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THE VIRTUE OF POVERTY: MARX'S TRANSFORMATION OF HEGEL'S CONCEPT OF THE POOR

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In 1842 Marx wrote a series of articles for the Rhineland Newspaper in which he reported on the debates in the Rhineland Provincial Assembly on the laws governing the gathering of fallen wood. These articles (henceforth referred to as the "Wood Theft Debates") have received remarkably little scholarly attention.[1] This may be due to the fact that they do not contain any of Marx's more "popular" concepts which lend themselves so readily to random philosophizing — concepts such as species being, alienation or estrangement. What the "Wood Theft Debates" do contain is an explicit discussion of the nature and character of the poor *vis à vis* civil society, a discussion which in many respects is the starting point for Marx's later concept of the proletariat.

This paper has two aims: the first is to show how Marx's discussion of the poor represents a particular transformation of Hegel's view of the poor; the second is to suggest how Marx's early views of the poor may prove problematic for his later thinking about the proletariat.

The most cursory examination of the "Wood Theft Debates" reveals that Marx's description of the poor as *"die Standeslosen"*, those of no estate, is a direct borrowing of Hegel's own characterization of the unincorporated poor. (#232)[2] However, even as Marx takes over Hegel's teminology, he transforms the meaning of this description by making it synonymous with his own definition of the poor as "the elemental class of human society". (234)[3] In order to appreciate the significance of Marx's transformation of the Hegelian characterization of the poor it is necessary to elucidate the meaning which this concept holds in Hegel's political philosophy.

Hegel's uses the term *"Stand"* to refer both to the legally recognized social group or class to which an individual belongs and to the explicitly political function which these social groupings possess in relation to the state. It is not accidental that Hegel uses the term *Stand* in this dual manner. He claims that his usage is justified by the German language itself (the same word has both

meanings) and that in this respect the German language is closer to the truth of the matter than those "so called theories" which see no connection between the classes of civil society and the political function of these classes. The truth of the matter is that there is a unity *(Vereinigung)* between the civil and the political elements of life in civil society. (#303 Remark)

According to Hegel, this unity consists in the element of universality or community *(Gemeinwesen)* which characterizes both civil and political life. For Hegel, the locus of universality in civil society is in the estates themselves, although their relation to universality is different in each case. The class of civil servants has universality as the "goal *[Zweck]* of its essential activity". (#303) Inasmuch as the civil servants are the officers of the state which is itself the realm of concrete universality, civil servants are "the universal estate". *(ibid.)* The agricultural estate or landed nobility "attain their position by birth" (#305) and have a "natural or familial" relation to universality. Lastly, the business class (which includes both proprietors and artisans) achieves its relation to univerality through its articulation into substructures known as Corporations — which are roughly equivalent to guilds. It is particularly Hegel's discussion of the Corporations which will concern us here.

The most succinct statement of Hegel's views regarding Corporation membership is found in paragraph 253 in the *Philosophy of Right.* Because Hegel's discussion of the unincorporated poor so strongly depends on his views as to the advantages of being a member of a Corporation, it is worthwhile to quote this passage at length.

> The Corporation member needs no external signs beyond his own membership as evidence of his skill and his regular income and subsistence, i.e. as evidence that he is a somebody. It is also recognized that he belongs to a whole which is itself an organ of the entire society and that he is interested in and makes efforts to promote the disinterested end of this whole. Thus he finds his honor in his estate. [*Es hat so in seinem Stande seine Ehre.* (translation somewhat changed)]

The Corporations are organs of universality; herein lies their importance for Hegel and the importance he attaches to membership in a Corporation as far as individuals are concerned. The individuals of the business estate first attain "real and living determination for [*i.e.* in] the universal in the sphere of the

Corporation ..." (#308, Remark) The Corporations are organs of universality inasmuch as their members share common aims *qua* members of their individual Corporations. In this respect the universality of the Corporations is a partial and limited universality since the aim of any given Corporation is common only to a certain group in society but not to the society as a whole. The individual who is a member of a Corporation is a member of an organization whose "universal purpose" is "no wider than the purpose involved in business, its proper *(eigentümlich)* task and interest". (#251)

