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Marx's Social Republic

Radical Republicanism and the Political Institutions of Socialism

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In William Morris's epic poem, *The Pilgrims of Hope* (1885–6), three English communists travel to Paris to fight for the Commune—the working-class insurrection that controlled the city for seventy-two days from 18 March to 28 May 1871.¹ Two of them die fighting on the barricades and the third only narrowly escapes back to England, after the Versailles government brutally slaughters the Communards during the infamous *la semaine sanglante* ('the bloody week'). But in the most moving stanza of the poem, the hero describes what it was like to see the city in that fleeting moment when 'Paris was free':

And that day at last of all days I knew what life was worth;
For I saw what few have beheld, a folk with all hearts gay.
Then at last I knew indeed that our world of the coming day,
That so oft in grief and in sorrow I had preached, and scarcely knew
If it was but despair of the present or the hope of the day was due,
I say that I saw it now, real solid and at hand.²

That experience was comparable to the effect that the Commune had on Karl Marx.³ He heaped praise on the Parisian workers for 'storming the heavens' and

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² William Morris, 'The Pilgrims of Hope', *The Commonweal*, 2, no. 17 (8 May 1886), p. 45.

³ Titles of Marx's works are given in the original language of publication and references are to the *Marx Engels Werke* (Berlin: Dietz Verlag, 1956–68), henceforth *MEW*; and the *Marx Engels Collected Works* (London: Lawrence and Wishart, 1975–2005), henceforth *MECW*. Where necessary I refer to the more authoritative but less accessible *Marx Engels Gesamtausgabe* (Berlin: Dietz Verlag, 1975–98; Akademie Verlag: 1998–), henceforth *MEGA*[®]. For other primary sources I have tried to cite both the original and an English translation.

ensuring that a 'new point of departure of world-historical importance has been gained'.⁴ But it was not the Commune's modest social measures that caused Marx such excitement. It was because the Commune's popular democratic experiment, 'real solid and at hand', led Marx to reconsider and clarify what political institutions were necessary for achieving and maintaining socialism. As he put it, the Commune was 'the political form at last discovered under which to work out the economical emancipation of Labour'.⁵ This political form was, as I will argue in this chapter, inherited from the republican tradition, and especially its most radical and popular elements.⁶

I will set out three dimensions of how Marx's political thought was shaped by this republican inheritance.⁷ First, his advocacy of a system of popular delegacy to replace representative government, where representatives are constrained by imperative mandates, the right to recall, and short terms of office. Second, his preference for legislative supremacy over the executive and his criticisms of the separation of powers. Third, his support for placing the state's administrative and repressive organs under popular control.

Underlying Marx's commitment to these popular political institutions was his confidence in the capacity of the popular classes to rule and administer themselves. Marx maintained that the Commune had revealed the ability of 'plain working men' to govern themselves 'modestly, conscientiously, and efficiently' and thereby undermined the pretension that the 'governmental privilege' should be reserved for the 'upper 10,000' of wealthy elites—their supposed 'natural superiors'.⁸ It was moreover, Marx insisted, a 'Delusion' that 'administration and political governing were mysteries, transcendent functions only to be trusted to the hands of a trained caste'.⁹ Marx thus believed that the common citizens had a greater capacity for political decision making and administration than the elitist few; a belief that places him in the company of radical republicans like Machiavelli

⁴ Marx to Ludwig Kugelmann, 12 April and 17 April 1871, *MEW*, vol. 33, pp. 205–6, 209; *MECW*, vol. 44, pp. 131–2, 137. For his later more measured assessment, see Marx to Ferdinand Domela Nieuwenhuis, 22 February 1881, *MEW*, vol. 35, p. 160; *MECW*, vol. 46, p. 66.

⁵ Marx, *Civil War in France*, *MEW*, vol. 17, p. 342; *MECW*, vol. 22, p. 334.

⁶ For the relationship between republicanism and Marx's social thought, see Bruno Leipold, 'Chains and Invisible Threads: Liberty and Domination in Marx's Account of Wage-Slavery', in *Rethinking Liberty before Liberalism*, eds. Hannah Dawson and Annelien de Dijn (Cambridge: Cambridge University Press, forthcoming).

⁷ One way that Marx's political thought might be thought to diverge from the republican tradition is his supposed belief in the disappearance of politics and political institutions once communism is properly established. The textual basis for this interpretation is, however, remarkably thin and confuses Marx's belief in the end of *class-based* politics with the end of politics *as such*. For insightful discussion of this widespread misunderstanding, see Norman Geras, 'Seven Types of Obloquy: Travesties of Marxism', *Socialist Register* 26 (1990), pp. 25–9; and William Clare Roberts, *Marx's Inferno: The Political Theory of Capital* (Princeton, NJ: Princeton University Press, 2017), pp. 251–3.

⁸ Marx, *Civil War in France*, *MEW*, vol. 17, p. 343; *MECW*, vol. 22, p. 336; *Civil War in France (First Draft)*, *MEW*, vol. 17, p. 556; *MECW*, vol. 22, p. 489.

⁹ Marx, *Civil War in France (First Draft)*, *MEW*, vol. 17, p. 544; *MECW*, vol. 22, p. 488.

and distinguishes him from the more aristocratic and oligarchic strains of the republican tradition.¹⁰

Marx repeatedly referred to the kind of polity that incorporated these popular political institutions as a *social republic*. He argued that the Commune had shown that,

a Republic is only in France and Europe possible as a ‘Social Republic’, that is a Republic which disowns the capital and landowner class of the State machinery to supersede it by the Commune, that frankly avows ‘social emancipation’ as the great goal of the Republic and guarantees thus that social transformation by the Communal organisation.¹¹

The term social republic came to particular prominence amongst radicals during the 1848 Revolutions. It formed half of the popular slogan ‘*la République démocratique et sociale*’ (the Democratic and Social Republic), which became the rallying cry for socialists and republicans fighting for a republic that would both institute universal male suffrage and go beyond political reform and address the social question.¹² In Marx’s analysis, the social republic (and related terms like the ‘red republic’ and the ‘Republic of Labour’) was the form of the republic sought by the working class and he distinguished it from the ‘*bourgeois republic*... the state whose admitted purpose is to perpetuate the rule of capital, the slavery of labour’.¹³ He argued that the underdevelopment of the working class in 1848 ensured the victory of the bourgeoisie and their bourgeois republic and meant that a ‘*social republic* [only] appeared as a phrase, as a prophecy’ of things to come.¹⁴ For Marx, the subsequent events of the Commune, twenty-three years later, were a striking illustration of the working class finally being in a position to take

¹⁰ John P. McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011), pp. 66–7.

¹¹ Marx, *Civil War in France (First Draft)*, *MEW*, vol. 17, p. 554; *MECW*, vol. 22, p. 497. Marx similarly writes that the “Social Republic” ... [was] ... a Republic that was not only to supersede the monarchical form of class-rule, but class-rule itself; *Civil War in France*, *MEW*, vol. 17, p. 338; *MECW*, vol. 22, pp. 330–1. I have discussed Marx’s use of the term in more detail in Bruno Leipold, ‘Social Republic’, in *Marx from the Margins: A Collective Project, from A to Z*, special issue of *Krisis: Journal for Contemporary Philosophy* 2 (2018), pp. 153–4. Unfortunately, William Clare Roberts’s ‘Marx’s Social Republic: Political Not Metaphysical’, *Historical Materialism* (2019), doi.org/10.1163/1569206X-00001870, appeared too late for its arguments to be incorporated into this chapter.

¹² Maurice Agulhon, *The Republican Experiment, 1848–1850*, trans. Janet Lloyd (Cambridge: Cambridge University Press, 1983), pp. 164–5; Jeremy Jennings, *Revolution and the Republic: A History of Political Thought in France since the Eighteenth Century* (Oxford: Oxford University Press, 2011), p. 56; Pamela M. Pilbeam, *Republicanism in Nineteenth-Century France, 1814–1871* (Basingstoke: Macmillan, 1995), pp. 215–18; and Jonathan Sperber, *The European Revolutions, 1848–1851*, 2nd ed. (Cambridge: Cambridge University Press, 2005), pp. 206–7.

¹³ Marx, ‘Die Klassenkämpfe in Frankreich’, *MEW*, vol. 7, p. 33; *MECW*, vol. 10, p. 69.

