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# The Young Marx on Feudalism as the Democracy of Unfreedom

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## Abstract

Karl Marx consistently contrasts the alienation and egoism of bourgeois, capitalist society with the holism and intimacy of medieval feudalism. In his critique of Hegel's *Philosophy of right*, he cryptically terms medievalism the 'democracy of unfreedom', arguing that feudalism embodied an integration of political and economic life that the fragmented modern constitutional state abandons. Focusing on writings from the early 1840s, this article examines Marx's account of feudalism to better understand his early democratic theory and its relationship to his account of human emancipation. While Marx rejects feudal nostalgia and insists on the revolutionary progress brought by capitalism and liberal constitutionalism, he nonetheless believes that medievalism models a partial unity of political and economic life that 'true democracy' will restore and radicalize.

Karl Marx famously argues in 'On the Jewish question' that liberal democracy offers only a partial advance for human freedom.<sup>1</sup> By entrenching a gap between the public and private spheres, the liberal state introduces a kind of social schizophrenia, a confusion about the connection between one's individual freedom and the collective freedom of the whole. Ostensibly free citizens are in truth atomized combatants in a condition of Hobbesian war. Liberal, bourgeois society offers political but not human emancipation.<sup>2</sup> Only communism, Marx claims, will provide the full reconciliation of private and public, of individual and collective freedom. This article argues that Marx's understanding of human emancipation is illuminated by his recurring contrast between the cash-nexus character of bourgeois society and the intimate political forms of medieval feudalism. He cryptically terms the Middle Ages the

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<sup>1</sup> Unless otherwise noted, translations of Marx and Engels are taken from *Marx and Engels collected works (MECW)* (50 vols., New York, NY, 1975–2004). Where available, citations are given to *Marx-Engels Gesamtausgabe 2 (MEGA)* (Berlin, 1975–). For texts not published in *MEGA*, citations are given to *Marx-Engels Werke (MEW)* (Berlin, 1957–68). All emphases in quotations appear in the original texts.

<sup>2</sup> Karl Marx, 'On the Jewish question' (1843), *MECW*, III, p. 160; *MEGA*, I/2, p. 145.

‘democracy of unfreedom’, and he finds in feudalism a social order in which the community is thoroughly politically constituted.<sup>3</sup> Corporate identity and transparent authority produce an integrated common life, constituting a partial model for what Marx terms ‘true democracy’.<sup>4</sup> If bourgeois liberalism brings political but not human emancipation, feudalism fills in a missing piece by embodying a system of human unfreedom.

Feudalism is the subject of an extensive body of Marx scholarship, largely focused on the transition to capitalism.<sup>5</sup> Less attention has been paid to the young Marx’s assessment of the integrated and political character of feudal social life and its relevance for his theorization of democracy. Feudal subjects were unfree and oppressed, yet the unity of political authority and economic obligation offered a holism absent in the fragmented life of modern citizens. Economic relationships were bound up with personal, political relationships, not the autonomous workings of market forces. Medieval society in its political, economic, and religious dimensions was unified and controlled – not by the people, but by genuine, human authorities. Consequently, the connected categories of democracy and humanity are prefigured in medieval feudalism but lost in liberal capitalism.

Tracing Marx’s account of the medieval spirit clarifies the relationship between his ethical-humanist treatment of human nature and his political-democratic critique of the liberal state. Reconciling these two features of his project has long been a source of controversy, leading Gareth Stedman Jones to remark that Marx’s corpus is riven by an incoherent attempt to balance the two.<sup>6</sup> Scholars who prioritize Marx’s ethical commitments classify him as a theorist of human flourishing and self-actualization in the spirit of his Young Hegelian contemporaries. David Leopold and Douglas Moggach, for example, interpret Marx as a ‘moral perfectionist’ with a quasi-Aristotelian view of eudaimonistic, solidaristic communal life.<sup>7</sup> Warren Breckman similarly emphasizes Marx’s debt to radical Hegelians’ critique of personalism and suggests that his communism is consistent with Arnold Ruge’s and Ludwig Feuerbach’s understanding of spiritualized community.<sup>8</sup> These interpretations

<sup>3</sup> Karl Marx, ‘Contribution to the critique of Hegel’s philosophy of law’ (1843), *MECW*, III, p. 32; *MEGA*, I/2, p. 33.

<sup>4</sup> *Ibid.*, *MECW*, III, p. 30; *MEGA*, I/2, p. 32.

<sup>5</sup> T. H. Aston and C. H. E. Philpin, eds., *The Brenner debate: agrarian class structure and economic development in pre-industrial Europe* (Cambridge, 1985).

<sup>6</sup> Gareth Stedman Jones, *Karl Marx: greatness and illusion* (Cambridge, 2017), p. 271. Alvin Gouldner termed this alleged incoherence the ‘nuclear contradiction’ at the heart of Marx’s thinking: see *The two Marxisms: contradictions and anomalies in the development of theory* (New York, NY, 1980), pp. 32–40. Leszek Kolakowski similarly described the Marxist project as torn between three master motifs: scientific rationalism, humanist personalism, and Promethean voluntarism: see *Main currents of Marxism* (New York, NY, 2005), pp. 335–41.

<sup>7</sup> David Leopold, *The young Karl Marx: German philosophy, modern politics, and human flourishing* (Cambridge, 2007), pp. 183–235. Douglas Moggach, ‘German republicans and socialists in the prelude to 1848’, in Douglas Moggach and Gareth Stedman Jones, eds., *The 1848 revolutions and European political thought* (Cambridge, 2018), pp. 216–35.

<sup>8</sup> Warren Breckman, *Dethroning the self: Marx, the young Hegelians, and the origins of radical social theory* (Cambridge, 1998), pp. 258–97.

incline toward an individualistic, ethical, and non-political interpretation of Marx. For Moggach, Marx's early works reveal a 'devaluation of the political in favour of the social', while Leopold insists that Marx offers qualified support for individual rights even when they sit in tension with the common good.<sup>9</sup> Recent 'republican' treatments of Marx offered by William Clare Roberts and others proceed in a similar vein, reading Marx as a champion of the negative freedom of individual independence, not the positive freedom of collective self-determination.<sup>10</sup>

In contrast, other scholars emphasize democracy – not individual flourishing – as the foundation of the young Marx's work. Focusing on his critique of Hegel's *Philosophy of right*, Shlomo Avineri and Maximilien Rubel argue that Marx's 1843 democratic appraisal of liberalism constitutes the foundation of his mature communism.<sup>11</sup> More recently, Alexandros Chrysis has argued that Marx's account of 'true democracy' as sovereign self-determination remains thoroughly political and animates his later writings.<sup>12</sup> Richard Hunt's magisterial study remains the most systematic articulation of this democratic interpretation. Attempting to rescue Marx from the accusation of proto-totalitarianism, Hunt argues that Marx's early writings demonstrate a consistent commitment to a majoritarian and even liberal form of social democracy.<sup>13</sup>

By treating his idiosyncratic characterization of feudalism as a democratic foil for bourgeois liberalism, this article emphasizes the conceptual centrality of democracy for the young Marx. At the same time, it draws out the distinctiveness of his democratic theory. Breaking with Hegel, Guizot, and others, Marx offers a political – not private – interpretation of the medieval spirit. The French Revolution and the modern constitutional state have both, in an important respect, depoliticized social life in a manner at odds with feudal society. Marx's description of medievalism as a form of democracy points to his understanding of democracy as both a political regime and an expression of non-fragmented social unity. Medieval subjects were democratic insofar

<sup>9</sup> Moggach, 'German republicans', p. 229; Leopold, *Young Marx*, p. 261.

<sup>10</sup> Leopold, *Young Marx*, p. 254, notes resonances between Marx's perfectionist interpretation and the tradition of neo-Roman republican liberty. William Clare Roberts, 'Marx's social republic: political not metaphysical', *Historical Materialism*, 27 (2019), pp. 41–58, at p. 45, identifies Marx's primary aim as securing freedom from dependence, and he starkly suggests that Marx's apparent embrace of the positive liberty of democratic self-determination is as theoretically central for Marx as are his views of phrenology.

<sup>11</sup> Shlomo Avineri, *The social and political thought of Karl Marx* (Cambridge, 1968); Maximilien Rubel, 'Notes on Marx's conception of democracy', *New Politics*, 1 (1962), pp. 78–90.

<sup>12</sup> Alexandros Chrysis, *'True democracy' as a prelude to communism: the Marx of democracy* (Cham, 2018).

<sup>13</sup> Richard Hunt, *The political ideas of Marx and Engels: Marxism and totalitarian democracy*, vol. 1 (Pittsburgh, PA, 1974). Hunt's interpretation is shaped by his Cold War context, yet his core argument is supported by more recent work emphasizing Marx's commitment to universal suffrage and parliamentarism: see Sean Monahan, 'The American workingmen's parties, universal suffrage, and Marx's democratic communism', *Modern Intellectual History*, 18 (2021), pp. 379–401; Igor Shoikhedbrod, 'Marx and the democratic struggle over the constitution in 1848–9', *History of Political Thought*, 43 (2022), pp. 357–81.

as they were constituted in webs of conscious human dependence. This vision of democracy is not essentially concerned with moral flourishing or neo-Roman independence. Such interpretations incline towards an almost anarchistic account of Marx that neglects his emphasis on human, political authority. Nor is Marx's 'true democracy' easily assimilable with social democracy or individual rights, as Hunt and Leopold suggest. Rather, democracy constitutes an enactment of integrated, collective control over social life. This sovereignty is only possible insofar as citizens understand themselves as collectively constitutive of the social order – a mode of thinking in some ways more akin to medieval corporatism than liberal bourgeois individualism.

