

# Juridical Rights, Human Emancipation, and the Revolution: A Marxian Analysis\*

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## Abstract

Karl Marx's notion of human nature has significant bearing on such political developments as the establishment of juridical rights of man, political emancipation, and the necessary overthrow of what I will call the "juridical" man in the Marxian revolution. Marx's analysis of human nature (heavily inspired by Aristotle) synchronizes, in many ways, with the juridical notion of human rights that advanced in tandem with the bourgeois capitalist system, the 1789 *Declaration of the Rights of Man and of the Citizen*. This paper examines Marxian human nature – never fully cleaved from the politico-economic – within Marx's theories of political and human emancipation, and demonstrates why, for Marx, the former is insufficient for the latter. In doing so, I will analyze not only the moment but also the form that revolution must take for Marx, which may subsequently allow for more theoretical and critical analyses of contemporary revolutionary movements, particularly in the Middle East. Ultimately, I hope to show that, for Marx, the European notion of the juridical man allows for the perpetuation of capitalism, and that a critique of capitalism is always at the same time a critique of juridical human rights. As a result, it will be clear that successful human emancipation necessitates the dissolution not only of capitalism, but also of juridical man.

## Key Words

Karl Marx, revolution, Arab Spring, political philosophy, human emancipation

*"The purpose of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression."*

-Declaration of the Rights of Man and of the Citizen, Article 2, 26 August 1789

The notion of "revolution" has become a focal point of Middle Eastern politics in recent years; from riots in Egypt and Iran to the Gezi Movement of Turkey, popular uprisings among disenfranchised workers, students, and intellectuals exhibit strong elements of the Marxian revolution. However, although many leftist scholars and writers in the Muslim world point explicitly to Marx – and especially Marxism-Leninism – as their ideological inspiration, little has thus far been done in the West to critically theorize these revolutionary movements from Marxian perspectives. This paper aims to serve as a starting point for precisely these philosophical analyses, by examining Marx's concept of human nature as it relates to his theorization of the proletarian revolution. Starting with Marx's analysis of "species-being," it outlines the genealogy of bourgeois capitalism as the replacement of human nature with the exploitable, "egoistic" man. This is accomplished in tandem with the development of what I call "juridical man," or, the figure generated by the 1789 *Declaration of the Rights of Man and of the Citizen*. It is therefore not only the capitalist system that falls under Marx's critique, but also juridical man. Accordingly, the link between political and human emancipation will become evident and subsequently demonstrate how the proletarian revolution must result not only in the overthrow of capitalism, but of juridical man in his entirety.

Amidst my exploration of Marx, I draw primarily from his earlier writings, and in particular *On the Jewish Question*, *The Economic and Philosophic Manuscripts of 1844*, and the *German Ideology*. However, Marx's magnum opus, *Capital*, undergirds this analysis as a means of illuminating the nuanced relationship between the alienated juridical man (who is, as we will see, the egoistic man of Marx's early writings) and the capitalist system. In so doing, I disclose how the critique of human rights discourse is consistently interwoven in Marx's critique of capitalism, as both constitute the "anatomy of bourgeois society" (*PCPE*, 159). As such, in overcoming bourgeois society it is essential that man also overcome the notion of juridical personhood advanced by the 1789 *Declaration* and its modern derivatives. The implications thereof ultimately shed light on how we are to approach contemporary revolutions from Marxian standpoints, illuminate the limitations of doing so in non-European contexts, and offer novel platforms from which we might begin to address these difficulties.

## I. Aristotle, Marx, and Human Nature

"Man, if not as Aristotle thought a political animal, is at all events a social animal" (*C1*, 444). This brief concession embedded in *Capital* encompasses Marx's thoughts on human nature: man's ability to determine his own self-activity within the context of social relations held with other men. Aristotle's notion of man as a political animal follows

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his assertion that “if [...] there is some end of the things we do, which we desire for its own sake, [...] clearly this must be the good and the chief good” (*NE*, 1-2). As is well understood, Aristotle equates the achievement of the “good” (which he famously posits is *eudaimonia*, or “human flourishing”) with the activity of “politics,” given that although “it is worth while to attain the end [the good] merely for one man, it is finer and more godlike to attain it for a nation or for city-states” (*NE*, 2). Therefore, it is man’s function – his nature most perfectly realized – to exist within a sociopolitical context that allows for his attainment of happiness. Marx himself rarely uses the term “human nature” explicitly, but instead refers to *Gattungswesen*, defined primarily as “species-being,” a notion that he explores somewhat extensively in *The German Ideology*. For Marx, “species-being,” much like Aristotle’s political man, is realized the community of men, in mutual cooperation unbound and unrestricted:

Only in community [with others has each] individual the means of cultivating his gifts in all directions; only in the community, therefore, is personal freedom possible . . . In the real community the individuals obtain their freedom in and through their association (*GI*, 197).