¹⁴ Marx, *Der achtzehnte Brumaire des Louis Bonaparte*, *MEW*, vol. 8, pp. 120, 194; *MECW*, vol. 11, pp. 109, 181–2.

political power (however briefly) and setting about the task of creating their own social republic.¹⁵

Marx's conception of the political structure of socialism is more usually known as the 'dictatorship of the proletariat'. But despite the canonical role that this phrase has played in Marxist and anti-Marxist thought, Marx's own usage of it is more sporadic and less definitive than its subsequent status would suggest.¹⁶ What he meant by the phrase has also been significantly distorted by subsequent linguistic and political developments. 'Dictatorship' has evolved from its initial identification with the Roman Republic's constitutional provision for temporarily handing extensive (but still limited) power to an individual during state emergencies, to referring to autocratic rule that is permanent and constitutionally unconstrained.¹⁷ Moreover, the 'dictatorship of the proletariat' has become inescapably associated with one-party rule and the prohibition of democratic and civic freedoms. Using the term social republic thus has some advantage in avoiding this ideological baggage as well as preconceptions of what Marx is supposed to have believed about the political institutions of socialism.

My discussion of the social republic will primarily draw on Marx's *The Civil War in France* (1871), as well as two lengthy drafts of the text. Marx wrote this pamphlet (which appeared as an address of the General Council of the International Workingmen's Association) in order to defend the Commune against the nearly universal international condemnation it faced and to push his particular interpretation of events (as such, the text should in parts be treated 'not [as] an account of what the *Commune* was, but of what it might have become'¹⁸). From Marx's discussion of the actual and potential institutional features of the Commune we can draw out the broad counters of what he thought the political institutions of socialism should look like. However, this account is only a fragmentary picture of a society's political institutions and it is certainly not a blueprint from which one could straightforwardly derive the constitution of a socialist polity. Marx was

¹⁵ There is some disagreement about the extent to which the Paris Commune should be considered a working-class uprising, see David A. Shafer, *The Paris Commune: French Politics, Culture, and Society at the Crossroads of the Revolutionary Tradition and Revolutionary Socialism* (Basingstoke: Palgrave Macmillan, 2005), p. 115; Robert Tombs, *The Paris Commune, 1871* (London: Longman, 1999), pp. 111–16.

¹⁶ See the exhaustive analysis in Hal Draper, 'Marx and the Dictatorship of the Proletariat', *New Politics* 1, no. 4 (1961), pp. 91–104; and Hal Draper, *Karl Marx's Theory of Revolution*, vol. 3 (New York: Monthly Review Press, 1986), part IV. See also, Lea Ypi, 'Legitimacy, Dictatorship and Utopia: A Marxist Perspective', unpublished manuscript. One pertinent example of the varied and interchangeable terminology that Marx uses to describe the political structure of socialism, is his claim that the peasant should side with the workers' republic because the 'social-democratic, the red republic, is the dictatorship of his allies', Marx, 'Die Klassenkämpfe in Frankreich', *MEW*, vol. 7, p. 84; *MECW*, vol. 10, p. 122.

¹⁷ Draper, *Karl Marx's Theory of Revolution*, vol. 3, pp. 11–16; Wilfried Nippell, 'Saving the Constitution: The European Discourse on Dictatorship', in *In the Footsteps of Herodotus: Towards European Political Thought*, eds. Janet Coleman and Paschalis M. Kitromilides (Florence: L. S. Olschki, 2012), pp. 29–49.

¹⁸ Gareth Stedman Jones, *Karl Marx: Greatness and Illusion* (London: Allen Lane, 2016), p. 502.

opposed to setting out detailed future plans of this kind, and he explicitly praised the Commune for having no ‘ready-made Utopias to introduce *par décret du peuple*’ (‘by decree of the people’).¹⁹ This refusal to consider the details of socialism, including its political and constitutional requirements, in the depth it deserves is one of the less convincing aspects of Marx’s thought.²⁰ There is, however, much in his account of the social republic that is suggestive and thought provoking, and if we abandon the idea that it has to be ‘swallow[ed]... whole’,²¹ then both republicans and socialists might find something of value for thinking about how our political institutions should be structured.

1. Popular Delegacy and Representative Government

At the outbreak of the Commune, authority over Paris first passed into the hands of the Central Committee of the National Guard, an autonomous and democratic body that had emerged the month before in the turbulent aftermath of the Prussian siege of Paris. Marx enthusiastically described the Central Committee’s federative system of electing its members (from companies and battalions upwards) and claimed that ‘Never were elections more sifted, never delegates fuller representing the masses from which they had sprung’.²² Marx extended this praise to the electoral mechanisms of the Commune Council (subsequently shortened to simply Commune), which assumed control from the Central Committee after elections on 26 March 1871. Marx argued that these measures, comprising imperative mandates, representative recall, and short terms of office, transformed an unaccountable system where representatives ruled over the people to one where delegates were subordinated to their oversight and control. As he says in *The Civil War in France*, ‘[i]nstead of deciding once in three or six years which member of the ruling class was to misrepresent the people in Parliament, universal suffrage was to serve the people, constituted in Communes’.²³

The institutional mechanisms that Marx embraces to constrain representatives (or delegates) conflict with one of the core principles of representative government, which holds, as Bernard Manin identifies in his authoritative account of the topic, that representatives retain partial independence from the will of the people

¹⁹ Marx, *Civil War in France*, MEW, vol. 17, p. 343; MECW, vol. 22, p. 335.

²⁰ See David Leopold, ‘The Structure of Marx and Engels’ Considered Account of Utopian Socialism’, *History of Political Thought* 26, no. 3 (2005), pp. 443–66; and David Leopold, ‘On Marxian Utopophobia’, *Journal of the History of Philosophy* 54, no. 1 (2016), pp. 111–34.

²¹ David Leopold, *The Young Karl Marx: German Philosophy, Modern Politics, and Human Flourishing* (Cambridge: Cambridge University Press, 2007), p. 11.

²² Marx, *Civil War in France (First Draft)*, MEW, vol. 17, p. 538; MECW, vol. 22, p. 483.

²³ Marx, *Civil War in France*, MEW, vol. 17, p. 340; MECW, vol. 22, p. 333.

who elected them.²⁴ That is, once representatives are elected, they are not required to vote in accordance with the preferences of their constituents and can instead decide on legislation based on their own judgment. At the same time, Manin points out, representatives are not entirely independent of their constituents either, as they are subject to both citizen pressure during their mandate and the threat of not being re-elected at the end of their mandate. This means that representatives have both an incentive to act in accordance with their constituents' preferences, but are not legally required to do so, giving them a certain degree of discretion. Manin outlines several constitutional mechanisms that can reduce the degree of this discretion, focusing particularly on imperative mandates and the right to recall representatives. Imperative mandates (often referred to by their French name, *mandat impératif*), require representatives to carry out the instructions given to them by their constituents. The right to recall allows constituents to sanction representatives immediately rather than at the end of their mandate. Both measures thereby constrain the discretion of representatives. They have however been almost universally absent from or even explicitly banned by the constitutions of representative governments. Manin writes, 'None of the representative governments established since the end of the eighteenth century has authorized imperative mandates... Neither has any of them durably applied permanent revocability of representatives.'²⁵ In France, the imperative mandate has been expressly prohibited in all of its republican constitutions (with the exception of the never implemented 1793 Jacobin Constitution and the 1946 Constitution of the ill-fated Fourth Republic), and similar provisions can be found in the modern constitutions of countries as diverse as Germany, Korea, Senegal, and Spain.²⁶

There was however a long radical republican tradition, from the French Revolution to the Paris Commune, which, inspired by Rousseau, contested this ultimately victorious model of largely unconstrained representation.²⁷ Across the various republican constitutional moments we find the more radical elements of the tradition voicing a more accountable and delegative understanding of representation. One of the Revolution's key radical participants, Jean-Paul Marat, had already advised the English people in 1774 that 'representatives of the people ought ever to act according to the instructions of their constituents' otherwise

²⁴ Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), pp. 6, 163–7.

²⁵ *Ibid.*, p. 163.

²⁶ Christoph Müller, *Das imperative und freie Mandat: Überlegungen zur Lehre von der Repräsentation des Volkes* (Leiden: A. W. Sijthoff, 1966), pp. 50–3; Marc Van der Hulst, *The Parliamentary Mandate: A Global Comparative Study* (Geneva: Inter-Parliamentary Union, 2000), p. 8.