The article begins by outlining Marx's critique of feudal nostalgia and his celebration of capitalism's overthrow of feudal society. The second section turns to his account of bourgeois dehumanization and the glimpses of a more human, intimate life found in medieval society. The third part takes up Marx's description of medievalism as the 'democracy of unfreedom', explicating the understanding of politics and democracy underwriting that description. The fourth section develops this theme, through discussing Marx's critique of Hegel's account of constitutional representation and the legacy of the French Revolution.

## I

An account of Marx's treatment of feudalism must begin with his vociferous rejection of feudal nostalgia in its socialist and reactionary varieties. The *Communist manifesto* celebrates capitalism's revolutionary power and its destruction of the medieval guild economy. Reactionaries pine for a return of patriarchal, hierarchical society, a 'Feudal Socialism: half lamentation, half lampoon; half echo of the past, half menace of the future'. While insightful on the pathologies of capitalism, Tory socialism is 'ludicrous in its effect, through total incapacity to comprehend the march of modern history'.<sup>14</sup> Even non-reactionary reformers such as Simonde de Sismondi look to patriarchal guilds as a model for restoring 'the vanished status of the workman of the Middle Ages'.<sup>15</sup> Something similar is true of utopian socialists like Robert Owen and Saint-Simon, whose co-operative communal proposals reconfigure feudal economic intimacy.<sup>16</sup>

Marx rejects this nostalgia and welcomes the emergence of the capitalist, bourgeois economy. Consider, for example, his comments on India, a paradigmatic case of pre-capitalist oppression. He sees something 'sickening' in British imperialism and draws attention to the tragedy of a people losing their ancient civilization. Still, he continues, it cannot be forgotten that these 'idyllic village communities' were sites of 'unspeakable cruelties'.<sup>17</sup> The same was true of medieval Europe. The ethico-religious core of feudal society was a farce:

<sup>14</sup> Karl Marx and Friedrich Engels, *Communist manifesto* (1848), *MECW*, vi, p. 507; *MEW*, iv, p. 483.

<sup>15</sup> *Ibid.*, *MECW*, vi, p. 492; *MEW*, iv, p. 470.

<sup>16</sup> *Ibid.*, *MECW*, vi, pp. 514–17; *MEW*, iv, pp. 489–92. On Saint-Simon's debt to reactionary thinkers, see Mary Pickering, *Auguste Comte: an intellectual biography*, vol. 1 (Cambridge, 1993), pp. 73–5.

<sup>17</sup> Karl Marx, 'British rule in India' (1853), *MECW*, xii, p. 132.

what Marx calls the ‘heart of a heartless world’.<sup>18</sup> Some sadness is nonetheless felt in the *Manifesto*’s oft-quoted observation that with the rise of capitalism ‘all fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away ... All that is solid melts into air, all that is holy is profaned.’<sup>19</sup> A more literal rendering of this famous final line (*alles ständige und stehende verdampft*) makes clear that Marx is referring specifically to the destruction of the medieval society of orders (*Ständegesellschaft*).<sup>20</sup>

The abuses of feudalism were well known to the reactionaries and romantics who took it as an inspiration. The nostalgic defended an idealized medievalism shorn of its oppressive characteristics. Marx rejects such efforts, not primarily because they romanticize the past, but because they misunderstand the future. He rebukes figures like Pierre-Joseph Proudhon, for example, for attempting to ‘keep the good side while eliminating the bad’ of any given economic system.<sup>21</sup> For Marx, such syncretism reduces to ‘the absurd problem of eliminating history’.<sup>22</sup> Progress demands the perfection of bourgeois production and the destruction of feudal institutions. While decrying abuses in India, he welcomes capitalist imperialism’s role in establishing the ‘material basis of the new world’. Only after capitalism perfects humanity’s productive powers will ‘human progress cease to resemble that hideous, pagan idol, who would not drink the nectar but from the skulls of the slain’.<sup>23</sup>

Throughout the 1840s, Marx and Engels critiqued reactionary neo-feudalists and radical utopian socialists who offered moral critiques of capitalism but neglected its world-historical necessity.<sup>24</sup> As Marx summarizes in one text, ‘the abolition of *bourgeois* property relations is not brought about by preserving those of *feudalism*’, but rather ‘the *bourgeois revolution* [is] a precondition for the *workers’ revolution*’.<sup>25</sup> This is due in part to the civil liberties established by the liberal state. Jury trial, legal equality, and freedom of speech are victories

<sup>18</sup> Karl Marx, ‘Contribution to the critique of Hegel’s philosophy of law: introduction’ (1844), *MECW*, III, pp. 175–6; *MEGA*, I/2, p. 171.

<sup>19</sup> Marx and Engels, *Communist manifesto*, *MECW*, VI, p. 487; *MEW*, IV, p. 465.

<sup>20</sup> Jonathan Sperber, *Karl Marx: a nineteenth-century life* (New York, NY, 2013), pp. 206–7.

<sup>21</sup> Karl Marx, *Poverty of philosophy* (1847), *MECW*, VI, pp. 178–9; *MEW*, IV, pp. 144–5.

<sup>22</sup> *Ibid.*, *MECW*, VI, pp. 174–5; *MEW*, IV, p. 140.

<sup>23</sup> Karl Marx, ‘Future results of British rule in India’ (1853), *MECW*, XII, p. 222. Marx and Engels are generally equivocal on imperialism. If imperialism overcomes feudalism, it is to be supported, but if self-determination overcomes feudalism, then it is to be supported. A parallel argument recurs in their treatment of free trade. In Germany, where industrialization lags behind, they favour protectionism to strengthen the bourgeoisie against the aristocracy. In England, where industrial development is advanced, free trade serves a revolutionary role by heightening conflict between labour and capital. Karl Marx, ‘Draft of an article on Friedrich List’s book’ (1845), *MECW*, IV, p. 280; *MEGA*, I/4, pp. 474–6; Karl Marx, ‘Speech on free trade’ (1848), *MECW*, VI, p. 465; *MEW*, IV, pp. 457–8; Friedrich Engels, ‘Speeches in Elberfeld’ (1845), *MECW*, IV, pp. 256–64; *MEGA*, I/4, pp. 518–38.

<sup>24</sup> Marx, ‘Communism of the *Rheinischer Beobachter*’ (1847), *MECW*, VI, pp. 220–34; *MEW*, IV, pp. 191–203; Friedrich Engels, ‘The civil war in Switzerland’ (1847), *MECW*, VI, pp. 367–74; *MEW*, IV, pp. 391–8.

<sup>25</sup> Karl Marx, ‘Moralising criticism and critical morality’ (1847), *MECW*, VI, pp. 332–3; *MEW*, IV, p. 352.

not just for the middle class but also for the proletariat.<sup>26</sup> More important still, bourgeois economic brutalization is essential in maturing proletariat consciousness. Through exploitation the proletariat comes to understand its revolutionary role in history. This consciousness is necessary to overcome the parochial boundaries of feudal life and to revolutionize co-operative production. Where localists and utopians hope to return to simpler modes of life – what Paul Thomas termed ‘working-class separatism’ – Marx and Engels embrace totalizing economic complexity.<sup>27</sup>

The development of the proletariat requires the subjective recognition and objective reality of mass co-operation. Workers must see that the economic world is their own creation, and they must be formally and materially capable of seizing control of the world they have made. They must recognize that all economic activity is social, not individual. Intimate, feudal, parochial production cannot match the awesome collective social power of spontaneous capitalist forces. As the *Manifesto* puts it, modern industry transforms ‘the little workshop of the patriarchal master into the great factory of the industrial capitalist. Masses of labourers, crowded into the factory, are organized like soldiers.’<sup>28</sup> The Middle Ages never achieved such solidarity. By enforcing a perfected, atomistic specialization, capitalism mobilizes mass co-operation, constructing a collective worker out of an army of fragmented specialists.

## II

Despite these rebukes of feudal nostalgia, there remains what Jean Cohen called a ‘curiously anti-modern thrust’ at the heart of Marx’s diagnosis.<sup>29</sup> Marx simultaneously affirms three truths: that medieval feudalism was a site of vicious exploitation; that history requires the ascent of bourgeois society over feudalism; and yet that feudalism was characterized by humanizing relationships which modern capitalism has destroyed. Consider, for example, this passage from the *Manifesto*. The bourgeoisie:

has destroyed all feudal, patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his natural superiors, and has left remaining no other nexus between man and man than naked self-interest, than callous ‘cash-payment’. It has drowned the most heavenly ecstasies of religious fervour, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation ... for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation.<sup>30</sup>

<sup>26</sup> Marx, ‘Communism of the *Rheinischer Beobachter*’, *MECW*, vi, p. 228; *MEW*, iv, p. 197. Marx, ‘On the Jewish question’, *MECW*, iii, p. 155; *MEGA*, 1/2, p. 150.

<sup>27</sup> Paul Thomas, *Karl Marx and the anarchists* (London, 1980), p. 177.

<sup>28</sup> Marx and Engels, *Communist manifesto*, *MECW*, vi, p. 491; *MEW*, iv, p. 469.