Just as Aristotle prioritized the nation or the city-state above individual man, so does Marx prioritize the community and social character of man over his status as an individual.<sup>1</sup> It is only in the community in which man’s nature can flourish: “the human essence is no abstraction inherent in each single individual. In its reality it is the ensemble of the social relations” (*TFVI*, 145).<sup>2</sup> The influence that Aristotle had on the young Marx is further apparent in Marx’s description of man’s “species character” in the 1844 Manuscripts: “The whole character of a species – its species character – is contained in the character of his life activity; and free, conscious activity is mans’ species character” (*EPM*, 76). This “species character” – referred explicitly to as “human nature” in the “Critical Marginal Notes” – can only find its realization in the community: “*Human nature is the true community of men*” (*CMN*, 131).

Contrary to classical theories of human nature (which, perhaps, indicates why Marx rarely used the term as such), Marx did not hold that the “species-being” of man was a transcendent, ontologically universal collection of unchanging inclinations; rather, it is the concrete consciousness, the cognized existence of man that constructs his being: “Consciousness can never be anything else than conscious existence, and the existence of men is their actual life-process” (*GI*, 154). “Species-being” is something contingent upon historical and material conditions, as it is, at its core, the activity of man as producer: “Men, developing their material production and their material intercourse, alter, along with this their real existence, their thinking and the products of their thinking. Life is not determined by consciousness, but consciousness by life” (*GI*, 155). This declaration finds grounds in Marx’s assertion of historical materialism, as he later elaborates<sup>3</sup>:

In the social production of their lives men enter into relations that are specific, necessary and independent of their will, relations of production which correspond to a specific stage of development of their material productive forces . . . The mode of production of material life conditions the social, political and intellectual life-processes generally. It is not the consciousness of men that specifies their being, but on the contrary their social being that specifies their consciousness (*PCPE*, 159-160).

Man’s estrangement from the means of subsistence that he himself produces – a phenomenon engendered by capitalism – is the moment at which his very nature is brought into conflict. Rather than flourishing by means of self-directed production, man’s production becomes the ends of his very existence, his “free, conscious activity” alienated from him: “Estranged labor reverses this relationship, so that it is just because man is a conscious being that he makes his life-activity, his *essential* being, a mere means to his *existence*” (*EPM*, 76).

It is upon the State that Marx shines his most critical lens, as both the theater of estranged labor and as the mere appearance of community, one that is distorted by the division of labor:

The transformation . . . of personal powers (relationships) into materials powers . . . can only be abolished by the individuals again subjecting these material powers to themselves and abolishing the division of labor . . . In the previous substitutes for the community, in the State . . . personal freedom has existed only for the individuals who developed within the relationships of the ruling class, and only insofar as they were individuals of this class. The illusory community, in which individuals have up till now combined, always took on an independent existence in relation to them, and was at the same time, since it was the combination of one class over against another, not only a completely illusory community, but a new fetter as well (*GI*, 197).

It is through the establishment of the juridical human rights – in which the egoistic individual is produced – that this estrangement is first brought into being, and it is through capitalism that this alienation is perpetuated.

## II. Juridical Rights and the Egoistic Man

Just as his notion of man’s species-being is rooted in historic and material conditions indexed to particular temporalities, so too is Marx’s notion of law and politics: “The totality of these relations of production forms the economic structure of society, the real basis from which rises a legal and political superstructure, and to which correspond specific forms of social consciousness” (*PCPE*, 159-160). The implications thereof are significant, as they indicate that political

and legal institutions are both a) subject to the economic structures which precede them, and b) the products of social material conditions. If, as Marx holds, legal and political institutions are, under the economic structure of capitalism, artifacts of the “bourgeois relations of production” (*PCPE*, 160), it must then be the case that juridical notions of human rights are just as much interwoven in the social and political fabric of capitalism.

Marx’s explicit discussion of rights takes place predominantly in *On the Jewish Question*, in which he contests Bruno Bauer’s synopsis of the political emancipation of the Jews. Therein, Marx offers a rather critical analysis of the “rights of man”:

Let us consider for a moment the so-called rights of man; let us examine them in their most authentic form, that which they have among those who *discovered* them, the North Americans and the French! These rights of man are, in part, *political rights*, which can only be exercised if one is a member of a community. Their content is *participation* in the *community* life, in the *political* life of the community, the life of the state. They fall in the category of *political liberty*, of *civil rights*; [...] namely the *rights of man* as distinct from the *rights of the citizen* (*OJQ*, 40-41, my emphasis).