²⁷ Pierre-Henri Zaidman, *Le mandat impératif: De la Révolution française à la Commune de Paris* (Paris: Les Editions Libertaires, 2008); Marco Goldoni, 'Rousseau's Radical Constitutionalism and Its Legacy', in *Constitutionalism beyond Liberalism*, eds. Michael W. Dowdle and Michael A. Wilkinson (Cambridge: Cambridge University Press, 2017), pp. 227–53.

'What then are our representatives, but our masters?'²⁸ When deputies assembled in the Estates General in 1789 they carried instructions (*Cahiers*) from their constituencies, which were almost immediately declared void in response to the aristocratic Second Estate's attempt to use them to block the early constitutional process of the Revolution, and the imperative mandate was subsequently banned in the 1791 Constitution. However, as the Revolution progressed various radical groupings, including the sans-culottes, concluded that this had resulted in the 'establishment of an unrestrained power' which had replaced the king's despotism with 'legislative tyranny', and they thus waged a campaign to legalize the imperative mandate, having some success with the Jacobin Constitution of 1793, which also included a provision for representative recall.²⁹ These more radical ideas on representation surfaced once again with the Commune, with Commune members citing the *mandat impératif* given to them by their constituents in the justification of their votes.³⁰ Even after the Commune's demise, radical republicans waged an unsuccessful campaign for imperative mandates to be included in the constitution of the Third Republic.³¹ They argued that the choice for the French people lay between the '*imperative mandate or carte blanche to our mandatories, masters or slaves, this is the alternative; nothing in between, you must choose*.'³²

Marx inherited this tradition of radical constitutionalism, and we find its influence expressed in his endorsement of imperative mandates and the right to recall representatives, as well as short terms of office, in his defence of the Commune. The Commune is praised for having its members 'chosen by universal suffrage... responsible and revocable at short terms', as well as its proposed plans for local and regional communes to send delegates to a national body where 'each delegate [would] be at any time revocable and bound by the *mandat impératif* (formal instructions) of his constituents.'³³ Marx also expresses distaste for

²⁸ Jean-Paul Marat, *The Chains of Slavery: A Work wherein the Clandestine and Villainous Attempts of Princes to Ruin Liberty Are Pointed Out, and the Dreadful Scenes of Despotism Disclosed...* (London: 1774), p. 203. See further discussion in Rachel Hammersley, *The English Republican Tradition and Eighteenth-Century France: Between the Ancients and the Moderns* (Manchester: Manchester University Press, 2010), p. 142.

²⁹ Jean-François Varlet, *Projet d'un mandat spécial et impératif, aux mandataires du peuple à la Convention nationale* (Paris: Imprimerie du Cercle social, 1792), pp. 6–7; 'Proposal for a Special and Imperative Mandate', in *Social and Political Thought of the French Revolution 1788–1797: An Anthology of Original Texts*, abridged ed., ed. and trans. Marc Allan Goldstein (New York: Peter Lang, 2001), pp. 154–5. For an overview of this episode, see Nicolai von Eggers, 'When the People Assemble, the Laws Go Silent: Radical Democracy and the French Revolution', *Constellations* 23, no. 2 (2016), pp. 256–8.

³⁰ See particularly the minutes of the session on 1 May 1871, in *Les 31 séances officielles de Commune de Paris* (Paris: Revue de France, 1871), pp. 140–2.

³¹ Daniel Mollenhauer, *Auf der Suche nach der 'wahren Republik': Die französischen 'radicaux' in der frühen Dritten Republik (1870–1890)* (Bonn: Bouvier Verlag, 1997), chap. 4.

³² Anonymous [Charles Ferdinand Gambon], *Le mandat impératif par un paysan et lettre du citoyen Félix Pyat* (Genève: L'imprimerie Coopérative, 1873), p. 21.

³³ Marx, *Civil War in France*, *MEW*, vol. 17, p. 339–40; *MECW*, vol. 22, pp. 331–2. There is some ambiguity here if 'short terms' is supposed to refer to the length of mandate or how quickly the electorate can recall their representatives.

representatives previously having 'three or six years . . . to misrepresent the people' and constituents only being able to replace them 'once in many years'.³⁴ This preference for short terms of office is also expressed in an 1852 article on the Chartists, where Marx voices his support for their demand for annual general elections (the only one of their six demands that remains unfulfilled today), noting that it was one 'of the conditions without which Universal Suffrage would be illusory for the working class'.³⁵

Marx does not dedicate much space to considering exactly how these electoral mechanisms would ensure greater democratic accountability. But he does make an intriguing comparison between voters choosing representatives and employers hiring workers. He comments that 'universal suffrage . . . [will] serve the people' just 'as individual suffrage serves every other employer in the search for the workmen and managers in his business'.³⁶ Marx continues the comparison by claiming that it is 'well known' that both individual citizens and employers have the 'know how to put the right man in the right place', but if they do 'make a mistake' they have the power to 'address it promptly'.³⁷ The ironic point being that just as employers can fire their employees as they please, so the people will be able to recall its representatives as it pleases. The implication of this comparison is that similarly to how workers are currently tied to the will of their employers, so representatives will be tied to the will of their electors. For if a representative diverges from the preferences of the constituents, the constituents can 'promptly' rectify their mistake by immediately recalling their representative, rather than having to wait for the end of the representative's mandate to vote them out office. The representative can thus be expected to tailor their behaviour, just as a worker does, to ensuring that the constituents do not try to recall them.

The outcome of the accountability mechanisms that Marx endorses would mean the transformation of representative government into a system of popular delegacy. In the former, representation is understood as the ceding of decision-making power by the people to representatives and the people's role reduced to deciding whether to renew or decline their mandate at the next election. In between elections, representatives exercise their mandate with a large degree of discretion and without the formal involvement of the people. In a system of popular delegacy, representation is instead understood as a form of commission, where representatives (or delegates) implement the wishes of their constituents. The people also retain the continuous power to intervene in the decision making

³⁴ Marx, *Civil War in France*, MEW, vol. 17, p. 340; MECW, vol. 22, p. 333; *Civil War in France (Second Draft)*, MEW, vol. 17, p. 544; MECW, vol. 22, p. 488.

³⁵ Marx, 'The Chartists', MEW, vol. 8, p. 344; MECW, vol. 11, p. 335. The Chartists' other demands were: universal manhood suffrage, the secret ballot, equally sized constituencies, salaries for members of parliament, and the removal of property qualifications for members of parliament.

³⁶ Marx, *Civil War in France*, MEW, vol. 17, p. 340; MECW, vol. 22, p. 333.

³⁷ Ibid.

of their representatives by giving them formal instructions or recalling them entirely. Through the institutions of popular delegacy, Marx thought that universal suffrage would be turned from a tool to choose between elite representatives, to one where the people remain firmly in possession of political power. That point is vividly made in the first draft of *The Civil War in France*, where Marx argues,

The general suffrage, till now abused either for the parliamentary sanction of the Holy State Power, or a play in the hands of the ruling classes, only employed by the people to choose the instruments of parliamentary class rule once in many years, adapted to its real purposes, to choose by the communes their own functionaries of administration and initiation.³⁸

Marx's critique of representative government in his discussion of the Paris Commune is prefigured in some of his early political writings, particularly in his criticisms of Hegel in his *Zur Kritik des Hegelschen Rechtsphilosophie* (Contribution to a Critique of Hegel's Philosophy of Right, 1843). Hegel had rejected 'commissioned or mandated agents' because he believed that representatives had a 'better understanding' of the common good than the people who elected them.³⁹ Marx countered that unencumbered representatives 'in reality represent *particular* interests' and without the formal constraints of imperative mandates, representatives stop being delegates of the people, commenting that 'Formally they are commissioned, but once they are *actually* commissioned they are *no* longer *mandatories*. They are supposed to *be delegates*, and they are *not*.'⁴⁰ Marx further objected to how representative government reduced political participation, a '*single and temporary*' event, to a '*sensational* act, [that] it is political society at a moment of *ecstasy*.'⁴¹

As several commentators have noticed, Marx's critique of reducing the people's involvement in politics to merely choosing who is to lead them every few years and his endorsement of an alternative system of popular delegacy bears a striking resemblance to Rousseau.⁴² Rousseau famously argued in *Du contrat social* (On the Social Contract, 1762) that representative government amounted to slavery punctuated by momentary freedom during elections. The English people were

³⁸ Marx, *Civil War in France (First Draft)*, MEW, vol. 17, p. 544; MECW, vol. 22, p. 488.