<sup>29</sup> Jean Cohen, *Class and civil society: the limits of Marxian critical theory* (Amherst, MA, 1982), p. 35.

<sup>30</sup> Marx and Engels, *Communist manifesto*, *MECW*, vi, p. 487 (modified translation); *MEW*, iv, p. 464.

Feudal ties were hypocritical and exploitative. Nevertheless, they were fundamentally different from the cash-nexus bonds of the bourgeois age. In that respect, Marx's treatment of feudalism clarifies the content of a non-contractual social order. It is tempting to interpret the young Marx as a humanist communitarian.<sup>31</sup> Douglas Moggach and David Leopold advance such interpretations, reading him as a moral critic of egoist *Gesellschaft* and defender of benevolent *Gemeinschaft*.<sup>32</sup> Marx attacks bourgeois society for its disregard of social solidarity and its entrenchment of instrumentalized competition, even offering marriage as a model of free human association. At the same time, he goes beyond merely affective social analysis, turning to the legal and political institutions that underwrite solidarity. His treatment of feudalism is instructive in its insistence that human community requires transparent human authority.

Marx is at his most Feuerbachian and humanistic in his characterization of society as a form of non-instrumental love: 'Assume *man* to be *man* and his relationship to the world to be human: then you can exchange love only for love, trust only for trust.'<sup>33</sup> This vision of free, non-contractual human association is particularly clear in Marx's treatment of marriage, the paradigmatic non-egoistic bond of pre-modern social life. In an 1842 article, he describes marriage as a spiritual, pre-legal institution and criticizes liberal arguments for an arbitrary right to divorce.<sup>34</sup> In the same year, he rebukes the Historical School of Law for failing to recognize the rationality of monogamous marriage. Favourably citing Benjamin Constant, he praises the 'sanctification of the sexual instinct by *exclusiveness*'.<sup>35</sup>

In the 1844 *manuscripts*, Marx goes so far as to tie marriage to species-being:

From the character of this relationship follows how much *man* as a *species-being*, as man, has come to be himself and to comprehend himself; the relation of man to woman is the *most natural* relation of human being to human being. It therefore reveals the extent to which man's *natural* behaviour has become *human* ... This relationship also reveals the extent to which man's *need* has become a *human need*; the extent to which,

<sup>31</sup> As Marx remarks in the 1844 *manuscripts*, true communism 'equals humanism', for it provides 'the complete return of man to himself as a *social* i.e., human being'. Karl Marx, 1844 *manuscripts* (1843), *MECW*, III, p. 296; *MEGA*, I/2, p. 389. Marx credits Feuerbach with this discovery: *ibid.*, *MECW*, III, p. 232; *MEGA*, I/2, p. 317.

<sup>32</sup> Moggach, 'German republicans', p. 234; Leopold, *Young Marx*, pp. 223–45.

<sup>33</sup> Marx, 1844 *manuscripts*, *MECW*, III, p. 326 (modified translation); *MEGA*, I/2, p. 438. In a similar passage, Marx points to workers who de-instrumentalize community: 'what appears as a means becomes an end ... Association, society and conversation, which again has association as its end, are enough for them; the brotherhood of man is no mere phrase with them, but a fact of life' (*ibid.*, *MECW*, III, p. 313; *MEGA*, I/2, p. 289).

<sup>34</sup> Karl Marx, 'The divorce bill' (1842), *MECW*, I, pp. 307–10; *MEGA*, I/1, pp. 287–90. Marx draws on Hegel's account of marriage as not a subjective contract but an objective expression of 'ethical love'. Georg Wilhelm Friedrich Hegel, *Elements of the philosophy of right* (Cambridge, 1991), p. 201; Georg Wilhelm Friedrich Hegel, *Werke* (20 vols., Frankfurt, 1970), VII, p. 310.

<sup>35</sup> Karl Marx, 'Philosophical manifesto of the historical school of law' (1842), *MECW*, I, p. 207; *MEGA*, I/1, p. 195.

therefore, the *other* human as human has become for him a need; the extent to which he in his individual existence is at the same time a social being.<sup>36</sup>

Marriage bridges individual and social life. The bond does not serve the merely private interest of the partners, nor does the bond dissolve each partner's identity. Spouses retain distinct but united existences. Private desires are elevated from animalistic urges to human needs insofar as those desires are socially mediated and other-regarding. In conceptualizing community this way, Marx echoes Feuerbach's account of species-being: 'The *essence* of man is contained only in the community, in the *unity of man with man* – a unity, however, that rests on the *reality* of the *distinction* between "I" and "You".<sup>37</sup> For Marx, marriage is species-being in embryo.

Where marriage typifies human association, prostitution typifies bourgeois egoism. Prostitution is a literal consequence of capitalist, industrial poverty, but more abstractly, 'general prostitution' reflects the dehumanized relationships that capitalism fosters.<sup>38</sup> In 'On the Jewish question', Marx writes that prostitution subverts 'the species-relation itself, the relation between man and woman', by turning sex into a commodity.<sup>39</sup> In the *Manifesto* and its earlier drafts, he and Engels accuse capitalists of destroying marriage by spreading universal commodification and therefore prostitution.<sup>40</sup> Bourgeois marriage is contractual – like prostitution and wage labour – and bastardizes human unity. Nevertheless, while marriage has been a hypocritical mask for oppression, it offers a partial image of life beyond the cash nexus.<sup>41</sup>

Marx's analysis of free human association is always connected to his account of the legal and political forms underwriting social life. His early humanism is essentially political, not merely social or moral. This is clear in his 1842 articles covering debates between liberals and reactionaries in the Rhineland Assembly.<sup>42</sup> Though sympathetic with the liberal programme, as

<sup>36</sup> Marx, *1844 manuscripts*, MECW, III, p. 296 (modified translation); MEGA, I/2, p. 262.

<sup>37</sup> Ludwig Feuerbach, 'Principles of the philosophy of the future', in *The fiery brook: selected writings* (London, 2012), p. 244; Ludwig Feuerbach, *Gesammelte Werke* (Berlin, 1981–), IX, pp. 338–9. In an 1844 letter to Feuerbach, Marx writes that this text constitutes the philosophical foundation of socialism: see MECW, III, p. 354; MEGA, III/1, p. 63.

<sup>38</sup> Marx, *1844 manuscripts*, MECW, III, pp. 244, 294–5; MEGA, I/2, pp. 233, 261. Friedrich Engels, *The condition of the working class in England* (1845), MECW, IV, pp. 441–2; MEGA, I/4, pp. 371–2.

<sup>39</sup> Marx, 'On the Jewish question', MECW, III, p. 172; MEGA, I/2, p. 167.

<sup>40</sup> Marx and Engels, *Communist manifesto*, MECW, VI, pp. 501–2; MEW, IV, pp. 478–9. Friedrich Engels, 'Outlines of a critique of political economy' (1844), MECW, III, pp. 423–4; MEGA, I/3, p. 475.

<sup>41</sup> The *German ideology* speaks of the 'slavery latent in the family': Karl Marx and Friedrich Engels, *German ideology* (1845), MECW, V, p. 33; MEGA, I/5, p. 129. Decades later, Engels celebrated monogamy as a great advance that would be fully realized under communism: Friedrich Engels, *Origin of the family* (1884), MECW, XXVI, pp. 173–83; MEGA, I/29, pp. 179–88.

<sup>42</sup> Hunt, *Political ideas*, pp. 30–40, argues that Marx in this period was not a communist but a radical republican. Breckman, *Dethroning the self*, pp. 258–97, shows that the Young Hegelians took seriously questions of constitutionalism and political economy. Charles Barbour, 'The Kreuznach myth: Marx, Feuerbach and the "critique of Hegel's philosophy of law"', *History of Political Thought*, 44 (2023), pp. 390–414, argues against a story of rupture between 1842 and 1843, claiming



in his critique of the divorce law, Marx is attentive to the dangers of repudiating medieval legal and economic institutions. In his articles on forest lands, for example, he criticizes both the reactionary arguments of Prussian conservatives and the liberal arguments for a formal codification of individual property rights. Inspired by the Napoleonic Code – recently in place in the Rhineland – liberal reformers rejected the convoluted legal structure of the *ancien régime*. Against conservative attempts to restore traditional prerogatives, they sought to establish a rational legal code to clearly delineate property rights. While critical of the abusive nature of feudal institutions, Marx notes that the codification of individual rights destroys salutary features of the old regime.<sup>43</sup> Feudal usufruct rights knit men together within a web of shared, reciprocal duties. Liberal formalism, on the other hand, entrenches a privatized egoism at odds with the interdependence that medievalism fostered. Feudal customs that long protected the rights of the poor to glean wood cannot be clearly delineated and are therefore rejected by the liberal reformers. When liberals codify rights, they destroy what was rational about feudalism and preserve what was oppressive about it. This was the case, for example, with the dissolution of the monasteries – a necessary step, Marx claims, but one which failed to replace the service to the poor offered by monastic institutions.<sup>44</sup>

Marx links feudal, non-contractual economic entitlements with the hybrid nature of medieval politics. Likewise, he associates egoistic property rights with the modern constitutional state. Where feudal property arrangements are marked by flexibility, the liberal ‘legislative mind’ demands clarity and reifies egoistic separation. The feudal prerogatives of the poor were ‘a mixture of private and public right, such as we find in all the institutions of the Middle Ages’. They rested not on clear statutory distinctions, but on the peasantry’s ‘sure instinct of the *indeterminate* aspect of property’.<sup>45</sup> Indeterminacy recognized that relationships among human subjects are prior to legal relationships among things. Medieval customary property was neither a Lockean right to individual dominion nor a Hobbesian construction of the sovereign.<sup>46</sup> Instead, it offered social recognition that human needs cannot be clearly defined *ex ante* but must be actualized by hybrid, overlapping entitlements. The patrimonial rights regime did not cleanly divide public and private right but presumed the imbrication of individual and social life.

