

Legitimacy, Dictatorship and Utopia: A Marxist Perspective on Political Authority

1. Introduction

Of all the ideas central to socialist philosophy and practice, few have been scorned, misunderstood, celebrated or feared more than the idea of the dictatorship of the proletariat: the post-revolutionary transitional government that stands between the capitalist state ridden by class-struggle and the communist abolition of class rule leading to the establishment of a classless society. This paper tries to contextualise, explain and defend such an idea as part of a more general attempt to suggest the ongoing relevance of the Marxist theory of the state for contemporary theories of political legitimacy. I shall label the theory of legitimacy grounded on the defence of the idea of the dictatorship of the proletariat: the limited legitimacy theory of political authority. Such a theory, I want to suggest, represents a plausible alternative to existing liberal and anarchist accounts and has important implications for a number of other key debates in contemporary political theory, including the normative significance of the state, the relation between authority and freedom, the transition from non-ideal to ideal theory theory, the meaning and relevance of utopia, and the possibility of utopias about justice.

The structure of the paper is as follows. Section 2 outlines the paper's methodology and provides a few preliminary clarifications. Sections 3 situates the Marxist conception of dictatorship within an interpretive history that combines elements from two republican traditions, the Roman and the French one. Section 4 outlines the limited legitimacy view of political authority that I am interested in exploring. Section 5 defends some core features of the idea of dictatorship in its relation to limited legitimacy. Section 6 discusses the implications of my account for the relation between non-ideal and ideal theory, and for the meaning and relevance of utopia. Section 7 concludes.

¹ I am grateful for comments on a previous version to Alex Callinicos, Rainer Forst, Bruno Leipold, Lucia Rubinelli, and Jonathan White.

2. Some preliminary observations

Recent political theory has sought to restore the analytical credibility of a number of concepts and themes central to the Marxian critique of capitalism. Exploitation, domination, distributive injustice, class-ridden inequalities are only some of the core ideas whose plausibility has been established either by showing how a broadly socialist account of justice survives the complications (or implausibility) of key tenets of Marx's economic theory (e.g. the labour theory of value)² or by pointing out the family-resemblances with liberal theories of justice such as egalitarian or neo-republican ones.³

This paper is, in one way, on a par with such efforts. It shares the methodological ambitions of the analytical Marxist agenda, departing at various junctures from the letter of Marx's corpus, discarding details that are inessential to the argument and seeking to supplement implausible or incomplete premises with more persuasive ones. In another way, the attempt takes an entirely different direction. I take off where the existing analytical Marxist agenda leaves a gap: Marx's account of politics and his related critique of the state. While a number of ground-breaking studies have shown us the ongoing relevance of Marx's critique of capitalism and the plausibility of the concept of class exploitation, the related and equally important account of legitimacy that underpins Marx's critique of the state has been entirely neglected. In this paper, I try to remedy this gap. Before explaining how, a few clarifications are in order.

Firstly, in the following pages I shall completely bracket the problem of exploitation under capitalism. That is to say, I shall make no effort to show that there is such a thing as capitalist relations of production and that this set of relations reveals a specific form of injustice affecting the agents whose social positions reflect and replicate that injustice, among others capitalists and workers. All of that will be taken for granted.⁴

Secondly, I will steer clear of the debate on the exact reasons for why capitalism is unjust, if at all. I shall assume that Marx does have a theory of injustice but I shall have very little (in fact nothing) to contribute to the debate on whether the labour

² See for example Gerald A. Cohen, "The Labor Theory of Value and the Concept of Exploitation," *Philosophy & Public Affairs* 8, no. 4 (1979). and John E. Roemer, "Property Relations Vs. Surplus Value in Marxian Exploitation," *Philosophy and Public Affairs* 11, no. 4 (1982) and for a critique Jeffrey Reiman, "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen " *ibid.*16, no. 1 (1987). For a review see Paul Warren, "Should Marxists Be Liberal Egalitarians?," *Journal of Political Philosophy* 5, no. 1 (1997).

³ See for a discussion of the analogies with liberal egalitarian theories of justice Jeffrey H. Reiman, "The Labor Theory of the Difference Principle," *Philosophy & Public Affairs* 12, no. 2 (1983). and Ziyad I. Husami, "Marx on Distributive Justice," *ibid.*8, no. 1 (1978). For a discussion of the analogies with neo-republican theories see Nicholas Vrousalis, "Exploitation, Vulnerability, and Social Domination," *ibid.*41, no. 2 (2013).