For Hegel there is a reciprocal relationship between membership (legal status) in civil society and membership in a Corporation. Hegel refers to the individual who is a member of civil society as a *"Mitglied der bürgerlichen Gesellschaft"* (#251) and he uses the same German term *(Mitglied)* to refer to the individual who is a member of a Corporation. "A member of civil society (is) in virtue of his particular skill a member of a Corporation." (#251) It makes no difference whether it is only members of civil society who are members of Corporations or (for individuals of the business estate) only members of Corporations who are members of civil society. The point is the same: for individuals who are not members of the landed nobility or the estate of civil servants, only membership in a Corporation confers membership in civil society. This means that to be a non-member of a Corporation, *i.e.* to be "unincorporated" is to be a non-member of civil society. We will return to the significance of this conclusion below.

Hegel insists on the distinction between the member of a corporation and the "day laborer". (#252, Remark) This distinction between corporation members and those unfortunates who are unincorporated is the foundation of his views regarding the unincorporated poor. Hegel refers to this group as the *Pöbel.* (#245) This term is often rendered in English by the word "rabble", a translation which accurately captures its dual meaning of being both poverty-stricken and malcontent, rebellious. Hegel's description of the poor and their state has nothing in common with the notions of "genteel" or "honorable" poverty. His discussion of the unincorporated poor is free from any traces of idealization. (#241-245) There is nothing honorable in Hegel's eyes in being a member of the *Pöbel.*

Honor for Hegel is civil honor *(Standesehre)* (#253). Honor is a concept that applies only to those who are members of civil society and in a significant sense the poor are not members of civil society. It is not their exreme poverty which makes them outsiders, non-members; it is primarily the fact that since they do not belong to any authorized Corporation they also do not belong to any recognized estate. This fact has serious consequences, "Unless he is a member of an authorized Corporation (and it is only by being authorized that an association becomes a Corporation), an individual is without *Standesehre.*"

(#253, Remark) Such an individual "cannot live according to his estate because this estate does not exist *(da der Stand nicht existiert)*." *(ibid.)*

Hegel's reasoning on this point is as follows: the only common element *(Das Gemeinsame)* which really exists in civil society is "what is legally constituted and recognized" *(ibid)*, and it is clear that a social order which consists of Corporations and estates cannot bestow legal recognition on an "estate" of unincorporated individuals. In terms of the standards of civil society such an "estate" is a non-estate.

The consequences of this reasoning are that the poor do not "really exist" in civil society, *i.e.* as members of civil society , for they lack the requirements of membership in this society; they are not members of any recognized estate. Hegel draws an identity here between the notion of real existence in civil society and the notion of membership in this society. Real existence is legally recognized existence, it is rational existence. (The real is the rational), and in terms of this standard the existence of the poor is entirely irrational, purely contingent. "Irrational existence" in civil society is equivalent to non-membership in this society, whose requirements for membership are that one belong to an authorized Corporation and thereby to a legally recognized estate. Contemplating the spectacle of the ever increasing numbers of these non-members of civil society Hegel remarks, "The important question of how poverty is to be abolished is one of the most disturbing questions which agitate modern society." (#244, Addition)

Having explicated Hegel's views of the unincorporated poor we can now turn to Marx's characterization of this group as the "elemental class of human society". By characterizing the poor in this manner Marx succeeds in completely transforming the meaning of the Hegelian description of the poor even as he retains the Hegelian terminology. To describe the poor as the elemental class of human society is to attribute to them a positive significance which was entirely absent from Hegel's characterization of them as the *Pöbel.*

Marx accepts Hegel's description of the poor as non-members of civil society but he embeds this description in its larger context. In doing so Marx transforms Hegel's description into a critical concept. For since the poor are the "elemental class of human society" *simpliciter,* the fundamental class of the human community generally, the fact that they have no legal status or recognized existence in a particular social order becomes an immanent critique of this order. That the existence of the poor "has been a mere custom of civil society" is itself a criticism of this society, a criticism of its standards of universality and rationality. (234)

I shall now turn to the details of Marx's discussion in the "Wood Theft Debates". The issue being discussed by the Rhineland assembly is whether the poor ought to have the legal right to gather wood which falls from trees

growing on privately owned land. Marx claims that the wood gathering activities of the poor are in effect a customary right and he argues that the assembly ought to transform this customary right into a "custom which has become law, *i.e.* into a *Staatsgewohnheit,* a custom of the state". (231) Marx's discussion of the customary right of the poor is worth examining in some detail for it provides the backdrop for his views as to the consciousness or subjectivity of the poor.