This blending of private and public is rejected in favour of rigid private rights supervised by an ostensibly representative public authority. The liberal reformers unwittingly strengthen the owners, codifying their rights to

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that Marx’s 1842 articles are contemporaneous with his ‘Critique of Hegel’, which is traditionally dated to 1843.

<sup>43</sup> On this subject, Marx is influenced by Friedrich Carl von Savigny’s critique of legal reform. See Stedman Jones, *Greatness and illusion*, pp. 62–8; Donald Kelley, ‘The metaphysics of law: an essay on the very young Marx’, *American Historical Review*, 83 (1978), pp. 350–67.

<sup>44</sup> Karl Marx, ‘Wood theft’, *MECW*, 1, p. 232; *MEGA*, 1/1, p. 207.

<sup>45</sup> *Ibid.*, *MECW*, 1, p. 233; *MEGA*, 1/1, pp. 207–8.

<sup>46</sup> C. B. Macpherson, *The political theory of possessive individualism: Hobbes to Locke* (Cambridge, 1964).

property while refusing to recognize the entitlements of the poor. The bourgeois law does not see the poor as human beings, members of the community with legitimate interests.<sup>47</sup> Despite its abusive inegalitarianism, the feudal arrangement recognized the priority of human relations over those of private property. Deploying a familiar allusion, Marx writes that the new liberal law treats property violators the way Shylock treats his debtors.<sup>48</sup> Theft ceases to be a crime against the community and becomes a matter of private restitution.<sup>49</sup> ‘This logic’, Marx summarizes, ‘turns the authority of the state into a servant of the forest owner.’<sup>50</sup> The feudal warden personified ‘the protecting genius of the forest’, balancing the health of the forest with the needs of the people. The bourgeois warden becomes an agent of the rich.<sup>51</sup> Rational, clear private property ‘abolishes all natural and spiritual distinctions by enthroning in their stead the immoral, irrational, and soulless [*gemüthlose*] abstraction of a particular material object and a particular consciousness which is slavishly subordinated to this object.’<sup>52</sup> There is something valuable, Marx insists, in the communal, feudal legal regime that is displaced by an individualistic approach to law.

These 1842 articles are primarily juridic in emphasis and are suffused with moralistic language. In the succeeding years, Marx’s rhetorical and theoretical treatment of feudal relations shifts to the political prerogatives they entailed and the constitutional structure from which they derived. This is clear, for example, in the 1844 *manuscripts*’ treatment of medieval and bourgeois political authority. The imbrication of private and public right defended in the 1842 articles is connected to the jointly political and economic character of medieval lordship. Marx identifies human intimacy with political authority. Under feudalism,

those working on the estate have not the position of *day-labourers*; but they are in part themselves his property, as are serfs; and in part they are bound to him by ties of respect, allegiance, and duty. His relation to them is therefore directly political, and has likewise an *intimate* [*gemütliche*] side.<sup>53</sup>

Marx is interested not simply in moral flourishing, but in the connection between political rule and human relationships. The non-egoistic character of feudal property arrangements depends on human authority. Lord and serf

<sup>47</sup> Marx, ‘Wood theft’, *MECW*, I, p. 236; *MEGA*, I/1, p. 211.

<sup>48</sup> Concerning Marx’s use of antisemitic tropes, see Leopold, *Young Marx*, pp. 163–80, and Stedman Jones, *Greatness and illusion*, pp. 164–7.

<sup>49</sup> Marx, ‘Wood theft’, *MECW*, I, pp. 236, 256; *MEGA*, I/1, pp. 211, 230.

<sup>50</sup> *Ibid.*, *MECW*, I, p. 245; *MEGA*, I/1, p. 219.

<sup>51</sup> *Ibid.*, *MECW*, I, p. 237; *MEGA*, I/1, p. 212.

<sup>52</sup> *Ibid.*, *MECW*, I, p. 262; *MEGA*, I/1, pp. 235–6. Andrew Chitty, ‘The basis of the state in the Marx of 1842’, in Douglas Moggach, ed., *The new Hegelians: politics and philosophy in the Hegelian school* (Cambridge, 2006), pp. 220–41, at pp. 234–6.

<sup>53</sup> Marx, 1844 *manuscripts*, *MECW*, III, p. 266 (modified translation); *MEGA*, I/2, p. 360.

did not relate to one another as employer and employee, but as co-participants in a sacred chain of authority.

There are striking similarities between Marx's treatment of feudalism in the 1844 manuscripts and Engels's account of the same in his 1843 and 1844 writings.<sup>54</sup> Some of these works pre-date Engels's association with Marx, while others reflect their emerging collaboration. It is Engels, for example, who first quotes Thomas Carlyle's language of the 'cash nexus' – famously deployed in the *Manifesto* – to characterize the transition from feudal status to bourgeois contract.<sup>55</sup> In an 1843 review of *Past and present* published in the *Deutsch-Französische Jahrbücher* under the editorial direction of Marx and Ruge, Engels praises Carlyle as the only recent writer who 'strikes a human cord, presents human relations and shows traces of a human point of view'.<sup>56</sup> While critiquing Carlyle's apology for the 'most perfect Feudal Ages', Engels appreciates the vision of human interdependence captured by the reactionary's rebuke of liberal, bourgeois mechanism.<sup>57</sup> In subsequent articles he quotes Carlyle again, observing that 'the abolition of feudal servitude has made 'cash-payment the sole relation of human beings'. Property, a 'natural, spiritless principle opposed to the human, spiritual principle, is thus enthroned'.<sup>58</sup>

Like Marx, Engels treats prostitution as the universalization of bourgeois domination, a consequence of replacing the rule of lord with the rule of money:

Money – the alienated, empty abstraction of property – is made master of the world. Man has ceased to be the slave of men and has become the slave of *things*; the perversion of the human condition is complete; the servitude of the modern commercial world, this highly developed, total, universal venality, is more inhuman and more all-embracing than the serfdom of the feudal era; prostitution is more immoral and more bestial than the *jus primae noctis*.<sup>59</sup>

The invocation of *jus primae noctis* makes clear that Engels does not apologize for feudalism and its illusory *noblesse oblige*. The point, rather, is to diagnose

<sup>54</sup> On Engels's early response to German romanticism and nationalism, see Terrell Carver, *The life and thought of Friedrich Engels: thirtieth anniversary edition* (Cham, 2021), pp. 70–6.

<sup>55</sup> Carlyle writes that 'Cash Payment has become the sole nexus of man to man'. Thomas Carlyle, 'Chartism', in *Critical and miscellaneous essays* (6 vols., London, 1869), v, p. 378. The motif recurs throughout 'Chartism' and *Past and present*. Engels later quipped that Henry Maine's thesis concerning the transition from status to contract, 'in so far as it is correct, was contained long ago in the *Communist Manifesto*'. Engels, *Origin of the family*, MECW, xxvi, p. 186; MEGA, 1/29, p. 191.

<sup>56</sup> Friedrich Engels, 'Review of Carlyle' (1844), MECW, iii, p. 444; MEGA, 1/3, p. 511.

<sup>57</sup> Carlyle, 'Chartism', p. 379. Gareth Stedman Jones, 'Engels and the invention of the catastrophist conception of the industrial revolution', in Moggach, ed., *New Hegelians*, pp. 200–19.

<sup>58</sup> Friedrich Engels, 'Condition of England' (1844), MECW, iii, p. 476 (modified translation); MEGA, 1/3, p. 545. Recall Marx's remark that liberal reform abolishes 'spiritual distinctions by enthroning in their stead the immoral, irrational and soulless abstraction' of private property: Marx, 'Wood theft', MECW, 1, p. 262; MEGA, 1/1, p. 235.