⁴ There is of course a long debate on whether Marx had a theory of justice at all, for a review of the literature see Norman Geras, "The Controversy About Marx and Justice," *Philosophica* 33 (1984).

theory of value is essential to that theory (as in the traditional reading) or whether it is sufficient to focus on property relations (as with more revisionist theories).⁵

Thirdly, I shall refrain from addressing questions of a more conceptual nature, for example whether exploitation is a form of domination, or whether Marx's theory of justice is in fact significantly different from liberal egalitarian accounts of justice as fairness.⁶ As long as my readers agree that capitalism is unjust for either of these reasons, the question of the legitimacy of the institutions required to abolish it remains a pertinent one (regardless of any internal disagreements of why exactly capitalism should be abolished). Conversely, those who disagree with the core of Marx's theory, who think that talking about capitalism is like talking about unicorns, or who maintain that there is in fact no superior (more just) alternative to capitalist relations, will find very little of interest in the following pages.

3. Dictatorship and freedom

When we think of dictatorship, we think of Hitler and Stalin, of Mao and Saddam. We associate the notion of dictatorial rule to of the arbitrary power of individuals who rely on oppression, fear, and the exercise of violence (whether physical or psychological) to achieve desired political goals. One of the unfortunate implications of this contemporary use of the term is that it equates dictatorship with despotism and tyranny, which have a rather different genealogy and use in the history of political thought.⁷

The idea of dictatorship that I want to explore in this paper is another. My account retrieves a use of the term in the writings of Marx and Engels that combines influences from two distinct intellectual traditions: the Roman republican concept of dictatorship, and its modification and adaptation to circumstances of revolutionary transition at the time of the French Revolution. In this alternative, non-derogatory, use, dictatorship refers to a provisional form of rule that is collective rather than individual, and authorized by a vast majority of the people rather than despotic. It is

⁵ For a defence of the property-relations account see Cohen. and Roemer. and for a critique Jeffrey Reiman, "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen " *ibid.* 16, no. 1 (1987).

⁶ See, for example, Vrousalis *cit.* for references to the first problem and Jeffrey H. Reiman, "The Labor Theory of the Difference Principle," for the second.

⁷ For an analysis of the genealogy of the concept of dictatorship which distinguishes between a positive use of the term, going back to the Roman republican tradition, and a negative use, which emerged after the appropriation of the concept during the French revolution, see Wilfried Nippel, "Saving the Constitution: The European Discourse on Dictatorship," in *In the Footsteps of Herodotus. Towards European Political Thought*, ed. Janet Coleman and Paschalis Kitromilides (Florence: Olschki, 2012). For a slightly different interpretation which explains how the pejorative use also has Roman roots, see Claude Nicolet, "Dictatorship in Rome," in *Dictatorship in History and Theory : Bonapartism, Caesarism, and Totalitarianism*, ed. Peter Baehr and Melvin Richter (Cambridge: Cambridge University Press, 2004). For an analysis of the relation between the concept of dictatorship and those of tyranny and despotism, see Andrew Arato, "Conceptual History of Dictatorship (and Its Rivals)," in *Critical Theory and Democracy: Civil Society, Dictatorship and Constitutionalism in Andrew Arato's Democratic Theory*, ed. Enrique Peruzzotti and Martin Plot (Oxford Routledge, 2013).

connected to a distinctive mode of political activity, one that characterises a legitimate institutional intervention in circumstances of crisis and transition, that aims to realise the real freedom of the people, and that grounds what I shall call a limited legitimacy view of political authority. On the limited legitimacy view of political authority, a dictatorial institution protects people from the institutional anarchy that risks replacing the destruction of an obsolete political order, whilst accepting that the political authority that paves the way to the establishment of a truly free society can only enjoy a limited form of legitimacy.

Before proceeding to explain all this, an important clarification is in order. The actual occurrence of the term 'dictatorship' in Marx's writings is much more scattered and infrequent than one might gather from my remarks above, and also from its incredible influence in the subsequent Marxist tradition. Alternative formulations to the term 'dictatorship of the proletariat', include formulations like 'rule (Herrschaft) of the working class', 'the political rule of the proletariat' or even 'social republic'. They appear just as frequently throughout Marx's writings.⁸ But in what follows I shall stick to the more familiar (and also more controversial) formulation of 'dictatorship' because that is the one Marx uses in the text that most clearly links dictatorship to the issue of freedom and to the problem of legitimacy in circumstances of revolutionary transition: *The Critique of the Gotha Programme*. Here, the idea of dictatorship is introduced shortly after defining the meaning of freedom in relation to the institution of the state. Freedom, it is argued, consists in "converting the state from an organ superimposed upon society into one completely subordinate to it".⁹