There are several striking aspects to this description, most notably that Marx, ironically, credits the “discovery” of the rights of man to the North Americans and, more significantly, the French. He is undoubtedly here referring to the 1789 *Declaration of the Rights of Man and of the Citizen*, for he later inquires: “Who is this *man* distinct from the *citizen*? No one but the *member of civil society*” (*OJQ*, 41). The conferring of these rights – juridical rights – not only renders them altogether artificial (they are the “so-called rights of man”), but defines the parameters of their application: the theater of the state, outside of which these rights cease to exist. This is quite a perversion of the universality the rights are meant to embody, an existence independent of any particular political or legal structure. Even more significantly, it indicates that the development of capitalism itself – in which the system of exchange is no longer reflective of exchange value – necessitated the juridical establishment of rights, and consequently the legal expression of the exchange relationship.<sup>4</sup>

Beyond these juridical-legal institutions, capitalism is furthermore the architect of the “egoistic man”: “The so-called *rights of man*, as distinct from the *rights of the citizen*, are simply the rights of a *member of civil society*, that is, of egoistic man, of man separated from other men and from the community” (*OJQ*, 42). This *egoistic man*, the one created by the granting of juridical rights, is the figure whose rights are legally upheld, namely those of equality, liberty, security, and property. His individuality and asocial self-interest are prioritized above his status as a social being; his rights function as the foundation of civil society: “This individual liberty, and its application, form the basis of civil society. It leads every man to see in other men, not the *realization*, but rather the *limitation* of his own liberty” (*OJQ*, 42). Therefore, the establishment of the juridical rights of man directly challenges the species-being of man theorized by Marx, resulting in an internal contradiction that thrives within the state<sup>5</sup>:

None of the supposed rights of man, therefore, go beyond the egoistic man, man as he is, as a member of civil society; that is, an individual separated from the community, withdrawn into himself, wholly preoccupied with his private caprice. Man is far from being considered, in the rights of man, as a species-being; on the contrary, species-life itself – society – appears as a system which is *external to the individual and as a limitation of his original independence*. The only bond between men is natural necessity, need and private interest, the preservation of their property and their egoistic persons (*OJQ*, 43, my emphasis).

I will take the notion of egoistic man to be analogous to juridical man, as it is the man produced by the 1789 *Declaration* – the one who paradigmatically embodies juridical human rights – whose self-interest is legally advanced and protected. Accepting Marx’s materialist conception of history, juridical man is not an ontologically universal entity, but one confined and limited to a particular economic and social system, that of the state which confers his “so-called rights”: “These rights of man are, in part, *political rights*, which can only be exercised if one is a member of a community” (*OJQ*, 41). It is through membership in the political community that egoistic man is at the same time a citizen of the state:

[P]olitical liberators reduce citizenship, the *political community*, to a mere *means* for preserving these so-called rights of man; and consequently, that the citizen is declared to be the servant of egoistic ‘man,’ that the sphere in which man functions as a species-being is degraded to a level below the sphere where he functions as a partial being, and finally that it is man as a bourgeois and not a man as a citizen who is considered the *true* and *authentic* man (*OJQ*, 43).

Once the juridical man is established, he gains, above all, the right to private property and the protection thereof, which exacerbates his alienation from his species-being as a social entity and places an unnatural emphasis on the material over the social. This emphasis is nonetheless cruelly paradoxical, as the division of labor that develops more and more acutely under capitalism results in man’s *estrangement* from his very product of labor.<sup>6</sup> The division of labor in the factory, Marx argues, “is also true of the division of labour within society” (*C1*, 615); in other words, man is estranged even from other men. Ultimately, juridical man has seemingly no need of other men but to ensure that they do not interfere with his individual self-interest and property right: “*Private property* thus results by analysis from the concept of *alienated labor* – i.e. of *alienated man*, of estranged labor, of estranged life, of *estranged man*” (*EPM*, 79).

The capitalist state is further contrasted with Marx's conception of the community, which is altogether dissolved when man qua individual – egoistic man – is made the foundation of the political state vis-à-vis civil society. Civil society functions now as the mere appearance of community: “In theory political life is no more than the guarantee of the rights of man – the rights of the individual man; [...] *man* in this aspect [egoistic man], the member of civil society, is now the foundation and presupposition of the *political* state. He is recognized as such in the rights of man” (*OJQ*, 44-45).<sup>7</sup> In the capitalist state, “the only bond between men is natural necessity, need and private interest, the preservation of their property and their egoistic persons” (*OJQ*, 43). As such, it is quite clear that juridical human rights function as the guarantor of *homo economicus*, rather than as the protector of man's species-being.