<sup>59</sup> Engels, 'Condition of England', MECW, iii, p. 476; MEGA, 1/3, pp. 545–6; Engels, *Condition of the working class*, MECW, iv, pp. 441–2; MEGA, 1/4, pp. 371–2.

the new form of domination that emerges with bourgeois society. Insofar as that new oppression must be overcome, feudalism offers an instructive model. Marx and Engels reiterate this point in the *German ideology*: 'individuals seem freer under the dominance of the bourgeoisie than before, because their conditions of life seem accidental; in reality, of course, they are less free, because they are to a greater extent governed by material forces'. Modern labourers see their economic conditions as 'accidental' because they believe their economic life is disconnected from political subordination. Labour appears as 'something positive', apart from a political-economic regime. Because economic life under feudalism was bound up with political authority, it was, paradoxically, more free.<sup>60</sup>

Marx draws on Engels in formulating the contrast between feudal and bourgeois society through the synecdoche of Catholicism and Protestantism: Adam Smith is the 'Luther of Political Economy'.<sup>61</sup> Catholicism and feudalism feature transparent exploitation by an alien master, the direct, personal command of priest and lord. Protestantism and capitalism reject that personal hierarchy. The invisible church and the priesthood of all believers replace the episcopacy and sacramental clergy. An unmediated relationship with God replaces saint cults and devotions. Likewise, the bourgeois economy entails formal legal and economic equality, abolishing inherited obligations to particular masters. Yet, rather than bring emancipation, Protestantism and capitalism produce a new alienation. Where Protestants are enslaved by a God they create for themselves, proletarian labourers are alienated by the fruit of their own labour:

Just as Luther recognized *religion - faith* as the substance of the external *world* and in consequence stood opposed to Catholic paganism - just as he superseded *external* religiosity by making religiosity the *inner* substance of man - just as he negated the priests outside the layman because he transplanted the priest into laymen's hearts, just so with wealth: wealth as something outside man and independent of him, and therefore as something to be maintained and asserted in an external fashion is done away with; that is, this *external, mindless objectivity* of wealth is done away with, with private property being incorporated in man himself and with man himself being recognized as its essence. But as a result man is brought within the orbit of private property just as with Luther he is brought within the orbit of religion. Under the semblance of recognizing man, the political economy whose principle is labour rather carries to its logical conclusion the denial of man.<sup>62</sup>

<sup>60</sup> Marx and Engels, *German ideology*, MECW, v, p. 78; MEGA, 1/5, pp. 95-6. This treatment of freedom raises difficulties for republican interpretations of Marx. Freedom is associated here with the linking of political authority and economic conditions - a form of conscious, collective dependence rather than individual independence.

<sup>61</sup> Engels first deploys this analogy in 'Critique of political economy', MECW, III, pp. 422-3; MEGA, 1/3, p. 474.

<sup>62</sup> Marx, *1844 manuscripts*, MECW, III, pp. 290-1; MEGA, 1/2, pp. 257-8. Ibid., MECW, III, p. 272; MEGA, 1/2, p. 236.

With Luther, the struggle against the external priest is replaced with the struggle against one's own 'priestly nature'.<sup>63</sup> The feudal, Catholic tyranny of men is replaced by the capitalist, Protestant tyranny of wealth. Unsurprisingly, reactionary landed aristocrats disdain the bourgeois capitalist, a 'sly, hawking, carping, deceitful, greedy, mercenary, rebellious, heartless and spiritless person who is estranged from the community and freely trades it away'.<sup>64</sup> The new bourgeoisie is no less contemptuous of the old aristocracy, which it sees as hypocritical and backwards. Marx agrees that the landed aristocrat deceives himself, for his social position too is built on exploitation. Nevertheless, illusory aristocratic ideology matters historically, producing a non-egoistic form of social control.<sup>65</sup>

Marx attributes this transformation to the commodification of labour. Modern production treats people as 'a commodity, the human commodity'; a person becomes a 'mentally and physically dehumanized being'.<sup>66</sup> When rendered redundant by the market, the worker 'has no work, hence no wages, and since he has no existence as a human being but only as a worker, he can go and bury himself, starve to death, etc.'<sup>67</sup> Capitalism transforms juridical, human dependents into free, abstract labourers. Egoism and the laws of the market replace patriarchy and authority. Marx welcomes the triumph of 'filthy self-interest' over intimate feudal dominion. It is necessary that landed property – which traditionally resisted the logic of capital – 'be dragged completely into the movement of private property and that it become a commodity; that the rule of the proprietor appear as the undisguised rule of private property ... that all personal relationship between the proprietor and his property cease'.<sup>68</sup> Intimate feudal relationships obstruct the development of society's productive powers and the formation of revolutionary class consciousness. Nevertheless, Marx remains attentive to the centrality of the rule of man under feudalism. While corrupt and oppressive, that rule will return in radicalized form under communism.

Marx summarizes his comparison of feudalism by juxtaposing two proverbs. Where the medieval world proclaimed *nulle terre sans seigneur* ('there is no land without its lord') the bourgeois age replies *l'argent n'a pas de maître* ('money knows no master'). The transition from the rule of the lord to the rule of money entails 'the complete domination of dead matter over man'.<sup>69</sup> The medieval identification of land and lord integrated political and economic authority. Bourgeois society lacks personal masters, leaving only the tyranny of money. Feudalism, with its explicit, human domination, offered personal if illusory community. The real community of communism will establish deliberate,

<sup>63</sup> Marx, 'Critique of Hegel', *MECW*, III, p. 182; *MEGA*, I/2, p. 177.

<sup>64</sup> Marx, *1844 manuscripts*, *MECW*, III, p. 287; *MEGA*, I/2, p. 360.

<sup>65</sup> The abolition of feudalism threw 'off the bonds which restrained the egoistic spirit of civil society'. Marx, 'On the Jewish question', *MECW*, III, p. 166; *MEGA*, I/2, pp. 160–1.

<sup>66</sup> Marx, *1844 manuscripts*, *MECW*, III, p. 284; *MEGA*, I/2, p. 249.

<sup>67</sup> *Ibid.*, *MECW*, III, p. 283; *MEGA*, I/2, p. 248.

<sup>68</sup> *Ibid.*, *MECW*, III, p. 267; *MEGA*, I/2, p. 231.

<sup>69</sup> *Ibid.*, *MECW*, III, p. 287; *MEGA*, I/2, p. 360. Marx repeats this juxtaposition in *Capital*, *MECW*, xxxv, p. 157; *MEGA*, II/6, p. 165.

collective mastery over social life through the free association of the whole. The communist revolution will transform passive dependence on the abstract, impersonal powers of production into 'the control and conscious mastery of these powers'.<sup>70</sup>

### III

The humanity of feudalism consists not only in its non-contractual social bonds, but in a political order constituted by transparent, human political authority. For this reason, Marx claims that feudalism was not only political but a kind of democracy. Throughout the early 1840s, he connects the categories of humanity and democracy. In his letters to Ruge, he speaks of the 'human world of democracy', describing emancipation as the transformation of 'society into a community of human beings united for their highest aims, into a democratic state'.<sup>71</sup> Likewise, in his critique of the *Philosophy of right*, Marx notes the 'fundamental distinction' between 'legal' and 'human' democracy. Against liberal pharisees, he insists that humanity must reign over law: 'man does not exist for the law but the law for man'.<sup>72</sup> What he calls 'human emancipation' in 'On the Jewish question' is connected to the 'true democracy' theorized in the 'Critique of Hegel'. Together, these texts develop Marx's critique of liberal constitutionalism and Hegelian political philosophy.<sup>73</sup> True democracy and human emancipation are marked by the conscious assertion of collective control over social life.

Marx identifies Hegel as the 'interpreter' of the modern state, so his philosophical critique of Hegel's constitutional theory is of a piece with his democratic critique of the bourgeois state. Hegel theoretically defends what the modern state institutionalizes: class-based elitism mediated by constitutional representation and the priority of the private, commercial sphere over democratic sovereignty.<sup>74</sup> The French Charter of 1830, for example, granted voting rights to a vanishingly small number of French citizens. The English Reform Act of 1832 was substantially more generous but retained limited suffrage to weaken the working class. Like many of his contemporary radicals, Marx insists on universal suffrage and a sovereign, majoritarian, unicameral legislature.<sup>75</sup> Those institutional arrangements, alone, however, are insufficient.<sup>76</sup> He notes that in the United States, for example, universal white male suffrage fails to abolish private property. The formal possibility of democratic sovereignty is insufficient so long as the state is legitimized and constrained by individual rights and civil society.<sup>77</sup>

<sup>70</sup> Marx and Engels, *German ideology*, MECW, v, pp. 51, 88; MEGA, 1/5, pp. 95–6, 113–14.

<sup>71</sup> Karl Marx, 'Letters to Ruge', MECW, III, pp. 139, 137; MEGA, 1/2, pp. 478, 475–6.

<sup>72</sup> Marx, 'Critique of Hegel', MECW, III, p. 30; MEGA, 1/2, p. 31.

<sup>73</sup> Avineri, *Social and political thought*, pp. 8–40.

<sup>74</sup> Marx, 'Critique of Hegel', MECW, III, p. 84; MEGA, 1/2, p. 94.

<sup>75</sup> Hunt, *Political ideas*, pp. 132–75.

<sup>76</sup> Like many in their circle, Marx and Engels saw democracy not simply as a form of government, but as a more sweeping commitment to social equality. Wilfried Nippel, *Ancient and modern democracy* (Cambridge, 2016), pp. 279–93.

<sup>77</sup> Marx, 'On the Jewish question', MECW, III, p. 153; MEGA, 1/2, p. 148.

Marx, in other words, rebukes the 'liberty of the moderns' defended by Benjamin Constant and associated with Scottish Enlightenment liberalism and Montesquieu's commercial republicanism.<sup>78</sup> This was the vision of negative liberty institutionalized by the conservative liberal constitutions of 1840s France, England, and America. As Constant puts it in his influential lecture: 'we can no longer enjoy the liberty of the ancients, which consisted in an active and constant participation in collective power. Our freedom must consist of peaceful enjoyment and private independence.'<sup>79</sup> Liberals in the mould of Constant repudiated radical democracy as a dangerous feature of antiquity. They defended bourgeois ordered liberty, commercial prosperity, and representative government. Marx recognizes the connection between this programme of 'merely political' democracy and the even more conservative *Rechtstaat* defended by Hegel. Contrary to Constant's suggestion, Marx does not turn for inspiration to ancient democracy. Breaking with the historical narrative offered by his antagonists, he points to medieval feudalism as an instructive guide for democracy.