³⁹ Hegel, *Grundlinien der Philosophie des Rechts* (Frankfurt am Main: Suhrkamp, 1970), §309, p. 478; *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), §309, p. 348.

⁴⁰ Marx, *Zur Kritik des Hegelschen Rechtsphilosophie*, MEW, vol. 1, p. 329; MECW, vol. 3, p. 123.

⁴¹ Marx, *Zur Kritik des Hegelschen Rechtsphilosophie*, MEW, vol. 1, p. 317; MECW, vol. 3, p. 112.

⁴² See for example, Lucio Colletti, 'Introduction', in *Early Writings*, by Karl Marx (London: Penguin, 1975), p. 46; Norman Arthur Fischer, *Marxist Ethics within Western Political Theory: A Dialogue with Republicanism, Communitarianism, and Liberalism* (New York: Palgrave Macmillan, 2015), pp. 63–5; Goldoni, 'Rousseau's Radical Constitutionalism', p. 250; and Manin, *Principles of Representative Government*, p. 165. David Leopold shares this assessment but cautions against exaggerating both the broader similarity between Rousseau and Marx's political thought and the extent of Rousseau's influence on Marx, Leopold, *Young Karl Marx*, pp. 262–71.

thus 'free only during the election of Members of Parliament; as soon as they are elected, it is enslaved, it is nothing'.⁴³ Rousseau's criticism of representation has often given rise to the interpretation that he thinks freedom is only realizable in small city-states where every citizen can participate directly and representation is unnecessary. But in his *Considérations sur le gouvernement de Pologne* (Considerations on the Government of Poland, 1772) Rousseau suggests that liberty and large modern states can in fact be reconciled. He argues that the inevitable corruption of legislators in a representative system can be avoided by two mechanisms: holding frequent elections and requiring legislators to 'adhere exactly to their instructions'.⁴⁴ Rousseau argues that without these preventative measures the legislature becomes the 'instrument of servitude'.⁴⁵ He thus observes of the unencumbered English system of representation,

I can only marvel at the negligence, the carelessness, and I dare say the stupidity of the English Nation, which after arming its deputies with the supreme power, adds not a single restraint to regulate the use they might make of it during the entire seven years of their mandate.⁴⁶

Marx and Rousseau thus both share a commitment to imperative mandates and frequent elections as constitutional mechanisms to keeping representatives accountable to the people who elected them. (The similarity between Marx and Rousseau on this question is not surprising, given that in the same summer that the young Marx wrote his critique of Hegel he read and took notes on Rousseau's *Du contrat social*).⁴⁷ Both Marx and Rousseau turn to popular delegacy as a way to realize democracy and popular sovereignty in a large modern polity, without resorting to the largely unconstrained form of representation that has today become exclusively identified with 'democracy'. Defenders of representative government have, in contrast, tended to present their preferred regime as the only alternative to Athenian-style direct democracy and since (they maintain) we cannot go back to these small city-states, representative government wins by default. Marx and Rousseau's advocacy of popular delegacy shows that these poles do not exhaust the possibilities for realizing democracy in a modern state.

⁴³ Jean-Jacques Rousseau, *Du contrat social*, in *Oeuvres complètes*, vol. 3 (Paris: Gallimard, 1964), p. 430; *The Social Contract*, in *The Social Contract and Later Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), p. 114.

⁴⁴ Jean-Jacques Rousseau, *Considérations sur le gouvernement de Pologne*, in *Oeuvres complètes*, vol. 3, p. 979; *Considerations on the Government of Poland*, in *Social Contract and Later Political Writings*, p. 201.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.* The maximum parliamentary term was not reduced from seven to five years until the 1911 Parliament Act.

⁴⁷ Marx's notes on Rousseau can be found in MEGA[®], vol. IV.2, pp. 91–101. In addition to Rousseau, Marx also took notes on Machiavelli's *Discorsi sopra la prima deca di Tito Livio* (Discourses on the First Decade of Titus Livy, 1517) and Montesquieu's *De l'esprit des lois* (The Spirit of the Laws, 1748), which are available in the same volume, at pp. 106–15 and 276–8.

2. Legislative Supremacy and the Separation of Powers

Marx praised the Commune for having combined executive and legislative power in one body, commenting that it had been a ‘working, not a parliamentary, body, executive and legislative at the same time.’⁴⁸ The council of the Commune had realized this by reserving executive administrative decisions for the council members themselves. The Commune set up ten commissions (covering familiar ministerial departments such as war, finance, justice, and education), which were made up of between five and eight assembly members and with the head of each commission chosen by the assembly. That meant that two thirds of the Commune’s ninety-odd members exercised an administrative role in addition to their legislative one (hence why Marx calls it a ‘working... body’).⁴⁹ There were thus no president or cabinet ministers who stood outside of the legislature and executive functions were subordinated to legislative direction and control.

Marx’s praise of this constitutional feature of the Commune was in accord with his long-standing suspicion of the executive. In his analysis of the 1848 French Constitution, Marx heavily criticized the power it invested in the executive, through the office of the president, at the expense of the legislature. He thought that the Constitution had thereby simply replaced ‘hereditary monarchy’ with an ‘elective monarchy.’⁵⁰ He argued that the Constitution endowed the president with ‘all the attributes of royal power’, by giving him the right to pardon criminals, to dismiss local and municipal councils, to initiate foreign treaties, and, most damningly, the right to appoint and dismiss ministers without consulting the National Assembly.⁵¹ Marx argues that this final feature of the Constitution meant that the legislature had ‘forfeit[ed] all real influence’ over the operation of the bloated executive bureaucracy and left it solely in the hands of the president.⁵² The president’s power was further enhanced, Marx maintained, by its personal nature, since though the National Assembly represented the ‘manifold aspects of national spirit’, the votes for the presidency were ‘concentrated on one individual’ so that the ‘national spirit finds its incarnation’ in his person.⁵³ Marx thus concluded that the Constitution had created ‘two heads... the *Legislative Assembly*, on the one hand, the *President*, on the other’, where the latter constitutional office provided the opening for an ambitious individual to amass sufficient power to

⁴⁸ Marx, *Civil War in France*, *MEW*, vol. 17, p. 339; *MECW*, vol. 22, p. 331. For socialist criticism of this aspect of Marx’s constitutional thought, see Karl Kautsky, *Die proletarische Revolution und ihr Programm* (Stuttgart: J. H. W. Dietz Nachfolger/Berlin: Buchhandlung Vorwärts, 1922), pp. 127–35; *The Labour Revolution*, trans. H. J. Stenning (London, G. Allen and Unwin, 1925), pp. 75–83.

⁴⁹ These figures are from Richard N. Hunt, *The Political Ideas of Marx and Engels*, vol. 2 (Pittsburgh, PA: University of Pittsburgh Press, 1984), pp. 144–5. See also Tombs, *Paris Commune*, pp. 80–1.

⁵⁰ Marx, ‘Die Klassenkämpfe in Frankreich’, *MEW*, vol. 7, p. 41; *MECW*, vol. 10, p. 77.

⁵¹ Marx, *Der achtzehnte Brumaire des Louis Bonaparte*, *MEW*, vol. 8, p. 127; *MECW*, vol. 11, p. 116.

⁵² *Ibid.*, *MEW*, vol. 8, p. 150; *MECW*, vol. 11, p. 139.

⁵³ *Ibid.*, *MEW*, vol. 8, p. 128; *MECW*, vol. 11, p. 117.

overthrow the legislature and impose their own autocratic rule, as Louis-Napoléon successfully did in his *coup d'état* of 1851.⁵⁴

Marx's analysis of the 1848 Constitution has several elements in common with that of the radical republican Félix Pyat. Pyat was a journalist, playwright, and member of both the Second Republic's National Assembly and later the council of the Commune. During the constituent debates in 1848 he famously took to the rostrum to denounce the proposed office of the president, arguing that he would be an 'elective king' more dangerous than the 'hereditary king' he replaced.⁵⁵ Pyat presciently warned that the constitution would create a dangerous rivalry between 'two heads', where the president would have the advantage of 'tend[ing] to condense, to concentrate, to absorb all powers, to represent, to personify, to incarnate the people.'⁵⁶ In order to avoid that outcome, Pyat urged that the 'legislative power must . . . completely dominate the executive power.'⁵⁷

Marx and Pyat's preference for legislative supremacy over the executive places them in a tradition of radical constitutional thought that can be traced back to the Convention period of the French Revolution and the 1793 Jacobin Constitution.⁵⁸ In this tradition, which is sometimes called 'assembly government' (*gouvernement d'assemblée*), the 'legislative assembly, popularly elected, holds undisputed supremacy over all other state organs' and 'the executive is strictly subordinated, the servant or agent of the assembly and dismissed at the assembly's discretion.'⁵⁹ Marx's preference for this constitutional form derives from his belief that the executive tended to develop an alien and unaccountable will, which in

⁵⁴ Ibid., *MEW*, vol. 8, p. 127; *MECW*, vol. 11, p. 115.

