneously.
- 4 That is, in addition to *On the Jewish Question*, the introduction to the *Contribution to the Critique of Hegel's Philosophy of Right*. It would also be appropriate to include in this list Marx's letters to Arnold Ruge.
- 5 Karl Marx, *On the Jewish Question* (hereafter *JQ*), in *Karl Marx, Frederick Engels: Collected Works*, vol. 3 (New York: International Publishers, 1975), 162. Unless otherwise stated, emphasis in all quotes is in the original. For the original German, see *Marx Engels Werke*, vol. 1 (hereafter *MEW 1*), 363–64.
- 6 This primacy of property has repercussions at the level of positive right, which accords to the right of property guarantees unknown to others, and especially "social" rights (we will return to this).
- 7 *JQ* 164, *MEW 1*:366.
- 8 *JQ* 163, 1:365. Even Rousseau (as Marx emphasizes later in *On the Jewish Question*), despite his conception of a "civil liberty" that entails not the loss of "natural liberty" but rather the production of a new freedom based on the entire alienation of the individual forces of all those who found the political association, remains a prisoner of this model of liberty-independence.
- 9 This suspicion nonetheless remains that this "essence" itself functions on the mode of a nature, of an original given altered by the atomism of bourgeois society, which "human emancipation" serves to reestablish. These ambiguities led Marx later (in the sixth thesis on Feuerbach) to repudiate explicitly the concept of "species" and of "generic essence" as "internal, mute universality binding the numerous individuals in a natural fashion" (from *Karl Marx: Les thèses sur Feuerbach*, ed. G. Labica [Paris: Presses Universitaires de France, 1897], 22).
- 10 *JQ* 167, *MEW 1*:369.
- 11 "Only when the real, individual man re-absorbs in himself the abstract citizen, and as an individual human being has become a *species-being* [*Gattungswesen geworden ist*] in his everyday life, in his particular work, and in his particular situation, only when man has recognised and organised his '*forces propres*' as *social forces*, and consequently no longer separates social power from himself in the shape of *political power*, only then will human emancipation have been accomplished." *JQ* 168, *MEW 1*:365.
- 12 On this question, see D. Losurdo, "Marx: La tradition libérale et le concept universel de l'homme," *Actuel Marx*, no. 5 (1989): 17–31; and Losurdo, "La construction du concept universel de l'homme: De la tradition libérale à la Révolution française," in *La philosophie et la Révolution française*, ed. B. Bourgeois and J. d'Hondt (Paris: Vrin, 1993), 49–58.
- 13 Cf. C. B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1964). On the political (and foundational) implications of Lockean anthropology, see Neal Wood, *The Politics of Locke's Philosophy: A Social*

- Study of "An Essay Concerning Human Understanding"* (Berkeley: University of California Press, 1983).
- 14 Quoted in R. Zapperi, introduction to E. Sieyès, *Qu'est-ce que le Tiers Etat?* (Geneva: Droz, 1970), 46. Sieyès even envisaged, in absolute seriousness, the perfection, through successive crossings, of a new "race" of "anthropomorphic monkeys" destined to be "slaves," alongside the race of "negroes," serving as "auxiliary instruments of labor," and of a "race" of "chiefs of production," composed exclusively of "whites" (*ibid.*, 11).
- 15 B. Constant, *Principes de politique* (Paris: Hachette, 1997), 179.
- 16 Cf. G. Fraisse, *Muse de la Raison: Démocratie et exclusion des femmes en France* (Paris: Galimard, 1995). Fraisse correctly emphasizes that "it can be said that equality is true in theory and false in practice, but the procedure is in fact more perverse, because theory itself bears inequality, the possibility of subordinating women" (286); she concludes that "the Declaration of the Rights of Man is not contradictory with exclusion" (330).
- 17 A. Tosel, *Démocratie et libéralisme* (Paris: Kimé, 1995), 20–26. This principle is "hidden" not because the utterances of the exclusion remain implicit (on the contrary, we have seen that they are clearly affirmed) but because they are situated *at another level* of the discourse, one that is more "empirical," or "concrete," leaving formally intact the primary utterance that was supposed to "subsume" them from the heights of its impassive universality. Thus the fragmented, proliferating, and finally instable character of this particular type of utterance.
- 18 Like the relationships of filiation in feudal society, the exclusion of women and the "racization" of proletarians show that the "naturalization" of relationships of domination is displaced and reformulated in the terms of anthropological difference.
- 19 See esp. "Sur le lieu commun: Il se peut que ce soit juste en théorie, mais, en pratique, cela ne vaut point," in E. Kant, *Oeuvres philosophiques*, vol. 3 (Paris: Gallimard, 1986), cf. esp. 275–78, an eloquent plea for the exclusion from citizenship of women, minors, and all those who sell their force of labor (*operarii*).
- 20 See, e.g., E. Laclau's argument in *Emancipation(s)* (London: Verso, 1996).
- 21 Cf. D. Losurdo, *Démocratie ou bonapartisme* (Paris: Temps des Cerises, 2003), 25–27; and, for women, Fraisse, *Muse de la Raison*, 275–76.
- 22 Losurdo, *Démocratie ou bonapartisme*.
- 23 "The political revolution thereby abolished [*hob . . . auf*] the *political character of civil society* [*bürgerliche Gesellschaft*]. It broke up civil society into its simple component parts; on the one hand, the individuals; on the other hand, the *material and spiritual elements* constituting the content of the life and civil position of these individuals." *JQ* 166, *MEW* 1:368.
- 24 E.g., like the abstract universal of "republican laicity" that today is wielded against "communitarian particularisms," and which reveals itself to be the true particularism, one that affirms a "national" identity, openly exclusive since it is built on the massive repression of the colonial fact and of the racial discrimination experienced daily by entire sectors of French society.
- 25 J. Rancière suggestively renders this dialectic of the universal by defining the political as an "institution on behalf of those with no share" [*institution de la part des sans part*], whose irruption reveals the contingency of any social order (the management, the counting, of which defines the "police" for Rancière) that affirms itself as the all, the singular universal that is born, in the polemical mode, of the fundamental wrong, the exclusion of