The legitimacy of dictatorship is then linked to the legitimacy of this transition. But to defend its role, we need to understand what is meant by 'state' and by 'society' and how freedom is implicated in the relation between the two. What does Marx mean by state? No more and no less than what we usually mean by the term: a public institution which claims sovereignty over a particular territory, has a monopoly over the use of force and has the authority to coercively regulate relations between people. States are divided by boundaries and have importantly different histories, cultures, and social practices which shape and constrain the exercise of their administrative, executive or judicial powers. But, at any given point in history, they also share some essential features. The most important one, for purposes of our analysis, is the current economic basis of their political relations, which has a historically specific character. States produce, exchange and trade in a global environment whose rules and regulations play a crucial role in shaping some fundamental constraints to their political systems, notwithstanding the historical and sociological differences between them. Marx calls this set of constraining practices, as they apply to modern historical conditions, the capitalist system of production, while also recognising that this system is in a different stage of development in each particular state.¹⁰ As indicated, I shall bracket the part of the argument that explains

⁸ See for a discussion Hal Draper, "Marx and the Dictatorship of the Proletariat," *New Politics* 1, no. 4 (1961) and Hal Draper, *Karl Marx's Theory of Revolution, Volume 3: The Dictatorship of the Proletariat* (New York: Monthly Review Press, 1986), pp. 175-325. For an analysis of the idea of social republic in connection to 19th century republican thought see Bruno Leipold, "Marx's Social Republic," in *Radical Republicanism: Recovering the Tradition's Popular Heritage*, ed. Karma Nabulsi, Stuart White, and Bruno Leipold (Oxford: Oxford University Press, forthcoming).

⁹ "Critique of the Gotha Programme" in Karl Marx, *Selected Writings*, ed. David McLellan (Oxford: Oxford University Press, 2000), p. 611.

¹⁰ *Ibid.*

how capitalism historically comes about, what is wrong with it and why we might need to replace it with a different set of social relations (call it communism). Suppose there is something wrong with the capitalist system of production and suppose that communism is a justified ideal. The question is: what role does the state play in the transition from one to the other? Or to put it in Marx's terms: "What transformation will the state undergo in communist society?" "What social functions will remain in existence there that are analogous to present state functions?"¹¹

This is where the dictatorship of the proletariat makes its entrance. Marx introduces it to answer the question of the role of the state and the necessity of a transitional form of authority that stands between the overthrow of the capitalist state and communist society. As he argues, between the two "lies the period of the revolutionary transformation of the one into the other. Corresponding to this is also a political transition period in which the state can be nothing but *the revolutionary dictatorship of the proletariat*".¹²

To properly understand why dictatorship represents an intermediate and transitional form of political authority that stands between the capitalist state and communist society, it might be useful to briefly illustrate where the concept comes from. Marx and Engels inherited it from the revolutionaries of 1848, who had inherited it from the revolutionaries of 1789, whom in turn, as Marx knew, modelled themselves after the Roman republic and "performed the task of their time [...] in Roman costume and with Roman phrases".¹³ In the constitution of the classical Roman republic, the office of the dictator was conceived as a supreme office of magistracy required to guide the republic under exceptional circumstances of crisis (war or civic unrest).¹⁴ Given the complex system of checks and balances of the Roman constitution, in cases of imminent threat to the republic speedy emergency measures were required to establish order and stability. To avoid delays, and after deliberation in the senate, the consuls nominated a dictator, although a popular vote was also in principle possible. Once nominated, the dictator became the chief executive and supreme commander of the Roman army both within the city and outside. His powers were virtually unlimited and superior to those of any other Roman magistrate but the terms of office were supposed to be as brief as possible. Once the emergency was over, dictators would abdicate as quickly as they could, and typically their office would not go beyond a six-months term.

The office of the dictator had several features that made it an attractive solution in cases of civic crisis and profound conflict dividing the political community.¹⁵ Firstly, it was a freedom-enhancing institution. The dictator was authorised by the people and senate of Rome and the powers it held were intended to protect the free citizens of the republic from severe threat coming from outside, or from destructive conflicts

¹¹ Ibid.

¹² Ibid.

¹³ "The Eighteenth Brumaire of Louis Bonaparte" in *Selected Writings*, cit. pp. 329-330. For a more detailed discussion of how the concept of dictatorship was invoked by the revolutionaries of 1789 and 1848 and reached Marx and Engels, see Draper cit.

¹⁴ See Andrew Lintott, *The Constitution of the Roman Republic* (Oxford: Clarendon Press, 1999), pp. 109-110.