⁵⁵ Félix Pyat, Speech to the National Assembly, 5 October 1848, *Compte rendu des séances de l'Assemblée Nationale*, vol. 4 (Paris: Imprimerie de l'Assemblée Nationale, 1850), pp. 651–2. It is likely that Marx was aware of Pyat's speech, since he was closely following events in France and the speech was well publicized in the French radical press (see, for instance, *La Réforme*, 6 October 1848, no. 277, p. 1).

⁵⁶ Ibid.

⁵⁷ Ibid. Pyat was immediately followed by Alexis de Tocqueville, who defended the proposed role of the president—an action he later regretted, see his *Souvenirs*, in *Œuvres Complètes*, vol. 12 (Paris: Gallimard, 1964), p. 189; *Recollections: The French Revolution of 1848 and Its Aftermath*, ed. Olivier Zunz, trans. Arthur Goldhammer (Charlottesville, VA: University of Virginia Press, 2016), p. 127. For this episode, see Eugene Newton Curtis, *The French Assembly of 1848 and American Constitutional Doctrines* (New York: Columbia University, 1918), pp. 187–8.

⁵⁸ Though Marx's preference for legislative supremacy would seem to further showcase his constitutional affinity to Rousseau, his specification that the legislature should carry out executive administrative tasks distances him from Rousseau, who believed this was properly the role of the executive. That may reflect Marx not employing Rousseau's distinction between sovereignty and government—a feature that potentially brings Marx closer to the Jacobins than Rousseau, see Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2016), pp. 158–60, 254–5. I thank Stuart White for suggesting this point to me.

⁵⁹ Karl Loewenstein, *Political Power and the Governmental Process* (Chicago, IL: University of Chicago Press, 1965), p. 81. Loewenstein condemns this constitutional type as 'arch-democratic, arch-republican, "monolithic" in the extreme'. Marx's position can, however, also be depicted as simply deepening a commitment to ministerial responsibility and the 'standard European practice of parliamentary rule' in contrast to the kind of extreme separation of powers found in the American Constitution, Hunt, *Political Ideas of Marx and Engels*, vol. 2, p. 144.

revolutionary situations meant that it played a reactionary role in comparison to the legislature. In his commentary on the 1848 Revolution, Marx argues that the 'executive power, in contrast to the legislative, expresses the heteronomy of the nation, in contrast to its autonomy';⁶⁰ and in his analysis of the 1789 French Revolution he argues that it was 'made' by the legislature and that whenever the legislature was the 'dominant element' it had made the 'great, organic, general revolutions' because it was the 'the representative of the people, of the will of the species', while the executive was responsible for 'small revolutions, the retrograde revolutions, the reactions', because it was 'representative of the particular will, of subjective arbitrariness'.⁶¹

Assembly government differs from regimes with a strict separation of powers, a constitutional doctrine that Marx heavily criticized.⁶² In a point-by-point analysis of the 1848 French Constitution, Marx commented on Article 19 (which specified that the 'separation of powers is the first principle of a free government'): 'Here we have the old constitutional folly. The condition of a "free government" is not the *division*, but the UNITY of power. The machinery of government cannot be too simple. It is always the craft of knaves to make it complicated and mysterious.'⁶³

Read in isolation this passage can have an alarmingly authoritarian quality. Indeed, the emphasis on the 'UNITY of power' suggests a worrying endorsement of concentrations of power. But if we place the passage in the context of both Marx's wider constitutional thought and the popular republican constitutionalism that we have so far discussed, then it becomes clear that his objection to the separation of powers is that it wrongly concentrates power in the executive at the expense of the legislature. That in turn was, as we saw earlier, grounded in a worry that executive power has a tendency towards independence that escapes the people's control. That criticism of the separation of powers was in fact precisely what its founding defenders praised about the doctrine. Maurice Vile, in his classic study of the separation of powers, writes that the doctrine's founders 'assume[d] that the legislature will, or may, be taken over entirely by the democratic element' and that therefore power had to be dispersed to 'branches of the

⁶⁰ Marx, *Der achtzehnte Brumaire des Louis Bonaparte*, MEW, vol. 8, p. 196; MECW, vol. 11, p. 186.

⁶¹ Marx, *Zur Kritik des Hegelschen Rechtsphilosophie*, MEW, vol. 1, p. 260; MECW, vol. 3, p. 57.

⁶² Marx's criticism of the separation of powers is directed towards the power it assigns to the executive at the expense of the legislature and not at the independence of the judiciary. His approval of the Commune having 'divested [the judiciary] of that shame independence' is a reference to judges no longer being directly appointed by the government and instead being elected by the people, Marx, *Civil War in France*, MEW, vol. 17, p. 339; MECW, vol. 22, p. 332. Hunt notes '[N]owhere did he [Marx] call for any merging of judicial with executive or legislative authority', *Political Ideas of Marx and Engels*, vol. 2, p. 138.

⁶³ Marx, 'The Constitution of the French Republic Adopted November 4, 1848', MEW, vol. 7, p. 498; MECW, vol. 10, p. 570. 'UNITY' is capitalized in the more authoritative version in MEGA², vol. I.10, p. 540.

government largely or wholly outside the legislature.⁶⁴ Thus though the separation of powers is today considered one of the cornerstones of democratic government, its founders explicitly believed that it would serve to limit the democratic influence on the constitution.

The above passage by Marx on the separation of powers is also usefully read in its immediate context. Marx's language was likely inspired by an article written a few weeks earlier by his friend, Ernest Jones, a socialist republican and prominent Chartist,⁶⁵ with both of their articles appearing in Jones's magazine *Notes to the People* in May and June 1851. Jones's article explored the history of renaissance Florence, including its constitutional structure, and made the strikingly similar point to Marx that,

they [the Florentines] sought safety in a complicated machinery of government, in the famous system of 'check and countercheck'; now the fact is government cannot be too simple. If government is *good*, the fewer checks it has in its progress the better; if it is bad, the more complicated its machinery is, the greater is the difficulty in removing or amending it.⁶⁶

Both Jones and Marx thus argue that 'government cannot be too simple' and criticize constitutions that make the 'machinery of government...complicated'. Marx's criticism is directed at the separation of powers, while Jones's is directed at the closely associated (though distinct) system of checks and balances (Marx seems not to have distinguished between these doctrines).⁶⁷ Marx and Jones's preference for simple government contrasts with the contemporaneous judgment of Alexis de Tocqueville who had argued for two legislative chambers in the 1848 Constitution because he preferred a 'somewhat complicated system of checks and balances' to a 'simpler theory, bestowing undivided power on a homogenous authority... [with] no barriers to its actions'.⁶⁸

A similar divide can be found between radical and moderate republicans during the American constitutional debates, with Anti-Federalists advocating a simple constitution that could be easily understood by everyone against the Federalists' complex system of checks and balances, which the Anti-Federalists

⁶⁴ M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Oxford: Clarendon Press, 1967), p. 33.

⁶⁵ For the link between Chartism and republicanism see Mark Bevir, 'Republicanism, Socialism, and Democracy in Britain: The Origins of the Radical Left', *Journal of Social History* 34, no. 2 (2000), pp. 351–3.

⁶⁶ Ernest Jones, 'History of Florence', *Notes to the People*, 4 (May 1851), p. 80.

⁶⁷ The 'pure doctrine' of the separation of powers holds that government should be split into three branches, legislative, executive, and judicial, with each branch having a single corresponding function and a complete separation of persons between branches. The theory of checks and balances adds to this that each branch should also have a limited power to intervene in the other branch's functions. See Vile, *Constitutionalism and the Separation of Powers*, pp. 13, 18.