Marx's defense of the custom of wood gathering is not a defense of the *customary* aspects of this activity but a defense of the *rational* aspects of this custom. It is these which make the traditional activity of the poor into a customary right. It is Marx's view that only the poor can be said to have customary rights. "By its very nature", a customary right "can only be a right of this lowest, propertyless and elemental mass." (230) That Marx is no defender of custom for its own sake is seen in his refusal to speak of the customary rights of the aristocracy; "The so-called customs of the privileged classes are understood to mean *customs contrary to right (wider das Recht)*." *(ibid.)* Marx's exposition of this point is unambiguous.

> The customary rights of the aristocracy conflict by their *content* with the form of universal law. They cannot be given the form of law because they are formations of lawlessness. The fact that their content is contrary to the form of law — universality and necessity — proves that they are *customary wrongs* and cannot be asserted in opposition to the law ... no one's action ceases to be wrongful because it is his custom ... (231)

Marx argues that the right of the poor to gather fallen wood is a custom "of the entire poor class", a custom "which is not of a local character but is a customary right of the poor in all countries." (230) It may appear here that Marx is asserting that the custom of wood gathering is just something that poor people have always engaged in, and thus that it has what Kant would call "comparative universality" (*Critique of Pure Reason,* Introduction Section II).[4] This, however, is not the case. Marx is arguing that the wood gathering activity of the poor is fundamentally correct and rational and that it therefore ought to have the strict universality of legal recognition.

Most significant for our purposes in Marx's discussion of this issue is the justification he gives to his position. Marx finds that the wood gathering activity of the poor has what we might call ontological significance; their

customary activity expresses their essentially correct perception of the real nature of things. Marx claims that the poor have a "sure instinct" for the *indeterminate* aspect of property" *(die unentschiedene Seite)*. (233)[5] The custom of wood gathering illustrates the fact that "there exist objects of property which *by their very nature* can never acquire the character of private property" (*ibid.*, italics added). In effect Marx is claiming that the customary activity of the poor is itself informative about the *nature* of certain objects. Objects which can never acquire the character of private property are

> objects, which by their elemental nature and their accidental mode of existence, belong to the sphere of occupation rights, and therefore to the occupation right of that class, which precisely because of these occupation rights, is excluded from all other property, and which has the *same position in civil society as these objects have in nature* (*ibid.*, italics added).

This last phrase is central to Marx's argument. Marx is claiming that there is an ontological correspondence between the position of the fallen wood in nature and the position of the poor in civil society. The poor are the dead branches of civil society; therefore, on Marx's view they have what I would call an ontological right (a right resulting from their very being) to gather the fallen wood, an object whose nature is identical to their own. It is not only the case that the poor everywhere engage in certain traditional activities like wood gathering, but that these customs themselves are right, in a cosmic sense.

This notion of cosmic rightness pervades Marx's discussion of the wood gathering activities of the poor. In gathering the fallen wood the poor demonstrate their "instinctive sense of right *(ein instinktmässiger Rechtssinn)* (whose) roots are positive and legitimate". (234) The wood gathering activities of the poor are an instance of the "social instinct," an expression of a "rightful urge". "It will be found not only that his class feels the need to satisfy a natural need, but equally that it feels the need to satisfy a rightful urge."(233-4)

The rightfulness of the wood gathering custom is anchored in the natural order of things. It is modelled on the "elemental power of nature" (234) and it is the counterpart to the play of natural forces. Marx argues that the relation between the living trees and the fallen (dead) wood is a representation of the relation between wealth and poverty in society. "Human poverty senses this kinship and deduces its right to property (the dead branches) from this feeling

of kinship." *(ibid.)* Nature itself provides the model for the poor by causing the wood to fall.