In 'On the Jewish question', Marx writes that the 'political emancipation' of the modern state destroyed the 'political character' of the medieval social order:

The political revolution which overthrew this sovereign power and raised state affairs to become affairs of the general people, which constituted the political state as a matter of *general* concern, that is, as a real state, necessarily smashed all estates, corporations, guilds, and privileges, since they were all manifestations of the separation of the people from the community. The political revolution thereby *abolished* the *political character of civil society*.<sup>80</sup>

Marx offers here an equivocal account of politics. The modern, constitutional state is political insofar as it abolishes juridical distinctions across the people. The transition from feudal subject to republican citizen brings a higher sense of universality and species-life, generalizing the 'political spirit' which had been fragmented under the feudal corporatist order. Yet the modern state is simultaneously depoliticizing insofar as it destroys the feudal integration of

<sup>78</sup> Annelien de Dijn, *French political thought from Montesquieu to Tocqueville* (Cambridge, 2009). The importance of Constant for the young Marx is evident from the lengthy excerpts from Constant's *On religion* that Marx copied into his 1842 notebooks. *MEGA* iv/1, pp. 342–67.

<sup>79</sup> Benjamin Constant, 'Liberty of the ancients compared with that of the moderns', in *Political writings*, ed. Biancamaria Fontana (Cambridge, 1988), p. 316. Rousseau is the most significant critic of commercial, negative liberty and is consequently rebuked by Constant, 'The spirit of conquest and usurpation and their relation to European civilization', in *Political writings*, pp. 106–9. Marx and Rousseau offer parallel critiques of the commercial constitutionalism defended by Hegel, Constant, and Montesquieu. For contrasting studies of this debate, see Louis Althusser, *Politics and history: Montesquieu, Rousseau, Hegel and Marx* (London, 1972), and Bernard Yack, *The longing for total revolution* (Princeton, NJ, 1986).

<sup>80</sup> Marx, 'On the Jewish question', *MECW*, iii, p. 166; *MEGA*, i/2, pp. 160–1.

social and political life. Medieval economic affairs were not a matter for private contract, but were political emanations of one's place in society:

Political emancipation is at the same time the *dissolution* of the old society ... What was the character of the old society? It can be described in one word – *feudalism*. The character of the old civil society was *directly political*, that is to say, the elements of civil life, for example, property, or the family, or the mode of labour, were raised to the level of elements of political life in the form of seignory, estates, and corporations. ... they determined the relation of the individual to the *state as a whole*, i.e., his *political* relation.<sup>81</sup>

There are thus two dimensions of Marx's understanding of politics. The first – realized under liberal constitutionalism – is horizontal. By abolishing juridical distinctions, the constitutional state establishes a class of citizens tasked with the work of self-rule. The second dimension of politics – destroyed by liberal constitutionalism but found in feudalism – is vertical. Medieval economic life was elevated to the political through a visible connection to the 'state as a whole'. Under political feudalism, the medieval subject did not distinguish between political and economic duties. Both flowed from the demands of personal authorities. The person of the lord, not autonomous laws of the market, directed economic life.

These two dimensions track Marx's distinction between 'merely political' or 'legal' democracy and 'human' or 'true' democracy.<sup>82</sup> His critique of merely political democracy targets both formal constraints on popular sovereignty and also the depoliticizing tendencies of a privatized, commercial civil society. Like others in their circle, Marx and Engels framed this divide in the terms of liberalism versus democracy.<sup>83</sup> Hegelian constitutional monarchy requires class-based representation and an independent bureaucracy in the model of *Vormärz* Prussia and the French July monarchy. Even if a majoritarian legislature and universal suffrage were established, Marx insists, the state would remain a merely political, horizontal democracy, for it would be unable to control the matter of social life. It is in this context that he points to the vertical nature of politics in the medieval 'democracy of unfreedom'.

Marx sets his defence of 'true democracy' in contrast to Hegel, who rejects popular sovereignty as an incoherent ideal. For Hegel, a 'formless mass' can only be transformed into a 'people' through the articulating power of 'the

<sup>81</sup> *Ibid.*, *MECW*, III, p. 165; *MEGA*, I/2, p. 160.

<sup>82</sup> Marx, 'Critique of Hegel', *MECW*, III, pp. 30–1; *MEGA*, I/2, pp. 31–2.

<sup>83</sup> Marx and Engels contrast conservative 'middle-class liberalism' with radical 'working-class democracy': see 'Address to Feargus O'Connor' (1846), *MECW*, VI, p. 59. Engels speaks of the 'total difference between liberalism and democracy': see 'The state of Germany' (1846), *MECW*, VI, p. 29. Moses Hess, 'Briefe aus Paris' (1844), *Deutsch-Französische Jahrbücher* (Amsterdam, 1963), pp. 115–25, similarly described France as divided by two great parties: liberals and democrats. Arnold Ruge, 'A self-critique of liberalism', in Lawrence Stepelevich, ed., *The young Hegelians: an anthology* (Cambridge, 1983), pp. 237–60, at p. 259, likewise demanded the 'dissolution of liberalism into democratism'.



person of the monarch'.<sup>84</sup> Sovereignty cannot be located in the people, for there is no such thing as a people without the monarch. Marx inverts the argument, claiming that the existence of the monarch presupposes popular sovereignty.<sup>85</sup> Rejecting the classical debate concerning the virtues and vices of various forms of government, he argues that 'democracy is the genus constitution', for the people are vested with the sovereign right to determine their form of government. Monarchy and aristocracy are not, strictly speaking, rivals to democracy; rather, they are candidate institutional forms that the sovereign people may select. Monarchy is an expression of popular sovereignty, though it is a mystifying and hypocritical expression. The implication that Marx draws from this constitutional theory is that the people must have sovereign control over the content and form of political life. The people stand above their creation, the constitution: 'it is not the constitution which creates the people but the people which creates the constitution'.<sup>86</sup>

Marx terms this understanding of popular supremacy 'true democracy', and he notes that 'in true democracy the *political state is annihilated ... the political state qua political state, as constitution, no longer passes for the whole*'.<sup>87</sup> He does not favour the abolition of government, but instead rejects what Hunt termed the 'parasite state' apart from and above the people.<sup>88</sup> True democracy is marked not by the rule of law or the constitution, but by the rule of the people unencumbered by counter-majoritarian constraints.<sup>89</sup> Eliminating these constraints, however, will not be sufficient to establish true democracy. It is not enough for 'all individually' to participate in politics; they must act as 'individuals as all'.<sup>90</sup> That contrast, which recalls Rousseau's distinction between the 'will of all' and the 'general will', emphasizes the limits of procedural democracy. So long as individuals approach politics as *private individuals*, they are unable to rule themselves consciously and collectively. Merely political citizens cannot form a 'species will', the 'self-conscious will of the nation'. Merely political democracy must overcome the 'two-fold life' of bourgeois liberalism, in which a self-interested sphere of individual rights and commercial liberty stands against an ostensibly universal sphere of political self-rule. Modern society concretizes the theoretical contradiction in Hegelian philosophy, producing a dualism: self-interested, economic agent vs selfless, public-spirited citizen. The *locus classicus* of this charge remains 'On the Jewish question':

Where the political state has attained its true development, man – not only in thought, in consciousness, but in *reality*, in *life* – leads a twofold life, a heavenly and an earthly life: life in the *political community*, in

<sup>84</sup> Hegel, *Philosophy of right*, p. 319; Hegel, *Werke*, vii, p. 410. Breckman, *Dethroning the self*, pp. 286–9, shows that Marx developed the anti-personalism of his Young Hegelian contemporaries.

<sup>85</sup> Marx, 'Critique of Hegel', *MECW*, iii, p. 28; *MEGA*, i/2, p. 29.

<sup>86</sup> *Ibid.*, *MECW*, iii, p. 29; *MEGA*, i/2, pp. 30–1.

<sup>87</sup> *Ibid.*, *MECW*, iii, p. 30; *MEGA*, i/2, p. 32.

<sup>88</sup> Hunt, *Political ideas*, p. 125.

<sup>89</sup> Marx, 'Critique of Hegel', *MECW*, iii, p. 57; *MEGA*, i/2, p. 61.