### III. The Capitalist Contract

Marx's understanding of rights – as the set of juridical conditions advanced by the *Declaration of the Rights of Man and Citizen* – is, as we have seen, one bound by material conditions rather than by a collection of intrinsic, ahistoric ontological qualities. These material conditions are, most notably, those of production and, thereby, of the economic and political superstructures of the state. Further, the juridical rights of man alter the species-character of man in such a way that society itself is reshaped in the image of individual self-interest and property right. Society, in other words, is contingent upon the material conditions of production present at a particular period of time. Consequently, Marx asserts that “right can never be higher than the economic structure of society and its cultural development conditioned thereby” (*CGP*, 531). It is thus clear that juridical rights and capitalism – the economic structure of society at the heart of Marx's critique – are imbricated in such a way that neither could successfully flourish without the other.

Through capitalism and through the juridical man as the embodiment of self-interest, man becomes steadily alienated from his species-being, other men, and his own work:

The *community* from which the worker is *isolated* is a community the real character and scope of which is quite different from that of the *political* community. The community from which the worker is isolated by *his own labour is life* itself, physical and mental life, human morality, human activity, human enjoyment, *human* nature (CMN, 131).

Juridical personhood incites and veils the alienation of man from his natural essence as a social being, and capitalism exacerbates the alienation of the worker from both his object of production and from other workers.<sup>8</sup> However, all of this occurs under the guise of free choice, as it is presented as a contract between worker and capitalist – one willingly (metaphorically) signed by both parties – that such a system comes into being and is perpetuated.<sup>9</sup>

The analogy of the capitalist contract is sprinkled throughout Marx's text, through the development of the machine and large-scale industry as the theater for the contract's realization. It is Friedrich Engels, however, as quoted by Marx in *Capital*, who throws the analogy of capitalism and the juridical into sharpest relief:

“The slavery in which the bourgeoisie holds the proletariat chained is nowhere more conspicuous than in the factory system. Here ends all freedom in law and in fact . . . Here the employer is absolute law-giver . . . the courts say to the working man: Since you have freely entered into this contract, you must be bound to it” (*C1*, 550).

Here the capitalist himself – the employer – becomes de facto lawgiver, while the legal system proper serves only to advance the capitalist's interests by appealing to the freedom of those who have “chosen” to enter the capitalist system. Further, the contract is itself sustained by the relationship itself – rather than the specific, individual actors who take the form of worker and capitalist – as a recyclable and immortal element of capitalism: “The appearance of independence is maintained by a constant change in the person of the individual employer, and by the legal fiction of a contract” (*C1*, 719). In reality, however, the worker is driven by necessity to enter into the “free” capitalist system, as the domination of the capitalist mode of production has required him to sell his labor for his means of subsistence:

Centuries are required before the ‘free’ worker, owing to the greater development of the capitalist mode of production, makes a voluntary agreement, i.e. is compelled by social conditions to sell the whole of his active life, his very capacity for labour, in return for the price of his customary means of subsistence, to sell his birthright for a mess of pottage (*C1*, 382).

It is when discussing the juridical that Marx most frequently employs the language of myth, reinforcing the hypocrisy of capitalism as an exploitative form of slavery masked under the economic superstructure of the free state. Marx himself concedes that “a state may be a *free state* without man himself being a *free man*” (*OJQ*, 32). He offers a more biting criticism of capitalism as illusory slavery in *Capital*, noting that “these individual differences also exist in the system of slavery, but there they do not give rise to any illusions, for labour-power is in that case itself sold frankly and openly, without any embellishment” (*C1*, 682). The wage labor relationship, although distinct from slave labor, is analogous thereto as both forms of labor are external to the worker, both forced upon him for the benefit of the employer.

Beyond his explicit discussion of the 1789 *Declaration of Rights* in his earlier writings, Marx's critique of the juridical is also apparent in his criticisms of the U.K. Factory Acts as the mere appearance of regulatory labor laws of

industrial employment. In addition to setting limitations on the length of the working day for children and, later, adults, the Acts were also meant to guarantee safe working conditions for workers. Marx queries with bitter irony, “What could be more characteristic of the capitalist mode of production than the fact that it is necessary, by Act of Parliament, to force upon the capitalists the simplest appliances for maintaining cleanliness and health?” (*C1*, 611). Further, when examining the justification of the Ten Hours’ Act, Marx notes that, “the most fundamental right under the law of capital is the equal exploitation of labour-power by all capitalists” (*C1*, 405). In all instances, the capitalist state is nothing but a packaged form of slavery, wrapped neatly in the ribbons of appearance and mythology, deceptively perpetuating the fiction of freedom through the extension of “human rights” while exploiting its citizens at every turn.