⁶⁸ Tocqueville, *Souvenirs*, pp. 184–5; *Recollections*, p. 123.

suspected would limit democratic accountability.⁶⁹ Indeed, the Federalists specifically designed these checks and balances with the aim of delaying and cooling the expression of the popular will through the legislature.⁷⁰ They believed that the ‘greatest danger’ to representative government was that the ‘legislature will acquire the defects of a popular assembly’, and that power must therefore not only be dispersed to other branches but those branches must also have the power to intervene in its operation.⁷¹ Presidential veto power, judicial review by the Supreme Court, and the balancing power of the aristocratic Senate were thus all incorporated into the Constitution in order to limit the power of what was taken to be the more democratic element of the Constitution: the House of Representatives. Alexander Hamilton boasted that this system ‘is so complex, so skilfully contrived, that it is next to impossible that an impolitic or wicked measure should pass the scrutiny with success.’⁷²

The Anti-Federalists rejected these aristocratic and anti-majoritarian checks on the legislature, and instead favoured a clearly delineated and transparent constitution, where (similarly to Marx) the legislature was superior to the other branches, since they believed it to be ‘more representative of the people in their diversity than the President, and more accountable to them than the judges.’⁷³ One of the many anonymous Anti-Federalists, compared the virtue of transparent and simple forms of government to the ‘mechanic’ who ‘understands the machinery’ he works with because he can see through its entire operation, and the Anti-Federalist concludes that the ‘constitution of a wise and free people, ought to be as evident to simple reason, as the letters of our alphabet.’⁷⁴ Marx’s own characterization of ‘complicated and mysterious’ government as the ‘craft of knaves’ can be seen as an echo of this older radical constitutionalism.

3. Popular Control of the State’s Organs

In *The Civil War in France* Marx condemns the existing state as a professional, hierarchical, and centralized body that has escaped the control of its citizens. He

⁶⁹ Herbert J. Storing, *What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution* (Chicago, IL: University of Chicago Press, 1981), pp. 53–63.

⁷⁰ Bernard Manin, ‘Checks, Balances and Boundaries: The Separation of Powers in the Constitutional Debate of 1787’, in *The Invention of the Modern Republic*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1994), pp. 59–61.

⁷¹ David Wootton, ‘Liberty, Metaphor, and Mechanism: “Checks and Balances” and the Origins of Modern Constitutionalism’, in *Liberty and American Experience in the Eighteenth Century*, ed. David Womersley (Indianapolis, IN: Liberty Fund, 2006), p. 264.

⁷² Cited in Storing, *What the Anti-Federalists Were For*, p. 54.

⁷³ Manin, ‘Checks, Balances and Boundaries’, pp. 40–1. Where Marx’s thought does differ from the Anti-Federalist position (but not most French radical republican thought) is his preference for the legislature to exercise both legislative and executive functions, which the Anti-Federalists would have opposed because of their ‘one branch, one function’ doctrine.

⁷⁴ Anonymous, ‘Address by Denatus’, in *The Complete Anti-Federalist*, vol. 5 (Chicago, IL: University of Chicago Press, 1981), p. 262.

criticizes the state's 'systematic and hierarchic division of labour', its 'trained caste' of bureaucrats, its 'centralized statemachinery', and for being the 'master instead of the servant of society'.⁷⁵ Because of these features, Marx argues that the existing state is an inappropriate vehicle for working-class revolution. In perhaps the pamphlet's most cited line, he says that the 'working class cannot simply lay hold of the ready-made State machinery, and wield it for its own purposes'.⁷⁶ A phrase that in one of the drafts of the text was accompanied by the similarly pregnant statement that the 'political instrument of their [the working-class] enslavement cannot serve as the political instrument of their emancipation'.⁷⁷ Simply taking hold of the existing state machinery and directing it towards socialism was thus ruled out, and the working class would instead need to transform it into polity that lacked the objectionable features of the existing state.

Marx identifies five main organs of the existing state: the bureaucracy or civil service, the army, the police, the established church, and the judiciary.⁷⁸ He discusses, in varying levels of depth, how each of these state organs should be transformed. For reasons of space and in order to focus on those aspects where Marx's radical republican inheritance is most interestingly displayed, I will only discuss Marx's ideas on the transformation of the first two organs: the standing army and the bureaucracy.

Marx believed that the standing army should be turned into a civic militia and he praised the Commune for having made its first act the 'suppression of the standing army, and the substitution for it of the armed people'.⁷⁹ (Broadly, a civic militia differs from a standing army in that it consists of part-time citizen-soldiers rather than full-time professional soldiers). Marx credits the National Guard, Paris's civic militia, with making the Commune possible in the first place. He argues that it was only because the working class was armed and organized in a militia that it could resist the Versailles government's troops and set up its own administration.⁸⁰ The National Guard was indeed a quite unique institution that played a central role in the events leading up to and during the Commune. While it had traditionally been a bourgeois militia, its ranks had become increasingly composed of the working classes, and by 1871 was 'widely understood to be a democratic body of citizen soldiers' far removed from the 'army's authoritarian and militaristic traditions'.⁸¹ For instance, in contrast to the army, it elected its

⁷⁵ Respectively, Marx, *Civil War in France*, MEW, vol. 17: 336; MECW, vol. 22: 328; *Civil War in France (First Draft)*, MEW, vol. 17, pp. 544, 538, 539; MECW, vol. 22, pp. 488, 483, 484.

⁷⁶ Marx, *Civil War in France*, MEW, vol. 17, p. 336; MECW, vol. 22, p. 328. Marx considered this point so important that he (and Engels) cited it in their 1872 preface to the *Manifest der Kommunistischen Partei* (Manifesto of the Communist Party) (1848) and noted that this was one of the aspects on which the original manifesto had 'become antiquated', see Marx and Engels 'Vorwort zum Manifest', MEW, vol. 18, p. 96; MECW, vol. 23, p. 175.

⁷⁷ Marx, *Civil War in France (Second Draft)*, MEW, vol. 17, p. 592; MECW, vol. 22, p. 533.

⁷⁸ Marx, *Civil War in France*, MEW, vol. 17, p. 336; MECW, vol. 22, p. 328.

⁷⁹ *Ibid.*, MEW, vol. 17, p. 338; MECW, vol. 22, p. 331.

⁸⁰ *Ibid.*, and *Civil War in France (Second Draft)*, MEW, vol. 17, p. 595; MECW, vol. 22, pp. 536–7.

⁸¹ Shafer, *Paris Commune*, p. 137.

own non-commissioned officers and junior officers, and units were recruited and organized locally. The siege of Paris had meant that the National Guard had grown spectacularly to 340,000 men, and it became the epicentre of local social and political life, providing working-class neighbourhoods with everything from a 'substitute workplace, provider of family income, political club... [and] recreation organization.'⁸² The immediate context for the outbreak of the Commune was thus a situation of 'local, democratic, armed organizations on an unprecedented scale.'⁸³

Marx's comments on the National Guard suggest four advantages that he sees in a civic militia over standing army. First, it is cheaper. Marx says that removing the standing army discards 'the most fertile source of all state taxation and state debts' and is the 'first economical *condition sine qua [non]* for all social improvements.'⁸⁴ Second, a civic militia makes for a better army. Marx argues that the National Guard was the 'safest guarantee against Foreign aggression' and suggests that if the Commune had been formed at the start of the Franco-Prussian War, it would have 'taken the defence [of Paris] out of the hands of traitors' and 'imprinted its enthusiasm' on the armed forces and turned the struggle into a real 'war of republican France.'⁸⁵ Third, a civic militia improves the character of its soldiers relative to professional soldiers. Marx argues that professional soldiers acquire 'inveterate habits... under the training of the enemies of the working class' (such as shooting prisoners without trial), which would eventually be remedied when they joined the workers in a civic militia.⁸⁶ Fourth, and most importantly, a civic militia is less prone to siding with reactionary forces against popular movements. Marx brands the standing army a 'constant danger to government usurpation of class rule.'⁸⁷ He believed that a standing army was a continual source of potential reaction, providing the ruling class, or a leader with Caesarist ambitions, with the means by which they can put an end to the turmoil of a revolution. Marx believed that a civic militia was less likely to be used in this manner because of its closer ties to the people (for instance, his specification that the militia should have an 'extremely short term of service' suggests a concern with ensuring that they do not develop a separate existence).⁸⁸ His description of army troops as 'French soldatesca', as 'mercenary vindicators' of bourgeois society, and as the 'iron hand of mercenary soldiery' further presents them as a force external

⁸² Tombs, *Paris Commune*, p. 50. ⁸³ *Ibid.*, p. 46.