¹⁵ On the relation between dictatorship and circumstances of emergency, see J. Ferejohn and P. Pasquino, "The Law of the Exception: A Typology of Emergency Powers," *International Journal of Constitutional Law* 2, no. 2 (2004).

erupting within. Secondly, it was limited in nature. The legitimacy it enjoyed was limited to the duration of the crisis, and came to an end once the crisis was over. Moreover, although the executive powers of the dictator were virtually unchecked, its legislative capacity was extremely limited. A dictator could only abrogate old laws but not make new ones and the office itself could only be held for a short term. Thirdly, it was a transitional institution, adequate only for circumstances of emergency. The legitimacy it enjoyed applied in the case of extreme crisis, and only for as long as such crisis continued to threaten the order of the republic and risked plunging it in a condition of anarchy.

The freedom-enhancing nature of the office of the dictator, as well as the limited, and transitional nature of the legitimacy it enjoyed are crucial to explain why the office of the dictator became such a celebrated republican institution throughout history and the history of political thought, from Machiavelli to Rousseau and from Marat to Babeuf (to mention but those figures that were most influential in shaping Marx and Engels's analysis).¹⁶ For Machiavelli, the idea of popular authorisation in the service of the freedom of the people was crucial since, as he argued, "while the dictator was appointed according to public orders, and not by his own authority, he always did good to the city".¹⁷ Likewise, Rousseau praised the role of the dictator in the defence of public freedom and emphasised its compatibility with the idea of the general will since "if the laws as an instrumentality are an obstacle to guarding against it (the greatest danger to the city)", then "a supreme chief is named" who "suspends the Sovereign authority". In these cases, he continued, "the general will is not in doubt, it is obvious that the people's foremost intention is that the State not perish".¹⁸ But it is important to emphasise that such a supreme magistracy could only perform its role if it is kept to a limited time, since "the pressing need once passed, the Dictatorship becomes either tyrannical or vain".¹⁹

Combined with the first two, the idea of dictatorship as a transitional, emergency measure, became a central reference point in the early communist debates between Babeuf, Darthé and Debon during the meetings of the Conspiracy of the Equals in the winter of Year IV (1796) of the first Republic. According to Buonarroti's description of the events, the history and experience of the French Revolution had made it clear to the conspirators that "a people so strangely elongated from the order of things, was but poorly qualified to make a useful choice, and had need of extraordinary means to replace it in a condition in which it would be possible for it to exercise effectually and not in mere fiction, the plenitude of its sovereignty".²⁰ The conspirators invoked the example of ancient states and the magistracy of the

¹⁶ For an excellent account of the reception of the idea in the history of political thought see Nippel and Christian Bruschi, "La Dictature Romaine Dans L'histoire Des Idées Politiques De Machiavel À La Révolution Française," in *L'influence De L'antiquité Sur La Pensée Politique Européenne (XVI-XXème Siècles)*, ed. Michel Ganzin (Aix-en-Provence: Presses Universitaires d'Aix Marseille).

¹⁷ Niccolò Machiavelli, *Discourses on Livy* (Chicago: Chicago University Press, [1517] 1996). For a thorough discussion of Machiavelli on dictatorship, see Marco Geuna, "Machiavelli and the Problem of Dictatorship," *Ratio Juris* 28, no. 2 (2015).

¹⁸ Jean Jacques Rousseau, "Of the Social Contract," in *The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, [1762] 1997), p. 138.

¹⁹ *Ibid.*

²⁰ Filippo Michele Buonarroti, *Buonarroti's History of Babeuf's Conspiracy for Equality; with the Author's Reflections on the Causes and Character of the French Revolution*, trans. James Bronterre O'Brien (London: H. Hethrington, 1836).

dictatorship to explain the need to fill the power vacuum left by the Ancient Régime and to avoid slipping into a condition of anarchy where effective decision-making would be impossible. It was the first time that the Roman term was invoked not in function of preserving old laws but in a forward-looking plan to radically transform the constituted order. As Buonarroti describes it, the aim of the dictatorship was that of proposing to the people a “plan of legislation simple and suited to ensure to it equality and the real exercise of its sovereignty and to dictate provisionally the preparatory measures necessary to dispose the nation to receive it”.²¹ When the question of the possible abuse of powers by the magistrate was raised, those who spoke in its favour (Debon and Darthé) argued, in Rousseauian fashion, that the danger could be averted “by the clear and legal exposition of the end to be attained by it – and by imposing limits beforehand to its duration”.²² Hence the French revolutionary adaptation of the Roman concept amounted to the justification of rule by a small group of enlightened revolutionaries in the service of a truly free future republic. The process of authorisation relied not on the existing constitutional structure but in the measures brought forward by the revolutionary political class. And the temporal limits to dictatorship were specified not in accordance with any existing legal procedures but in line with such revolutionary plans.