- the “unaccounted.” Cf. Rancière, *La mécontente* (Paris: Galilée, 1995). No doubt, but on the condition that we not oppose (as Rancière does) symbolic exclusion and social determinations—or, in other words, “politics” and “police”—in order to illuminate the “politicity” of the “police” itself.
- 26 *JQ* 167, *MEW* 1:369.
- 27 *Ibid.*
- 28 “Far from eliminating these artificial differences [the political state] only exists through their presuppositions”; *JQ* 153, *MEW* 1:354.
- 29 *JQ* 167, *MEW* 1:369.
- 30 Cf. *JQ* 156, *MEW* 1:357.
- 31 It also entails a transformation of the “rights” in question, as we will return to later.
- 32 K. Marx and F. Engels, *The German Ideology*, in *Karl Marx, Frederick Engels: Collected Works*, vol. 5 (New York: International Publishers, 1975), 320.
- 33 “The establishment of the political state and the dissolution of civil society into independent *individuals*—whose relations with one another depend on *law*, just as the relations of men in the system of estates and guilds depended on *privilege*—is accomplished by *one and the same act*.” *JQ* 167, *MEW* 1:369.
- 34 B. Binoche, *Critiques des droits de l’homme* (Paris: Presses Universitaires de France, 1989), III.
- 35 Cf. K. Marx, *The Class Struggles in France, 1848–1850*, in *Karl Marx, Frederick Engels: Collected Works*, vol. 10 (New York: International Publishers, 1975), 77–78. “Behind the right to work stands power over capital; behind the power over capital, the appropriation of the means of production, their subordination to the associated working class and, therefore, the elimination of wage labor, of capital and of their mutual relations. Behind the ‘right to work’ stood the June insurrection” (78).
- 36 Contrary to what is often claimed, it is under this formulation that the right to work figures in the preamble to the French constitution of 1946, confirmed in 1958, where it appears, furthermore, not as an unconditional right but as counterweight to the “duty” to work.
- 37 Cf. J.-J. Goblot, *Le droit au travail: Passé, présent, avenir* (Paris: Syllepse, 2003).
- 38 E.g., in *Class Struggles in France*: “The secret of the revolution of the nineteenth century” is “*the emancipation of the proletariat*” (10:57).
- 39 *JQ* 155, *MEW* 1:356 (my emphasis); Marx, introduction to *Critique de la philosophie de droit de Hegel*, trans. E. Kouvelakis (Paris: Ellipses, 2000), 16, 18, *MEW* 1:388, 389.
- 40 This is S. Petrucciani’s objection in his stimulating study “Marx et la critique de l’égalité politique,” *Actuel Marx*, no. 8 (1990): 67–86.
- 41 Behind the original past participle *grevée* lies a pun on the noun *grève* (strike). *Trans.*
- 42 We should stress the extent to which these compromises were indebted to October 1917, including from the strict point of view of “political emancipation”: Soviet Russia was the first nation to recognize simultaneously the political rights of those who do not own property, of women, and of oppressed nationalities.

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