> The fortuitous arbitrary action of privileged individuals is replaced by the fortuitous operation of elemental forces, which take away from private property what the latter no longer voluntarily foregoes. *(ibid).*

The correspondence between the activity of the poor and the activity of nature is what ultimately justifies the custom of wood gathering.

Thus far I have concentrated on the ontological aspect of Marx's defense of the customary rights of the poor. I now turn to another dimension of Marx's discussion of the poor, his comments as to their character, subjectivity or consciousness.

In Marx's view the poor as the elemental class of human society is the only group which has not been affected by the false conceptions and artificial values of civil society. The poor, "those of no estate" are the only ones who have not been deceived as to certain fundamental truths. The poor are not confused as to what is really valuable. Unlike the forest owners who seem to believe that the "rights of young trees" ought to take precedence over the rights of human beings, the poor know that human beings are more important than property. (226)[6] The poor do not have hearts of wood, they have human hearts and consequently they do not confuse the heart and soul of a human being with the heart and soul of a piece of wood.

One might say that the insight of the poor is morally superior to the insight of the provincial deputies sitting in the assembly. It would be more accurate, however, to say that for Marx the insight of the poor is superior in both a moral and an ontological sense in that they are able to perceive truths of a moral-ontological sort. That the poor have this ability is evident from the fact that (unlike the deputies in the assembly) they do not confuse the human essence with something non-human, with "an alien material being". (236) Further, Marx explicitly maintains that the poor are not victims of the fetishism which enslaves the members of the provincial assembly. Marx does not use the term *fetishism* but he does use the term *fetish.* He notes that the so called "*savages of Cuba* regarded gold as a *fetish of the Spaniards*" and he claims that if these so called "savages" had been sitting in the Rhine Provincial Assembly they would have "*regarded wood as the Rhinelanders fetish*". (263)[7]

It is clear from the text that Marx regards the insight of the Cuban natives and the insight of the poor as superior to the insight of the Spaniards and the

Rhinelanders. Those who worship fetishes take these objects to be endowed with some sacred or holy aura. The ability to see gold or wood as a fetish is the ability to see through this mystification, the ability to see through mystified reality. The poor seem to possess this ability. The poor are not deceived by an "abject materialism" which "enthrones the immoral, irrational and soulless abstractions of a particular material object." (262) The poor understand that wood is only wood; they do not endow it with a soul. Most importantly, the poor do not possess "a particular consciousness which is slavishly submitted to this (material) object." *(ibid.)*. The poor do not have a particular consciousness; they have only an elemental human consciousness.

Marx has two different justifications for supposing that the poor have a morally superior consciousness. The first has to do with the sort of "property" which the poor possess, the second has to do with their ontological status. I turn first to the property justification.

Marx characterizes the poor as "those whose property consists of life, freedom, humanity and citizenship of the state, who own nothing except themselves". (256)[8] In contrast to the particular material property of the forest owners these "possessions" are non-material "universal property" — the property of all human beings *qua* human beings.[9] Marx's emphasis on the advantages of owning nothing but oneself contrasts strikingly with Hegel's justification of private property. Hegel follows Kant in arguing that the ownership of property is essential for the expression of an individual's free will, and thus that the ownership of property is essential to the realisation of the individual as personality. For Hegel, any disqualification from holding property or any encumbrances on property are "examples of the alienation *(Entäusserung)* of personality." (#66)[10]

Marx's identification of universality with the lack of private material possessions is reminiscent of Plato, but for Plato's philosopher kings the lack of private material possessions was a necessary but not a sufficient condition of their universalist perspective. For Marx the lack of property seems to be the determining factor in shaping the consciousness of the poor. Marx seems to be claiming that it is because the poor have only "universal property" that they have only universal interests, and it is because they have only universal interests that they have the kind of subjectivity which they do.