⁸⁴ Marx, *Civil War in France (First Draft)*, MEW, vol. 17, pp. 543–4; MECW, vol. 22, p. 488.

⁸⁵ *Ibid.*, MEW, vol. 17, pp. 536, 544; MECW, vol. 22, pp. 481, 488. There is a possibility that by 'Foreign aggression' Marx is referring to the obverse characteristic of a civic militia: that is less likely to engage in foreign wars. However, the context of the Prussian siege suggests that Marx is referring to the civic militia being better at defending the nation from foreign attack.

⁸⁶ Marx, *Civil War in France*, MEW, vol. 17, p. 331; MECW, vol. 22, p. 323; *Civil War in France (Second Draft)*, MEW, vol. 17, p. 585; MECW, vol. 22, pp. 526–7.

⁸⁷ Marx, *Civil War in France (First Draft)*, MEW, vol. 17, p. 543; MECW, vol. 22, p. 488.

⁸⁸ Marx, *Civil War in France*, MEW, vol. 17, p. 340; MECW, vol. 22, p. 332.

to society, paid by the government to crush the people.⁸⁹ In summary, Marx believed that the standing army 'defend[s] the government against the people,' while a civic militia is 'the people armed against governmental usurpation.'⁹⁰

In this defence of the civic militia we can detect traces of the republican 'citizen-soldier' tradition in Marx's thought.⁹¹ From Machiavelli to Rousseau, republican thinkers in this tradition have warned of the danger of professional soldiers to the republic, either as mercenaries or as a standing army.⁹² They argue that professional armies stand apart from the people and can hence be used by the elites to crush them. They emphasize that arming the people allows them to defend themselves against this threat to their domestic liberty, as well as acting as a bulwark against foreign domination. Rousseau argued that a standing army is 'good for only two purposes: to attack and conquer neighbours, or to shackle and enslave citizens.'⁹³ Instead, he proposed that 'Each citizen ought to be a soldier by duty, none by profession.'⁹⁴ He also maintained that a militia 'costs the Republic little, fights better than a professional army (since 'one always defends one's goods better than another's'), and does not harass the local population as professional soldiers are wont to do.'⁹⁵

Marx's arguments in favour of a civic militia bear a strong resemblance to these positions. His concern with ensuring that the armed forces do not form a separate body from society reflects, as R. Claire Snyder argues, 'one of the main principles of the citizen-soldier tradition: a military staffed by the people is less likely to fire on their own neighbors and comrades.'⁹⁶ Furthermore, Marx's defence of the National Guard as the 'safest guarantee against Foreign aggression' and his criticism of the army generals who, he believed, failed to properly deploy the National Guard against Prussian forces,⁹⁷ was in line with the widely held belief amongst contemporary radicals that Paris could have beaten the Prussians if they had unleashed popular enthusiasm by re-enacting the legendary republican *levee en masse* from the French Revolution.⁹⁸

Marx's discussion of the civic militia in *The Civil War in France* is primarily concerned with the role it plays in defending the revolution from reactionary

⁸⁹ Respectively, Marx, *Civil War in France (Second Draft)*, MEW, vol. 17, p. 585; MECW, vol. 22, p. 526; *Civil War in France*, MEW, vol. 17, pp. 356, 361; MECW, vol. 22, pp. 348, 354.

⁹⁰ Marx, *Civil War in France (Second Draft)*, MEW, vol. 17, pp. 595–6; MECW, vol. 22, p. 537.

⁹¹ R. Claire Snyder, 'The Citizen-Soldier and the Tragedy of *The Eighteenth Brumaire*', *Strategies: Journal of Theory, Culture and Politics* 16, no. 1 (2003), pp. 23–37.

⁹² R. Claire Snyder, *Citizen-Soldiers and Manly Warriors: Military Service and Gender in the Civic Republican Tradition* (Lanham, MD: Rowman and Littlefield, 1999); J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975), pp. 199–211.

⁹³ Rousseau, *Considérations*, pp. 1013–14; *Considerations*, pp. 233–4. ⁹⁴ *Ibid.*

⁹⁵ *Ibid.* The financial benefits of a civic militia are a recurrent theme of Rousseau's advocacy of the institution.

⁹⁶ Snyder, 'The Citizen-Soldier and the Tragedy of *The Eighteenth Brumaire*', p. 33.

⁹⁷ Marx, *The Civil War in France*, MEW, vol. 17, pp. 331–2; MECW, vol. 22, pp. 323–4.

⁹⁸ Tombs, *Paris Commune*, pp. 47–8.

forces, and not with the connection republicanism often makes between service in the militia and developing the virtues necessary for citizenship.⁹⁹ However, that link is displayed in an earlier article discussing the Prussian government's attempt in 1848 to create a watered-down civic militia. Marx here condemns the government's stipulation that a serving militia member 'may neither think nor speak of public affairs' and must 'relinquish his primary political rights', arguing that this would produce citizens that mirrored the 'passive, will-less and disinterested obedience of the soldier'.¹⁰⁰ Marx bitterly quipped that the proposed civic militia would thus make 'A fine school... to bring up the republicans of the future!'¹⁰¹

Turning to the second state organ: the bureaucracy. The most important change to the bureaucracy that Marx specifies is that public officials are to be elected and subject to recall. A repeated refrain in *The Civil War in France* and its drafts is the specification that 'public servants... were to be elective, responsible, and revocable'.¹⁰² Marx thereby transfers the same system of accountability that he applied to political representation to public administration as a whole. Just how many of the total positions in public administration are to be chosen by election is not entirely clear (we could imagine it being limited to just the most senior administrative posts or extending to most, or even all, public officials). Some of Marx's rhetoric certainly suggests that it would indeed apply very extensively. For instance, he says it applies to the 'officials of all other branches of the Administration' and notes that rural public officials, like the 'notary, advocate, [and] executor' (who were currently 'blood-suckers' and 'judicial vampires'), would all be transformed 'into salaried communal agents, elected by, and responsible to [the peasant]'.¹⁰³ The outcome of making the bureaucracy elected in this way would be a considerable and far-reaching deprofessionalization of public administration.¹⁰⁴ Public officials would, Marx argues, no longer be a 'trained caste' and the 'army of stateparasites [would be] removed'.¹⁰⁵ Marx further believed that the outcome of making public officials revocable would be to make the bureaucracy properly accountable. He notes that it would do 'away with the state hierarchy altogether' and replace 'the haughteous masters of the people into

⁹⁹ For the link, see Snyder, *Citizen-Soldiers and Manly Warriors*, pp. 22–4, 54–5.

¹⁰⁰ Marx, 'Der Bürgerwehrgesetzentwurf', *MEW*, vol. 5, pp. 243–5; *MECW*, vol. 7, pp. 256–7.

¹⁰¹ *Ibid.* Marx's embrace of the 'republican' label here was due to his and Engels's strategy during the 1848 Revolutions of first fighting with republicans against absolute and constitutional monarchies, before they could then turn to communism.

¹⁰² Marx, *Civil War in France*, *MEW*, vol. 17, p. 339; *MECW*, vol. 22, p. 322. Though in the second draft, Marx speaks of public officials being 'appointed and always revocable by the Commune' rather than being elected by the people, *Civil War in France (Second Draft)*, *MEW*, vol. 17, p. 596; *MECW*, vol. 22, p. 547 (emphasis added).

¹⁰³ Marx, *Civil War in France*, *MEW*, vol. 17, pp. 339, 345; *MECW*, vol. 22, pp. 331, 337.

¹⁰⁴ Hunt, *Political Ideas of Marx and Engels*, vol. 2, pp. 132–4.