<sup>90</sup> *Ibid.*, *MECW*, iii, p. 116; *MEGA*, i/2, p. 126.

which he considers himself a *communal being*, and life in *civil society*, in which he acts as a *private individual*, regards other men as a means, degrades himself into a means, and becomes the plaything of alien powers.<sup>91</sup>

Liberal, constitutional guarantees of individual rights transform a person into 'an isolated monad, withdrawn into himself, cut off from other humans.'<sup>92</sup> Instead of facilitating co-operation, such rights entrench Hobbesian conflict, a *bellum omnium contra omnes*.<sup>93</sup> Civil society and a rights-protecting private sphere make 'every man see in other men not the *realization* of his own freedom, but the *barrier to it*'.<sup>94</sup> The Hegelian political state is enslaved by the private realm it purports to command.<sup>95</sup> The Middle Ages were not characterized by the psychic schizophrenia and material dualism of bourgeois citizen-egoists. Indeed, the very idea of the political state is defined in contradistinction to civil society. Merely political democracy presumes an estrangement between public and private life foreign to feudalism:

the political constitution as such [the merely political state] is brought into being only where the private spheres have won an independent existence. Where trade and landed property are not free and have not yet become independent, the political constitution too does not yet exist. The Middle Ages were the *democracy of unfreedom*. ... In the Middle Ages there were serfs, feudal estates, merchant and trade guilds, corporations of scholars, etc.: that is to say, in the Middle Ages property, trade, society, man are *political*; the material content of the state is given by its form; every private sphere has a political character or is a political sphere; that is, politics is characteristic of the private spheres too.<sup>96</sup>

Feudal economic conditions did not confront the subject as something detached from the political authority of the landed nobility.<sup>97</sup> Medieval life was integrated, whereas bourgeois constitutional life is fragmented. Bourgeois citizens cannot exercise control over their societies because they have separated their political and economic identities. Feudalism featured no such bipolarity. Medieval economic and social roles simply were political roles. They were not described as such because the vocabulary of politics comes into existence with the autonomy of civil society. Rather than flit between their roles as democratic citizens and bourgeois egoists, feudal subjects occupied a unified, corporate social identity. Where the bourgeois right

<sup>91</sup> Marx, 'On the Jewish question', *MECW*, III, p. 154; *MEGA*, I/2, pp. 148–9.

<sup>92</sup> *Ibid.*, *MECW*, III, p. 162; *MEGA*, I/2, p. 157.

<sup>93</sup> *Ibid.*, *MECW*, III, p. 155; *MEGA*, I/2, p. 150; and Marx, 'Critique of Hegel', *MECW*, III, p. 42; *MEGA*, I/2, p. 150.

<sup>94</sup> Marx, 'On the Jewish question', *MECW*, III, p. 163; *MEGA*, I/2, p. 158.

<sup>95</sup> Karl Marx, 'Critical marginal notes on the article by a Prussian' (1844), *MECW*, III, p. 198; *MEGA*, I/2, p. 456.

<sup>96</sup> Marx, 'Critique of Hegel', *MECW*, III, p. 32; *MEGA*, I/2, p. 33.

<sup>97</sup> Marx and Engels, *German ideology*, *MECW*, V, p. 78; *MEGA*, I/5, pp. 95–6.

to private property marks out a sphere of individual freedom and transforms economic relationships into cash-nexus, contractual arrangements, feudal economic obligations flowed from an ordered sociopolitical hierarchy. There were no purely private economic relationships under feudalism. Debts to the lord were inherited political obligations rather than voluntary economic contracts.

Religion, too, typifies bourgeois fragmentation. Reformulated in terms of private conscience, religion ceases to be a source of community and becomes 'the essence of *difference*'. Liberal states abolish religious privileges and relegate faith to the private sphere, leading paradoxically to its flourishing. Tocqueville and others reported from America that faith thrives when removed from politics. The liberal separation of civil society from the state leads to privatized egoism: 'Man, as the adherent of a *particular* religion, finds himself in conflict with his citizenship and with other men as members of the community.'<sup>98</sup> Religious pluralism and conscience oppose medievalism's embrace of one holy, catholic, and apostolic church.

Even as feudal subjects were separated through distinctions of class, guild, and estate, medieval vertical social relations and duties remained holistic. Economic obligations were derived from hierarchical bonds of political authority. While those bonds were unfree, they provided transparent recognition that one's social position was embedded within the web of relations connecting the individual to the community.

#### IV

Marx develops his contrast between feudal integration and bourgeois separation by contrasting the medieval society of orders with modern political representation. Where medieval corporatism was political, constitutional representation as theorized by Constant and Hegel and established in France, Prussia, and the United States is an expression of privatization. In treating medievalism this way, Marx breaks with the general judgment of nineteenth-century thinkers. A familiar historical narrative concerning the emergence of the modern state held that the private, non-political bonds of the *ancien régime* were overcome by the French Revolution, which inaugurated a new kind of political state. François Guizot, for example, argued that, under feudalism, public, political sovereignty strictly speaking did not exist. The lord's authority over his domain was that of a property owner: 'what are today called public rights were then private rights; what are now called public authorities were then private authorities'.<sup>99</sup> This interpretation of feudal authority as private, not political, was shared by thinkers as varied as Karl Ludwig von Haller, Auguste Comte, and Pierre-Joseph Proudhon.<sup>100</sup>

<sup>98</sup> Marx, 'On the Jewish question', *MECW*, III, pp. 154–5; *MEGA*, I/2, pp. 148–9.

<sup>99</sup> François Guizot, *The history of civilization in Europe* (New York, NY, 1997), p. 97.

<sup>100</sup> Haller praised feudalism for its rejection of public law, as opposed to an anthropomorphized, public sovereignty of a Hobbesian-Rousseauian state. Friedrich Meinecke, *Cosmopolitanism and the national state* (Princeton, NJ, 1970), pp. 160–96. Despite rebuking Haller's apology for feudalism, Hegel shares his description of the private character of medieval society: see Hegel, *Philosophy of right*, pp. 278–81; Hegel, *Werke*, VII, pp. 401–6. Comte emphasized the private authority of the feudal

Marx rejects this account, arguing that, in a crucial respect, the French Revolution destroyed the political nature of feudalism and privatized bourgeois society. He systematically critiques the typical view as it is expressed by Hegel, according to whom feudal corporations were the unpolitical 'private property of individuals, so that what [individuals] had to do in relation to the whole was left to their own opinion and discretion'.<sup>101</sup> Feudal prerogatives for Hegel become political with the consolidation of monarchical power. Feudal social relations were a matter of 'firmly-fixed particular right, excluding a sense of universality'.<sup>102</sup> Monarchical sovereignty replaced individual caprice with constitutional law, politicizing the medieval estates by incorporating them into the body politic.<sup>103</sup>

Hegelian estates mediate between private and public life, elevating private interest to the level of public concern, reconciling civic plurality and political unity.<sup>104</sup> Representation is the means of transcending the separation of private from public. Yet this prescription, Marx claims, offers an illusion of integration that reifies estrangement. As early as 1842, Marx notes the difference between medieval corporatism and modern representation. The feudal model recognized the 'spirit of a living unity', whereas constitutional representation produced separation. While rebuking the oppressive nature of feudal corporatism, he criticizes liberal theories of representation for forcing 'the real organic life of the state' to sink into 'unreal, mechanical, subordinated, non-state spheres of life'.<sup>105</sup> Hegelian constitutional representation produces the same mistake, offering an illusory account of overcoming the 'isolation' of particular interests.

Marx, in other words, inverts Hegel's contrast between medieval and constitutional representation. Where Hegel argues that private estates acquire their public character through the modern state, Marx argues that the modern state depoliticizes feudal estates. The 'spirit of the Middle Ages' is that 'the estates of civil society and the estates in the political sense were identical, because civil society was political society'. Medieval estates did not become political by means of representation; rather they 'participated in legislation because they were *political* estates'.<sup>106</sup> Hegel attempts to synthesize medieval representation with modern constitutionalism while abandoning the real spirit of feudal life.<sup>107</sup> Hegelian estates promise to structure subjects' corporate

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military aristocracy and Catholic priesthood: see Auguste Comte, 'Considerations on spiritual power', in *Early political writings*, ed. H. S. Jones (Cambridge, 1998). Pierre-Joseph Proudhon, *General idea of the revolution in the nineteenth century* (New York, NY, 1969), pp. 40–74, claimed that capitalism preserves and conceals feudal private domination. 'Capitalistic feudalism' is the newest instantiation of private hierarchy.

<sup>101</sup> Hegel, *Philosophy of right*, pp. 315, 338; Hegel, *Werke*, vii, pp. 443, 467.

<sup>102</sup> Georg Wilhelm Fredrich Hegel, *The philosophy of history* (New York, NY, 1956), p. 344 (modified translation); Hegel, *Werke*, xii, p. 416.

<sup>103</sup> *Ibid.*, p. 428; Hegel, *Werke*, xii, p. 509.

<sup>104</sup> Hegel, *Philosophy of right*, pp. 339–44; Hegel, *Werke*, vii, pp. 468–74.

<sup>105</sup> Karl Marx, 'Commissions of the estates', *MECW*, i, p. 297; *MEGA*, i/1, p. 276.

<sup>106</sup> Marx, 'Critique of Hegel', *MECW*, iii, pp. 72–3; *MEGA*, i/2, pp. 78–9.