Marx identifies the objective/ontological sense of interest and the subjective/psychological sense. Interest in an objective/ontological sense is the interest which "belongs" to one in virtue of one's social being, it is a feature or property of what one is. Interest in a subjective/psychological sense describes or refers to what one is interested in, the values, ideals, goals, desires that one has or pursues. Interest in this sense is what one wills. The distinction between the forest owners and the poor in terms of this latter sense of interest is that the

forest owners are interested in their property rights while the poor are interested in life, humanity, freedom and citizenship. The connection between the objective/ontological sense of interest and the subjective/psychological sense means that it is because the poor *have* only universal interests in the first sense that they are only interested *in* universals in the latter sense. Life, humanity, freedom, and citizenship are all universals of human existence. To be interested only in these (as the poor are, on Marx's analysis) is to have a universalist subjectivity or consciousness.

Secondly, the universalist consciousness of the poor seems to be a result of their negative ontological status *vis à vis* civil society. Here we see most clearly the way in which Marx has transformed Hegel's concept of the poor. Hegel's discussion of poverty and the unincorporated poor reveals the disadvantages in not belonging to any estate. For Hegel the situation of the unincorporated poor is unfortunate in every respect. They "lack all the advantages of society." (#241)[11] Marx analyzes the situation differently. For Marx the fact that the poor belong to no estate (the fact that they are estate-less) has compensating qualities; indeed it becomes a positive factor.

Marx focuses on the fact that as *non-members* of civil society the poor do not share in the "disadvantages" of this society. The disadvantages of civil society, as Marx describes them, concern the effect of private interest on the lives of individuals. Private interest dominates all aspects of life in civil society. It "makes the one sphere in which a person comes into conflict with this interest into this person's whole sphere of life." (236) The disadvantages of civil society are not only "objective"; they are "subjective" as well; they are disadvantages in terms of individuals' relations with others and in terms of their own "inner life", their subjectivity, mental structure or consciousness.[12]

The difference between Hegel and Marx with respect to civil society is not that Hegel is full of uncritical admiration for civil society while Marx is "critical". Hegel is very critical of civil society, even in the *Philosophy of Right* (he is much more critical in the *Jenenser Philosophie* which Marx could not have read). Hegel does not shy away from detailing the negative aspects of civil society. Anyone familiar with Hegel's description of civil society as "the battleground of the private interest of each individual against all" (#289) cannot maintain that Hegel supposes civil society is a pleasant place to be. The difference between Hegel and Marx is that while Hegel does not notice the "advantages" in being a non-member of civil society, Marx does.

For Hegel the idea that there could be any advantage to being a non-member of civil society does not make any sense, because Hegel identifies membership in civil society with participation in the modern human community generally. According to Hegel it is only by participating in an organized and rational totality that the individual can participate in the human community. For

Hegel, to participate in such a totality is to participate in universality and it is only by virtue of such participation that the individual is a full (or real) member of the human community. Without such participation the existence of the individual is reduced to isolated contingency; his activity becomes "mere selfseeking". (#253, Remark) Hegel views the estates as providing their members with "a more universal form of life", *(eine allgemeinere Lebensweise). (ibid.)* Thus for Hegel non-membership in an estate is not only tantamount to non-membership in civil society, it is also tantamount to non-membership in the modern human community. In other words, non-membership in civil society is *eo ipso* non-membership in the human community, and it is obvious why there would be no benefits in being in this situation.[13]

> When we say that a man must be *something* we mean that he must belong to some determinate estate, since to be something means to be a substantive being. A human being of no estate *(ein Mensch ohne Stand)* is merely a private person and does not exist in (the realm of) real universality. (#207, Addition) (Translation somewhat changed)

Marx does not share Hegel's identification of civil society and the human community and therefore he focuses on the "benefits" of being "outside" civil society, the benefits of non-membership. These are the benefits of being untouched by the narrow concerns of civil society. If private interest tends to dominate the whole sphere of a person's life in civil society, then those who are not members of civil society are free from this influence. They are free to have thoughts and feelings other than those inspired by the "petty, wooden, mean and selfish soul of (private) interest (which) sees only one point, the point in which it is wounded ..." (236) Private interest is inherently limited and one-sided. Inasmuch as it "makes the one sphere in which a person comes into conflict with this interest into this person's whole sphere of life", it has no sense of perspective. It mistakes one sphere of reality for the whole. Private interest and all who share its point of view (all members of civil society) are unable to rise to the perspective of universality, the point of view of the whole. The poor however have no difficulty in attaining this perspective. Paradoxically, it is the poor, the non-members of civil society who are, on Marx's analysis, the ideal citizens of the state, for they share the perspective of the state immediately, without any effort on their part. This perspective is

theirs by virtue of their very being.