It becomes more and more apparent, as well, that the right to private property awarded by the *Declaration of Rights* primarily serves the interest of the capitalists. It is for those who own the means of production – and therefore alienates the worker from all but his own labor power, which itself is exploited for surplus value. “The capitalist mode of production,” says Marx in his 1875 *Critique of the Gotha Program*, “rests on the fact that the material conditions of production are in the hands of non-workers in the form of property in capital and land, while the masses are only owners of the personal condition of production of labour power” (*CGP*, 531). Marx affirms this paradox in *Capital*:

Property turns out to be the right, on the part of the capitalist, to appropriate the unpaid labour of others or its product, and the impossibility, on the part of the worker, of appropriating his own product. The separation of property from labour thus becomes the necessary consequence of a law that apparently originated in their identity (*C1*, 730).

Ultimately, the capitalist owns all – including the object of the worker’s production – while the worker – the estranged laborer – has only his cheapened labor power. By unmolding this mask of appearance of the “fair distribution of the proceeds of labour” the *Critique of the Gotha Program* asserts that, “[This *equal* right] recognizes no class differences, because everyone is only a worker like everyone else; but it tacitly recognizes unequal individual endowment and thus productive capacity as natural privileges. *It is, therefore, a right of inequality, in its content, like every right*” (*CGP*, 530). Though the guarantee of rights is intended to extend to all men, placing all men of a state on equal footing with one another, it becomes clear that juridical rights in their entirety are, like the distribution of labor proceeds, “a right of inequality.” What a perversion the fundamental rights of man take under the capitalist system, indeed!

#### IV. Human Emancipation and Revolution

Our investigation thus culminates in an examination of Marx’s notion of the revolution, or the attainment on the part of the working class – the proletariat – of human emancipation. Marx devotes some time to contrasting the artificial needs generated under capitalism with those human needs that align with man’s species-being: his need for self-production within the community of men. It is the right to private property in particular that introduces this division of needs, ultimately transforming human need into the need for money: “The need for money is therefore the true need produced by the modern economic system. . . Private property does not know how to change crude need into *human* need. Its *idealism* is *fantasy, caprice* and *whim*” (*EPM*, 93-94). There is, therefore, a sort of degradation of the worker’s species-being under the capitalist system, insofar as his entire way of life is mutated to one of abject isolation exacerbated by poor working conditions, estrangement from his object of labor, and his alienation from the community: “utter, *unnatural* neglect, putrefied nature, comes to be [the worker’s] *life-element*” (*EPM*, 94).

Over time, Marx holds, the worker begins to resent those means – the machinery – that perpetuate the deterioration of his natural state, his human essence. However, the worker eventually recognizes that it is not the machinery, the instruments of production, that causes his estrangement, but rather the political and economic system that allows for its realization. This is most clearly seen in Marx’s observations of the Luddite riots by English textile workers, laborers who destroyed industrial equipment in textile factories that resulted in a region-wide rebellion that required military force to suppress:

It took both time and experience before the workers learnt to distinguish between machinery and its employment by capital, and therefore to transfer their attacks from the material instruments of production to the form of society which utilizes those instruments (*C1*, 554-555).

This transfer of revolutionary efforts from the capitalist modes of production to the system of capital proper is a necessary condition for the social revolution Marx envisions. The social revolution, in his words, “represents man’s protest against a dehumanised life” (*CMN*, 131), and must consequently result in the “change of the economic foundation” such that “the entire immense superstructure is more or less rapidly transformed” (*MHO*, 5). However, such a revolution of civil society merely constitutes political revolution and, if successful, allows for man’s political emancipation. Nonetheless, Marx regards this political emancipation a crucial step towards man’s attainment of human emancipation: “Political emancipation certainly represents a great progress. It is not, indeed, the final form of human emancipation, but it is the final form of human emancipation within the framework of the prevailing social order” (*OJQ*, 35).

Human emancipation, contrasted with political emancipation, is not merely the revolt of the working class – the proletariat – against the capitalists in the sense of a manner of transference of power, but demands the dissolution of class altogether. The overarching aim of human emancipation is, therefore, to dismantle the entire condition of estrangement and return to that of human essence, of species-being:

Human emancipation will only be complete when the real, individual man, in his everyday life, in his work, and in his relationships, he has become a *species-being*; and when he has recognized and organized his own powers as *social* powers so that he no longer separates this social power from himself as *political* power (*OJQ*, 46).