<sup>107</sup> *Ibid.*, *MECW*, iii, p. 95; *MEGA*, i/2, p. 105.

identities into a universal, differentiated whole. This model of representation turns estates into egoistic interest groups, precluding universal politics and thrusting 'the human being back into the narrowness of his individual sphere'.<sup>108</sup>

For this reason, Marx and Hegel diverge on the legacy of the French Revolution. Hegel claims that the revolutionaries' fixation with abstract moral principles – formal natural rights, for example – produced terror, anarchy, and despotism. At the same time, he sees the revolution as an indispensable culmination of modern state formation. With the final destruction of feudal, private prerogatives, European states could fully politicize the medieval estate structure through a rational mode of public sovereignty.<sup>109</sup> Marx, in contrast, argues that the French Revolution privatized identity, destroying the public character of feudal estates. It 'completed the transformation of the *political* into *social* estates, or changed the *differences of estate* of civil society into mere *social* differences, into differences of civil life which are without significance in political life'.<sup>110</sup> Merely social estates produce merely economic inequality. They are characterized not by political prerogatives, but by wealth and education. Inequality becomes a matter of individualistic, class differentiation, not communal, political authority:

The present-day estate of society already shows its difference from the earlier estate of civil society in that it does not hold the individual as it formerly did as something communal, as a community, but that it is partly accident, partly the work and so on of the individual which does, or does not, keep him in his estate, an *estate* which is itself only an *external* quality of the individual, being neither inherent in his labour nor standing to him in fixed relationships as an objective community according to rigid law.<sup>111</sup>

The French Revolution, like the modern constitutional state, is marked by the tension between universal politics and an autonomous private sphere. While *de jure* subject to the authority of the state, bourgeois civil society produces the twofold life: the practical domination of the private over the public. Not even the Jacobins could overcome the contradictions inherent in the attempt to marry democratic sovereignty and bourgeois, negative liberties. They sought to establish a '*spiritualistic-democratic representative state ... based on emancipated slavery, bourgeois society*'. The 'terrible illusion' shared, surprisingly, by both the Jacobins and the Hegelian constitutional state is that hope that the 'rights of man' and a commercial society 'of private interest freely

<sup>108</sup> *Ibid.*, MECW, III, p. 81; MEGA, I/2, p. 90.

<sup>109</sup> Hegel, *Philosophy of history*, pp. 446–57; Hegel, *Werke*, XII, pp. 527–40. Joachim Ritter, *Hegel and the French Revolution* (Cambridge, 1982), pp. 49ff; Richard Bourke, 'Hegel and the French Revolution', *History of European Ideas*, 49 (2023), pp. 757–68, at pp. 762–5.

<sup>110</sup> Marx, 'Critique of Hegel', MECW, III, p. 80; MEGA, I/2, p. 89. Marx's analysis anticipates Alexis de Tocqueville's account of the depoliticization of the French aristocracy in *The ancien régime and the French Revolution* (Cambridge, 2011).

<sup>111</sup> Marx, 'Critique of Hegel', MECW, III, p. 80; MEGA, I/2, p. 90.

pursuing its aims' can be made consistent with universal politics.<sup>112</sup> Hegel's attempted reconciliation concludes in the tyranny of the market and the fragmentation of civic life.

In this assessment of the French Revolution, Marx distances himself from the model of democracy associated with the liberty of the ancients. In his critique of the *Philosophy of right*, he adds two further models to the contrast between medievalism and the bourgeois state: the Greek *polis* and oriental despotism. Greek democracy, Marx argues, featured total domination by the public sphere. The work of politics was the sole content of civic life, the 'true and only content of the life and will of the citizens'. In oriental despotism, on the other hand, no public sphere exists. All are subject to the 'personal caprice of a single individual'.<sup>113</sup> Where ancient Greece abolished the private sphere and was fully subsumed by the public, oriental despotism imposed the private dominion of the ruler.

If the *polis* and oriental despotism monistically resolve the tension between the public and private, feudalism and the bourgeois state offer a dualistic resolution: 'the Middle Ages are the period of *actual* dualism; modern times one of *abstract* dualism'.<sup>114</sup> This contrast of dualisms brings out the distinctive estrangement characteristic of each regime. Medieval unfreedom separates subjective inner life from objective social function. No peasant freely chose their station, but the medieval alignment of identity and social function constituted a kind of unity. The freedom of the Hegelian state, on the other hand, honours the inner life of private individuals, attempting to reconcile subjective life with public citizenship. Yet the formal separation of heavenly politics from earthly civil society merely abstracts the estrangement of the twofold life. Despite Hegelian rhetoric of universality, the private life of civil society dominates the public life of citizenship.

Under medievalism, the individual is 'a member, a function of society'. By reducing the individual to their objective social role, feudalism separates the human being from their 'general essence', turning them 'into an animal that is directly identical with its function'.<sup>115</sup> Despite that estrangement, the feudal reification of social function produced a kind of community. Feudalism thus captured one important feature of species-being (sociality and mutual dependence), while violating another crucial requirement: the freedom to consciously define the meaning of 'life activity'.<sup>116</sup> The constitutional state makes the

<sup>112</sup> Karl Marx and Friedrich Engels, *The holy family* (1845), *MECW*, iv, p. 122; *MEGA*, i/4, p. 124.

<sup>113</sup> Marx, 'Critique of Hegel', *MECW*, iii, p. 32; *MEGA*, i/2, p. 34. Marx follows Hegel's treatment of the ancient *polis* and oriental despotism, departing from him in the assessment of the modern state. See Hegel, *Philosophy of right*, p. 285; Hegel, *Werke*, vii, p. 410.

<sup>114</sup> Marx, 'Critique of Hegel', *MECW*, iii, p. 32; *MEGA*, i/2, p. 33.

<sup>115</sup> *Ibid.*, *MECW*, iii, p. 81; *MEGA*, i/2, p. 90.

<sup>116</sup> Consider this description of species-being in Marx, *1844 manuscripts*: 'The animal is immediately one with its life activity. It does not distinguish itself from it. It is its life activity. Man makes his life activity itself the object of his will and of his consciousness. ... Conscious life activity distinguishes man immediately from animal life activity. It is just because of this that he is a species-being' (*MECW*, iii, p. 276; *MEGA*, i/2, p. 240). Feudalism constitutes a condition of sociality without freedom. I am grateful to a reviewer for this formulation. Reconciling collective and individual

opposite mistake; it 'separates the *objective* essence of the human being from him as merely something *external*, material'.<sup>117</sup> Though the person is emancipated from the oppression of external authority, the alienation of the bourgeois economy consists in being dominated by the fruit of one's own labour. Under feudalism, social identity 'did not *signify one thing* in civil society and *something else* in the political world'.<sup>118</sup> Where feudalism offered unfree but unified social identity, the Hegelian state produces formal liberty and social estrangement.

Feudal corporatism was reactionary and oppressive. What Marx finds instructive is feudalism's recognition of the communal character of individual life. The integration of political and economic authority and the transparent bond between individual and community must be universalized under an emancipatory, democratic politics. Bourgeois constitutional states replace corporatism with egoism not universalism. The medieval estate structure must be raised to the level of the universal, not dissolved into competition and market domination. The contrast between medieval corporatism and modern representation is the political expression of the contrast between the rule of man and the rule of property:

the political state expresses, within the limits of its form *sub specie rei publicae*, all social struggles, needs and truths. Therefore, to take as the object of criticism a most specialized political question – such as the difference between a system based on social estate and one based on representation – is in no way below the *hauteur des principes*. For this question only expresses in a *political* way the difference between rule by man and rule by private property.<sup>119</sup>

Feudalism – though oppressive – prefigured features of democracy lost in the fragmentation of the representative state. The unity of political and economic life produced in each subject an integrated social identity and a direct link to the community. Exploitative human mastery is replaced with exploitative depersonalized domination.

## V

The young Marx repudiates feudalism as a repressive social order, yet he finds in it a spirit of political and social integration abandoned by liberal constitutional representation. He celebrates the French Revolution and the modern state for introducing the possibility of citizenship but associates the same with privatizing social life to a degree unknown in the Middle Ages. He characterizes liberal republicanism as a form of slavery to the bourgeois economy,

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manifestations of conscious self-determination remains the deepest difficulty in Marx's philosophical project.

<sup>117</sup> Marx, 'Critique of Hegel', *MECW*, III, p. 81; *MEGA*, I/2, p. 90.

<sup>118</sup> *Ibid.*, *MECW*, III, p. 82; *MEGA*, I/2, p. 91.

<sup>119</sup> Marx, 'Letters to Ruge', *MECW*, III, p. 144; *MEGA*, I/2, p. 488. Karl Korsch, *Marxism and philosophy* (London, 2012), pp. 78–97.

while describing the feudal aristocracy as a ‘democracy of unfreedom’. This idiosyncratic contrast between feudalism and bourgeois liberalism is marked by a consistent logic. What Marx sees as instructive about medievalism is holism, a connection between political and economic life, and a conscious recognition of the individual’s tie to the community. The feudal order is characterized by the priority of human relations over property rights. What made feudalism human and democratic was not merely an affective, communitarian ethos, but a commitment to transparent, political authority over the whole of social life.

This article has not addressed long-standing debates concerning theoretical continuity, development, and rupture over the course of Marx’s corpus. That said, central themes raised by Marx in his early treatment of feudalism and democracy – the insufficiency of merely political democracy; the need for human, authoritative control over economic relations; and the aim of transcending the parasitic state – animate his later political writings, particularly *The 18th Brumaire* and *The civil war in France*. The distinctive democratic theory that emerges from this treatment of medievalism emphasizes the connection between the rule of private property and the individual fragmentation produced by the bourgeois economy and political state. Feudalism – with its exploitative rule of man – was unified if oppressive. Feudal subjects could comprehend their *de jure* mutual dependence, where modern proletarians find themselves bewildered by an uncontrolled, anarchic interplay of depersonalized forces. The integration of feudal life was passive, maintained by a chain of transparent oppression. By placing economic life under the power of the proletariat, the public and private spheres will be fully integrated, not in the passive manner of medievalism, but in a democratic and universalizing fashion. Communism, Marx suggests, will restore and radicalize what was glimpsed through feudalism but destroyed by liberalism: the experience of collective mastery over an integrated common life.

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