This last point is very important. Marx claims that the poor do not have to do anything to attain a universal consciousness. This is something they already have or possess by virtue of what they are (the elemental class of human society), and by virtue of what they do not possess (property). There is an immediate connection for Marx between the social being of the poor and their consciousness or subjectivity — a parallel between their elemental (fundamental) nature in human society and their ability to perceive fundamental (moral-ontological) truths. The poor can thank their poverty for the fact that they have the superior insight and perspective which they allegedly do.

The social instinct of the poor is not a social conscience as we might understand the term. There is no suggestion in Marx's discussion of the consciousness of the poor that their social instinct has to struggle against the baser motives of egoism or meanness. Their social instinct is something they possess by virtue of their ontological status, a fact of their nature. Moreover, it seems to be a permanent feature of their being. There seems to be no danger that they might lose their social instinct or their "instinctive sense of right"; there seems to be no danger that they might become enamoured of false values or fetishes.

We can say that Marx's poor do not need to have their consciousness transformed in any way. They seem to have the correct (morally right) perceptions and values *a priori* simply by virtue of their poverty. They do not need to undergo any process of subjective development (consciousness-raising) to acquire their social instinct, nor do they need to engage in a process of education to acquire the perspective of "reason and morality" — they simply have to be what they are.

Marx's transformation of Hegel's concept of the poor and his emphasis on the virtues of poverty do not take place in a vacuum. Marx is operating with a set of assumptions from another political tradition. His discussion of the "positive" aspects of poverty is indebted to the Jacobin notion of the poor as being both well intentioned and naturally virtuous.[14] To the extent that Marx adopts some of the elements of the Jacobin perspective on the poor, he also adopts some of the problematical and romanticized aspects of their thought.[15] This has consequences for his own subsequent thought concerning the proletariat.

Specifically, Marx's combination of Hegel's concept of the poor as nonmembers of civil society along with his use of the Jacobin concept of the natural virtue of the poor create difficulties in Marx's thought concerning the proletariat. These difficulties are not significant in the context of the "Wood Theft Debates". Marx is not concerned here with the analysis of revolutionary possibilities but with the defense of the customary rights of the poor. In the "Wood Theft Debates" Marx's problematic is not that of a possible social

transformation. His appeal is still to the state as the guardian and guarantor of universality in the social order even though this universality is to be measured by the situation of the poor.

The situation changes, however, once Marx turns from a defense of the customary rights of the poor to an analysis of the possibilities of a social transformation in which the proletariat are to take the leading role. In this context the nature and characteristics of the proletariat become significant, and at this point the roots of Marx's conception of the proletariat reveal their importance. To the extent that Marx's transformation of Hegel's concept of the poor with its emphasis on the ontological superiority of non-membership in civil society remains an element of his thought concerning the proletariat, Marxian theory is characterized by a tension between the ontological and the dialectical-historical notion of the proletariat. According to the former, the proletariat is by its very nature and existence the revolutionary subject; according to the latter, this subject can only emerge in the course of a long process of the education and emancipation of consciousness — in theory and in practice.

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Notes

Editor's note: All parenthetical references given as "(262)" refer to page numbers in Karl Marx and Friedrich Engels, *Collected Works,* and all parenthetical references given as "(#251)" refer to paragraphs in Georg Hegel, *Philosophy of Right.*

1. The only extended analysis of these articles which I have seen is an essay by Heinz Lubasz entitled "Marx's Initial Problematic: The Problem of Poverty", *Political Studies,* Vol. xxiv, no. 1 (March, 1976) pp. 24-42. Lubasz correctly insists on the significance of these articles for an understanding of Marx's later thought but I find that his perspective on the relation between Marx's and Hegel's discussions of poverty overly schematizes the possibilities and fails to consider the problems in Marx's discussion of the poor.