¹⁰⁵ Marx, *Civil War in France (First Draft)*, *MEW*, vol. 17, p. 545; *MECW*, vol. 22, p. 490.

its always removable servants, a mock responsibility by a real responsibility, as they act continuously under public supervision.'¹⁰⁶

Marx likely drew these ideas from the Commune's 19 April 1871 *Déclaration au peuple français* (which was 'the closest to a summary of its programme').¹⁰⁷ The declaration called for the 'permanent intervention of the citizens in communal affairs', and gave a glimpse of its administrative ideal, by proclaiming 'The choice by election or competitive examination, with accountability (*responsabilité*) and permanent right of supervision (*contrôle*) and dismissal (*révocation*), of magistrates and communal officials of every grade'.¹⁰⁸ Marx's repeated call for all public officials to be 'elective, responsible, and revocable' can be seen as a pithy formulation of this demand.¹⁰⁹

A tangible financial dimension of the deprofessionalization of the bureaucracy is Marx's specification that '[f]rom the members of the Commune downwards' all public officials were to be paid '*workmen's wages*'.¹¹⁰ In the context of the pay structure of nineteenth-century France's bureaucracy that was an especially radical demand. From the time of Napoleon I to World War I the French state had a small number of extremely well-paid civil servants, who received fifty to one hundred times the average income (so that they could lead a similarly 'dignified' life to those living off inherited capital).¹¹¹ In Balzac's *Cousin Bette* (1846), for example, the irresponsible and philandering Baron Hulot d'Ervy earns 25,000 francs per year from his high-ranking post in the War Ministry, when day wages for workmen were, at the time, just 1 to 1.5 francs, giving them in the region of 300–450 francs a year.¹¹² Radically cutting the salaries for these top posts would have been a powerful symbol of how public administration had been taken out of the hands of aristocratic dignitaries and placed into the hands of ordinary workers. Elite functionaries like Baron Hulot (the 'state parasites' Marx refers to) would no longer suck the financial resources out of the country for their own personal gain. Limiting wages to the level of workers would thus be an important part of the process whereby 'the high dignitaries of State disappeared'.¹¹³ In fact, the Commune did not set the salaries of public officials to the level of '*workmen's*

¹⁰⁶ Ibid., *MEW*, vol. 17, p. 544; *MECW*, vol. 22, p. 488.

¹⁰⁷ Tombs, *Paris Commune*, p. 78. Marx references the declaration in *Civil War in France*, *MEW*, vol. 17, pp. 339–40; *MECW*, vol. 22, p. 332.

¹⁰⁸ A translation of the declaration is available in Tombs, *Paris Commune*, pp. 217–19.

¹⁰⁹ Marx however differs from the declaration in that he makes no mention of posts being filled by elections or 'competitive examinations'.

¹¹⁰ Marx, *Civil War in France*, *MEW*, vol. 17, p. 339; *MECW*, vol. 22, p. 331.

¹¹¹ Thomas Picketty, *Capital in the Twenty-First Century*, trans. Arthur Goldhammer (Cambridge, MA: Harvard University Press, 2014), pp. 416–17.

¹¹² See the financial appendix in Honoré de Balzac, *Cousin Bette*, ed. David Bellos, trans. Sylvia Raphael (Oxford: Oxford University Press, 2008), pp. 463–5. Balzac was one of Marx's favourite contemporary authors and he references *Cousin Bette* in *Der achtzehnte Brumaire des Louis Bonaparte*, *MEW*, vol. 8, p. 206; *MECW*, vol. 11, p. 196.

¹¹³ Marx, *Civil War in France*, *MEW*, vol. 17, p. 339; *MECW*, vol. 22, p. 331.

wages', as Marx claims, but limited them to a maximum of 6,000 francs a year (workers in 1871 earned about 5 francs a day, giving them roughly 1,500 a year).¹¹⁴ Marx was therefore deliberately exaggerating what the Commune had in fact achieved (an already radical step), in the direction of what he hoped future socialist regimes would do.¹¹⁵

Marx's specification that all public posts are to be subject to election and recall and paying all functionaries the same workmen's wages presents, what Richard Hunt calls, a 'tantalising vision of a democracy without professionals'.¹¹⁶ In Marx's conception of the social republic public functions are no longer reserved for a 'trained caste' but carried out by the people as a whole. This deprofessionalization of the state's administrative and repressive functions is one of Marx's much less appreciated political ideas. It is a vision which stands in stark contrast to the massive expansion of the state and its professional personnel since Marx's writings. It in fact has more in common with the ancient model of democratic Athens, where nearly all public administrative officials (magistracies) were selected from the citizen body as a whole.¹¹⁷ That system was based on the principle of rotation, which held that a citizen was not simply someone with the right to choose one's rulers but someone who rules and is ruled in turn; an idea founded on a 'deep distrust of professionalism' and the belief that 'every political function was performable by non-specialists unless there were compelling reasons to think otherwise'.¹¹⁸ It was an ideal that had inspired the young Marx, admiringly writing that 'in Greece, the *res publica* is the real private affair of the citizens'.¹¹⁹ These ancient republics had, in Marx's eyes, achieved a praiseworthy 'substantial unity between the state and people'.¹²⁰ Marx similarly applauds the Commune for having achieved the 'reabsorption of the State power by society, as its own living forces instead of as forces controlling and subduing it, by the popular masses

¹¹⁴ Tombs, *Paris Commune*, p. 86; Shafer, *Paris Commune*, p. 138. The pay figures for workers (1–1.5 francs and later 5 francs) are taken from the respective sources and may reflect different methods of accounting rather than rising wages or inflation.

¹¹⁵ We know that it was deliberate since Marx copied out a press report of the maximum salary announcement and reported the correct figures to the General Council of the International Workingmen's Association. See, 'Meeting of the General Council April 25 1871', *MEGA*[®], vol. I.22, p. 541 and Karl Marx, *Notebook on the Paris Commune: Press Excerpts and Notes*, ed. Hal Draper (Berkeley, CA: Independent Socialist Press, 1971), p. 36.

¹¹⁶ Hunt, *Political Ideas of Marx and Engels*, vol. 2, p. 367.

¹¹⁷ Though an important difference between Marx's social republic and democratic Athens is that Marx only discusses selecting officials through elections and makes no mention of sortition, a mechanism that Athens made extensive use of. That perhaps reflects the broader eclipse, in modern political thought and constitutional practice, of selection by lot in favour of elections, see Manin, *Principles of Representative Government*, pp. 79–93.

¹¹⁸ *Ibid.*, pp. 28–32. See also, C. L. R. James, 'Every Cook Can Govern: A Study of Democracy in Ancient Greece and Its Meaning for Today', in *A New Notion: Two Works by C. L. R. James*, ed. Noel Ignatiev (Oakland, CA: P. M. Press, 2010), pp. 136–55.

¹¹⁹ Marx, *Zur Kritik des Hegelschen Rechtsphilosophie*, *MEW*, vol. 1, p. 234; *MECW*, vol. 3, p. 32.

¹²⁰ *Ibid.*

themselves.¹²¹ Marx's commentary on the Commune was thus in certain respects a return to the classical republican ideas of his youth.¹²²

4. Conclusion

This chapter has set out three strands of how Marx's conception of the political institutions of socialism was inherited from the radical elements of the republican tradition: his support for replacing representative government with popular delegacy; his preference for legislative supremacy and his critique of the separation of powers; and, finally, his belief in the necessity of transforming the state's administrative and repressive organs by placing them under popular control. Together, these make up some of the core elements of Marx's social republic.

In the introduction I suggested that though Marx's discussion of these political institutions often lacks the depth and detail that we might wish, his account of the social republic provides a stimulating body of ideas for socialists and republicans to draw on. One such idea is that socialism requires a particular political structure—perhaps the most important insight that Marx develops in his discussion of the Paris Commune. Marx argues that the people of Paris,

have taken the actual management of their Revolution into their own hands and found at the same time, in the case of success, the means to hold it in the hands of the People itself, [by] displacing the State machinery, the governmental machinery of the ruling classes by a governmental machinery of their own.¹²³

The Commune had thus shown not just how the people should take the revolution 'into their own hands' but also the 'means to hold it' in their hands; namely, by forging a 'governmental machinery of their own'. Using the existing 'governmental machinery of the ruling classes' would mean that the revolution would slip from the people's control. The governmental machinery of socialism would therefore have to transform the inherited political and administrative institutions into properly democratic ones. By doing so, Marx believed that the Commune had 'supplied the Republic with the basis of really democratic institutions.'¹²⁴

¹²¹ Marx, *Civil War in France (First Draft)*, MEW, vol. 17, p. 543; MECW, vol. 22, p. 487.

¹²² Miguel Abensour, *Democracy against the State: Marx and the Machiavellian Moment*, trans. Max Blechman and Martin Breugh (Cambridge: Polity, 2011), pp. 84–8; and Colletti, 'Introduction to Marx *Early Writings*', pp. 42–4.

¹²³ Marx, *Civil War in France (First Draft)*, MEW, vol. 17, p. 556; MECW, vol. 22, p. 498.

¹²⁴ Marx, *Civil War in France*, MEW, vol. 17, p. 342; MECW, vol. 22, p. 334.