This, however, necessitates conscious realization on the part of the entire proletariat – not limited merely to the U.K. or France, but society *en masse* – “a class which forms the majority of all members of society, and from which emanates the *consciousness of the necessity of a fundamental revolution, the communist consciousness*” (*GI*, 192-193).<sup>10</sup> Revolution, though, cannot be confined to mere consciousness or ideology. It is “not a mental act,” Marx says, but one arising from material conditions and, therefore, requiring material change, “of practically attacking and changing existing things” (*GI*, 169). Of course, this necessitates the dissolution of the capitalist system and the civil society thereof, resulting in political emancipation. However, proper human emancipation must require the abrogation of juridical human rights altogether; namely, the overthrow of the legal structure which institutionalizes man’s estrangement from his species-being. In his famed *Communist Manifesto*, Marx equates the communist revolution with “the abolition of bourgeois individuality, bourgeois independence, and bourgeois freedom,” and consequently, the egoistic man (*MCP*, 485). The egoistic man, as we have now seen, is no one but the juridical man himself, and the destruction of the former necessarily entails the destruction of the latter. Juridical rights in the capitalist state are nothing more than the rights of capitalism itself<sup>11</sup>:

The law of capitalist production which really lies at the basis of the supposed ‘natural law of population’ can be reduced simply to this: the relation between capital, accumulation and the rate of wages is nothing other than the relation between the unpaid labour which has been transformed into capital and the additional paid labour necessary to set in motion this additional capital (*C1*, 771).

## V. Democracy and the Arab Spring

The implications of human emancipation on the ideal political structure are significant, as they form the basis of Marx’s endorsement of communism. At first glance, it seems that Marx’s communist state is a rejection of the democratic state, given that the *Declaration of Rights* are themselves the foundation of capitalist democracy. However, to reject juridical human rights is *not* to reject the ideals of democracy; Marx himself upholds that democracy in its ideal form promotes the notion of law existing for man, the “*human manifestation*” of the legal, and, consequently, that all forms of state “have democracy *for* their truth and [...] are therefore untrue insofar as they are not democracy” (*CCPR*, 20-21).

Nevertheless, it is only under communism that democracy in this form – *true* democracy – can flourish; capitalist democracy has proven itself to be the antithesis of self-determination, the antithesis of the ideals that democracy-as-such aims to promote. Neoliberal political theory – the ideological drive of capitalist democracy – cannot solve the problems it itself generates: those of *inequality*; of man’s estrangement from his object of labor and from his fellow man; of the worker’s incapacity to be a self-determining agent through the exploitative nature of his working conditions; and of the severe perversion of man’s human essence. Though nominally democratic, the capitalist democracy is in actuality anything but.<sup>12</sup> The attainment of human emancipation, the permanent state of revolution against class dictatorship – insofar as class distinction is altogether eliminated – requires the eradication of juridical man, and therefore, the right of inequality perpetuated under capitalism:

This socialism is the *declaration of the permanence of the revolution, the class dictatorship* of the proletariat as the necessary transit point to the *abolition of class distinctions generally*, to the abolition of all the relations of production on which they rest, to the abolition of all the social relations that correspond to these relations of production, to the revolutionizing of all the ideas that result from these social relations (*CSF*, 592-593).

As such, the abolition of juridical rights does not necessitate the abolition of democratic ideals. On the contrary, Marx would hold that it is through communism alone that man becomes fully equal with other men, that only in communism is democracy actualized through the prosperity of man’s species-being.

The above notion has not been unrecognized among leftist intellectuals in non-democratic societies. In fact, despite its anti-religious foundation, Marxism – conceptualized as Leninist socialism – has flourished in leftist and communist intellectual circles in the Muslim world for much of the past century. Much of socialism’s compatibility with Islam is a product of the Arab nationalist movements of the colonial period: “The struggle for national independence, the struggle for socialist revolution, and aid and support for the bastion of socialism were the three themes around which the communists’ various strategic and tactical concerns were to pivot” (Rodinson 1972, 85). Though Pan-Arabism would later manifest itself politically in such movements as the Ba’ath Socialist Party of the Levantine region, contemporary left

liberals frequently attempt to integrate Marxist and Leninist thought as a complement to Islamic socialism, in the face of growing conservative religious authoritarianism that has steadily eroded Arab civil society since the end of the World Wars. Under this reading, we might consider the contemporary Arab Spring movements as attempts at neo-Marxian revolutions; though not explicitly centered around class-struggle<sup>13</sup>, within these movements “we observe that dialectical process anticipated by Marx, and set in motion in recent upsurges in . . . Tunisia, and Egypt, in which the movement of a particular class takes on the character of a generalizing struggle for emancipation” (McNally 2013, 421).