2. References are to the following edition: Karl Marx, Friedrich Engels, *Collected Works* New York: 1975, Vol. 1 pp 224-263. The series of articles on "The Wood Theft Debates" is listed as "Procedings of the Sixth Rhine Assembly. Debates on the Law on Thefts of Wood". For Hegel's discussion of poverty and the poor see the *Philosophy of Right* paragraphs #241-246. References in my discussion of Hegel's views are to the numbered paragraphs of the *Philosophy of Right.* I have generally followed Knox's translation except where I felt his rendering to be inaccurate or too general.

3. We should note that Marx uses the term "class" at this point in a generalized sense to mean any social group. In fact even as late as his *Contribution to a Critique Of Hegel's Philosophy of Right* (1844), Marx uses the terms class and estate *(Stand)* interchangeably.

4. The distinction between comparative and strict universality is comparable to the distinction between empirical and rational universality. Only the latter is grounded in reason and hence absolutely binding. Comparative universality as Kant uses the term is in effect an empirical generalization and can justify neither *a priori* knowledge nor morality.

5. The indeterminate aspect of property is that aspect which comprises its existence as *Gemeineigentum* (common property). Marx argues that feudal laws regarding property made some allowance for this aspect of property inasmuch as in recognizing the existence of property in the form of privilege, they also recognized the traditional rights of the poor in the form of institutionalized (and customary) charity. As a result medieval laws regarding property were essentially ambiguous or two sided. The reform of medieval law consisted of the transformation "of privileges into rights", a transformation which was "onesided" in that it overlooked the customary rights of the underprivileged. The monasteries are a case in point. When church property was secularized the monasteries received compensation; the poor who lived by the monasteries (and who had a traditional source of income thereby) did not receive any compensation. (231-232)

   In view of the issue of "Marx's relation to Hegel", it is particularly interesting to note the way in which Marx characterizes the nature of modern property legislation. His description could be a paraphrase of Hegel's discussion of the understanding in the *Lesser Logic*:

   > For the purpose of legislation, such ambiguous forms could be grasped only by the understanding, and understanding is not only one-sided but has the essential function of making the world one-sided, a great and remarkable work, for only one-sidedness can form and tear the particular out of the inorganic slimey whole *(unorganischen Schleim des Ganzen)*. The character of a thing is a product of the understanding. Each thing must isolate itself and become isolated in order to be something. By confining each of the contents of the world in a stable definiteness and solidifying the fluid essence (of things) the understanding brings out the manifold diversity of the world, for the world would not be many-sided without the many one-sidednesses. (233, translation slightly changed)

6. One of the Rhineland deputies had argued that there was essentially no difference between gathering fallen wood and stealing live timber and he had supported his argument by claiming that in his district " 'gashes were made in young trees and later, when they were dead, they were treated as fallen wood' " (226). Marx contrasts the concern shown for the welfare of "young trees" with the lack of concern for human welfare and remarks: "It would be impossible to find a more elegant and at the same time more simple method of making the right of human beings give way to that of young trees ... the wooden idols triumph and human beings are sacrificed." *(ibid.)*

7. The various references in the "Wood Theft" articles to idols, animal masks, workship of animals, and fetishes reflect Marx's systematic study in 1841-42 of primitive religion. His notebooks from that time indicate that he was particularly interested in the concept of fetishism — its nature, its origins, and the difference between ancient and "modern" forms of fetishism. *MEGA*, Vol. 1, Part 2 p. 115ff. One bit of information gleaned from his earlier study appears directly in his discussion of the wood theft laws: Marx's notebooks contain the phrase "gold as fetish in Cuba". The phrase reappears in the context of Marx's comparison of the Spaniards and the Rhineland deputies.

8. Maximilien Rubel has argued that at the time Marx wrote the "Wood Theft" articles he was only "a step away from rejecting the state as such". Maximilien Rubel, *Karl Marx Essai de Biographie Intellectuelle* Paris: 1971, p. 48. But however critical Marx may have been of some of the details of Hegel's political thought (and of some of the actual institutions of Prussian society), the fact is that he still considers the state as the locus and guardian of universality in the society — provided that the state is a true state, and "corresponds to its concept."(241). This means that at this point Marx assumes that the perspective of the state and the perspective of private interest are diametrically opposed. See for example the following: "The meager *(dürftige)* soul of private interest has never been illuminated and penetrated by a state-like thought *(Staats-gedanken)*", (241, translation slightly changed). See also Marx's description of the relation of the state to its citizens (p. 236), his claim that the state "will (not) forsake the sunlit path of justice" in order to defend the interest of the forest owners, (257) and his identification of the state with the perspective of "reason and morality" (262).