Nonetheless, the Arab Spring has since been viewed as a failed attempt at social liberation – at “human emancipation” – and is often cited a “revolt” rather than a “revolution” proper. Further, despite the rich – albeit underground – leftist-socialist intellectual cultures in such countries as Egypt, Iran, Turkey, and Syria, there has not yet emerged significant literature in Western political theory on the Arab Spring through a Marxian lens.<sup>14</sup> Indeed, in non-Western spaces not tied to these European ideals of juridical rights, we might wonder whether a fully Marxian analysis is even possible.<sup>15</sup> More critically, however, we should ask how a Marxian analysis of the European proletarian revolution can be adapted to contemporary non-European contexts. Who is the juridical man of the Middle East who must be overthrown in order to pave the way for human emancipation? Who comprise the modern proletariat? And in an increasingly interconnected, globalized world that has been largely dominated and demarcated by Western powers<sup>16</sup>, who are the capitalist oppressors who ought to serve as the target of revolution? This paper has chiefly explored the nuanced relationship between juridical human rights, Marx’s analysis of the capitalist system, and the implication thereof on human emancipation. This analysis, though ever ongoing, has ultimately aimed to provide a valuable starting point from which to examine Marx’s writings in relation to the failed Arab Spring. More broadly, by analyzing the contingent characteristics of the Marxian revolution, it hopes to pave the way for more theoretical analyses contemporary revolutionary movements.

## Sabeen Ahmed

Sabeen Ahmed is a PhD student in the Department of Philosophy at Vanderbilt University, where she focuses on social and political philosophy, postcolonial studies, critical theory, and medieval philosophy. Her current research, inspired by her year in Turkey as a Fulbright ETA, examines the ontological status of the non-European refugee against the genealogy of the “Other” as explored in post-Kantian, Western political philosophy. Sabeen also examines foundations of Islamic political philosophy through comparative analyses of medieval writings, primarily those of Abu Nasr al-Farabi and Ibn Rushd. As an instructor, Sabeen strives to offer her students a history of philosophy that integrates historically marginalized voices, with contributions from postcolonial theory, critical philosophy of race, queer theory, feminist studies, and non-Western philosophy.

<sup>1</sup> The term *Gattungswesen* is in fact one borrowed from Feuerbach, who held that “Man is not only conscious of himself as an individual; he is also conscious of himself as a member of the human species, and so he apprehends a ‘human essence’ which is the same in himself and in other men . . . Marx, while not departing from this meaning of the terms, employs them in other contexts; and he insists more strongly than Feuerbach that since this ‘species-consciousness’ defines the nature of man, man is only living and acting authentically (i.e. in accordance with his nature) when he lives and acts deliberately as a ‘species-being,’ that is, as a *social being*” (Translator’s footnote, *OJQ*, 33-34).

<sup>2</sup> It should be noted that the use of the word “essence” here is a selection made by the translator. As to whether it, in the original German, is *Gattungswesen* or *Gattungsleben* (“species-life,” as used in *On the Jewish Question*), is unclear, but I am inferring here that it supplies the same semantic implication as the “species-being” of man. It should also be noted that it is from precisely this thesis that Tony Kushner declared Marx’s correctness by reaffirming: “the smallest indivisible human unit is two people, not one; one is a fiction.” (Kushner 1995, 40).

<sup>3</sup> Though Marx’s notion of the materialist conception of history is key to fully understanding the context of his writings, any profound discussion thereof lies beyond the scope of this investigation. On the topic of historical materialism, I will merely point the reader to Marx’s declaration that history is “nothing but the succession of the separate generations, each of which exploits the materials, the capital funds, the productive forces handed down to it by all preceding generations” (*GI*, 172).

<sup>4</sup> This is not so surprising if we recall that the 1789 *Declaration* explicitly makes note of “property right” as one of man’s “natural rights.” See also George Brenkert: “Human rights are limited to capitalism. [...] As a matter of brute fact, it should be obvious that appeals to human rights may serve the particular interests of the proletariat. On the other hand, since the basis on which human rights develop only comes to occupy its position of central importance due to a variety of historical measures which ultimately promote the bourgeois class, we can say that human rights necessarily serve the general interests of the bourgeois class” (Brenkert 1986, 72-73).

<sup>5</sup> See also Ayten Gündoğdu: “The perplexities of the Rights of Man, understood mainly as contradictions and inconsistencies, were also at the heart of Marx’s critique, though this time the abstractions of these rights were criticized not only for the radical disruptions they introduced, [...] but instead for their internal limits that prohibited them from fully achieving human emancipation” (Gündoğdu 2015, 26).

<sup>6</sup> See *Economic and Philosophic Manuscripts of 1844*.

<sup>7</sup> Jeremy Waldron, professor of law and philosophy at the New York University School of Law, rearticulates this point quite succinctly: “such a society fosters an illusion of self-sufficient atomism – of individuals free of any essential dependence on others” (Waldron 1988, 128).

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<sup>8</sup>See also Jeremy Waldron: “[T]he concerns articulated by these rights are constitutive of the mentality of the member of capitalist civil society and correspondingly that one cannot have a genuine capitalist economy in which these guarantees are not juridically provided” (Waldron 1988, 127).

<sup>9</sup>We might also consider Carole Pateman’s 1988 work, *The Sexual Contract*, in which she articulates the domination-subordination quality of social contracts more generally: “Capitalists can exploit workers and husbands can exploit wives because workers and wives are constituted as subordinates through the employment contract and the marriage contract. The genius of contract theorists has been to present both the original contract and actual contracts as exemplifying and securing individual freedom” (Pateman 1988, 8).

<sup>10</sup>Others have pointed out the Eurocentric nature of Marx’s analysis, noting that the “universal revolution” applies specifically to the socioeconomic conditions of Europe at the time of his writing. See Peter Hudis, “Marx Among the Muslims,” *Capitalism Nature Socialism* 15:4 (December 2004).

<sup>11</sup>It should be noted that “law” in German, *Recht*, is used also for “right.” As such, it is with great irony that Marx equates the two terms at moments in his writing, for they embody the sinister essence of one another.

<sup>12</sup>See also William Niemi: “While liberal political theory ensures a state with *necessary* democratic rights, the idea that the structure and practices of civil society are irrelevant to democratic agency or freedom and self-development or equal and effective citizenship is an inadequate democratic theory” (Niemi 2011, 49).

<sup>13</sup>It should be noted that in the case of Tunisia, the first architects of revolt following the self-immolation of Mohammed Bouazizi were unemployed or underpaid working class members. See David McNally, “‘Unity of the Diverse’: Working-Class Formations and Popular Uprisings from Cochabamba to Cairo.”

<sup>14</sup>One of the most comprehensive analyses comes from Greg Burris, “Between Barbarisms: The Arab Spring, Marx, and the Idea of Revolution,” *U.S. Marxist-Humanists* (28 October 2011).

<sup>15</sup>This is especially true of postcolonial societies. Upon accepting that the colonized were not regarded by colonialist powers as falling under the framework of juridical personhood – a notion advanced by such postcolonial theorists as Samira Esmeir – it appears that the approach to studies of revolution takes a different form.

<sup>16</sup>See Scott Anderson and Paolo Pellegrin’s extensive publication on the development and dissolution of the Middle East, “Fractured Lands: How the Arab World Came Apart” (*New York Times Magazine*, 14 August 2016).

## A note on abbreviations (as they appear in the paper)

<i>PCPE</i>	Marx's "'Preface' to the <i>Critique of Political Economy</i> " from <i>Marx: Later Political Writings</i> (1996).
<i>C<sub>1</sub></i>	Marx's <i>Capital: Volume 1: A Critique of Political Economy</i> , from the 1992 Penguin Classics edition.
<i>NE *</i>	Aristotle's <i>Nicomachean Ethics</i> , from OUP's 1998 edition.
<i>GI</i>	Marx's "The German Ideology," from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>TF</i>	Marx's "Theses on Feuerbach," from the second edition of the <i>Marx-Engels Reader</i> (1978). The subscript VI denotes that the quote comes from Thesis VI.
<i>EPM</i>	Marx's "Economic and Philosophic Manuscripts of 1844," from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>CMN</i>	Marx's "Critical Marginal Notes on the Article 'The King of Prussia and Social Reform,'" from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>OJQ</i>	Marx's "On the Jewish Question," from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>CGP</i>	Marx's "Critique of the Gotha Program," from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>MHO</i>	Marx's "Marx on the History of His Opinions," from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>MCP</i>	Marx's "Manifesto of the Communist Party," from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>CCPR</i>	Marx's "Contribution to the Critique of Hegel's <i>Philosophy of Right</i> ," from the second edition of the <i>Marx-Engels Reader</i> (1978).
<i>CSF</i>	Marx's "The Class Struggles in France," from the second edition of the <i>Marx-Engels Reader</i> (1978).

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