9. The German text makes the relation to property even more explicit. Marx says the interest of the poor is the interest *"des Lebenseigentümers, des Freiheitseigentümers, des Menscheitseigentümers, des Staatseigentümers."* (*MEGA*, Vol 1. Part 1 p. 298). The German text says quite clearly that the poor are the *"Eigentümer"* (proprietors) of all of these — hence the poor are among other things the proprietors of the (genuine) state.

10. For Hegel's discussion of property see paragraphs 40, 41, 45, 65 and 66 in the *Philosophy of Right*. We should note that Hegel does not justify property on any utilitarian grounds. "The rational (element) of property does not consist in its satisfaction of needs, but rather in the fact that it overcomes *(aufhebt)* the mere subjectivity of the person. Only in property does the person exist as Reason" (#41, Addition, my translation) For a recent discussion of the philosophical significance of property in Hegel's system see Richard Teichgraber, "Hegel on Property and Poverty" *Journal of the History of Ideas*, Vol. xxxviii, no. 1 (Jan-March, 1977) pp. 47-64.

11. Again we should emphasize that for Hegel it is *unincorporated* poverty which has this negative existential status. For although the poor who are members of a corporation may suffer material distress, their membership in the corporation assures them that they are "somebody". Poor as they are, corporation members still have their *Standesehre*, and they retain their dignity as persons even when they receive material assistance. "Within the Corporation the help which poverty receives loses its accidental character and the humiliation wrongfully associated with it." (#253, Remark)

12. Individuals under the sway of private interest are unable to perceive anything but the injuries to this interest. Marx says they are like the man with corns on his feet whose judgement of a passerby is solely determined by the fact that the latter has stepped on his foot. Marx's German original makes the point in a pun: *"Er macht seine Hühneraugen zu den Augen, mit denen er sieht und urteilt."* *MEGA*, Vol. 1 Part 1. p. 277. (English text p. 235).

13. Hegel's identification of membership in civil society with membership in the modern human community might be traced to his reading of Aristotles' *Politics*. If the human being is a *zoon politikon*, then membership in the *polis* is tantamount to being fully human. Slaves of course were not members of the *polis*, but then slaves were not assumed to have fully human status.

14. We know from Marx's Kreuznach notebooks that he studied Rousseau very carefully at this time and we know that in his subsequent analysis of German conditions he frequently makes reference to the French revolutionary tradition. (For example his discussion of the possibilities of radical revolution in Germany in the *Contribution to the Critique of Hegel's Philosophy of Right* is based upon a comparison of German and French conditions). It is quite possible therefore that Marx read the writings of Robespierre and Saint Just, but my claim that his view of the poor is indebted to the Jacobin tradition does not depend upon my being able to document that Marx actually read these authors. By the time Marx is thinking about the poor the Jacobin tradition has become part of the wider tradition of political thought; it is in the air, so to speak. To say that certain of Marx's assumptions about the poor originate with the Jacobins is only to trace these assumptions to their roots. It is not to claim that Marx went directly to the source to acquire them.

15. The Jacobins, especially Robespierre, had a tendency to glorify and admire "an honorable poverty". See for example his comments on the nature and characteristics of the poor in his speech in April 1791: "Sur la nécessité de révoquer le décret sur le marc d'argent". The speech is found in Maximilien Robespierre, *Textes Choisis* Paris: 1956, Vol. 1 pp. 65-76. Other examples of Robespierre's views about the poor are found in his "Lettre a Mm. Verniaud, Gensonne, Brissot et Guadet" in *Lettres à Ses Commettans* Deuxième Série, No. 1. See also letter no. 6 in this volume: "Observations sur une petition relative aux subsistances", and his speech "Sur la Constitution" May 10, 1793. The latter is found in Robespierre, *Oeuvres*, Paris: 1840, Vol. III.