4. The republican model in the Marxist reflection on political authority

The conceptualisations of dictatorship that I have outlined in the previous section shape the intellectual background against which Marx and Engels developed their own analysis. But in tracing these intellectual influences it is important to be aware of both the analogies and the differences. On the surface, analogies abound. Firstly, for Marxists too, dictatorship is a measure necessary to establish the real freedom of the people. In line with the republican legacy, freedom is here understood as capacity for self-mastery. Its realisation is linked to an ideal of popular rule that distinguishes between people’s effective capacity for self-government and a fictional exercise of it, corrupted by the existence of profound conflict or pervasive inequality in society. Secondly, for Marxists too the establishment of a dictatorship is understood as a transitional and provisional measure. A dictatorship is only called for in circumstances of conflict, to avoid the power gap left by the collapse of previously deficient institutions and the descent into complete anarchy due to the fact that the future ideal society is yet to be realised. Thirdly, a dictatorship is a legitimate institution. But the legitimacy it enjoys is of a limited nature. It is limited temporally since, as we saw, a dictatorship is justified only for as long as the political conflict a society faces is ongoing, least it degenerate into despotism. But there is also a deeper limitation, due to the recognition of the fact that for as long as the revolutionary people needs to resort to the coercive power of the state to enforce an obligation to obey the (new) laws, the promise of real freedom as self-mastery can never be fully maintained. This deeper limitation, I want to argue, is at the heart of a distinctive Marxist theory of legitimacy, which has been little noticed so far. But before one can properly grasp it, it is important to highlight the differences from the

²¹ Ibid, p. 105.

²² Ibid.

two republican lines of thought I have sketched above: the Roman and the French one.

The most important difference, with regard to the Roman republican tradition, is that in the case of the Roman republic, the office of the dictator was essentially a conservative institution. The background assumption was that the republican order protected people's freedom to a satisfactory degree, and civic harmony was only occasionally disrupted by extreme emergencies of an external or internal kind. In the Marxist account, freedom is far from being already guaranteed by the existing institutional setup. Since class struggle and conflicts between different groups are the background conditions shaping the existence of any political order, the task of realising freedom is not of a restorative kind. Moreover, even if one were to accept that external aggression or internal threat are at the root of specific crises, this is just what appears at the surface. The real conflict, at the bottom of all others, is of a material nature, and has to do with control over the production and distribution of resources and the way in which different social classes are positioned vis-à-vis particular relations of production. Secondly, although dictatorship is in both cases a transitional and provisional institution, the goal of transition has very different meanings and implications. In one case, the Roman republican one, a political order returns to the status quo ante and offices and positions continue to be distributed in the same way they were before. In the case of Marxism, the transitional period of dictatorship already begins to shape a new distribution of political and social roles. Political offices become revocable, the bureaucratic class is disbanded, the professional army is abolished and replaced by citizen militias, ordinary working people begin to fill traditional judicial, administrative and governmental roles by rotation.²³ Finally, to return to the temporally limited nature of dictatorship, there are some differences here too. While in the Roman case the terms of office of the dictator were constitutionally restricted to about six months, in the Marxist case, no time frame was specified. But since the transition was constrained by the progressive reshaping of political roles indicated above, we can safely assume that it would have been longer than six months. And even though Marx and Engels conceived the duration of dictatorship in terms of years rather than generations, there is one case in which the estimate covered a whole life-span and stretched to the time where "a generation reared in new, free social conditions is able to throw the entire lumber of the state on the scrap heap."²⁴

Some of these differences between the Marxian conception of dictatorship and the Roman one are in line with the adaptation of the Roman idea to revolutionary circumstances, an adaptation that, as we saw, has its origins in the Conspiracy of the Equals.²⁵ The greatest area of overlap with the French republicans consists in

²³ I shall return to these measures in the following section.

²⁴ Frederick Engels, "Introduction to Karl Marx's the Civil War in France," in *Collected Works of Marx and Engels* (hereafter CW) (New York: International Publishers, (1891) 1990), p. 191. For a discussion of the temporal dimension with regard to Marx and Engels and some further evidence on the claim that Marx and Engels thought of the transition period as taking years rather than generations, see Richard N. Hunt, *The Political Ideas of Marx and Engels, Volume 2: Classical Marxism, 1850-1895* (Pittsburgh: University of Pittsburgh Press, 1984), pp. 231-246.

²⁵ For reasons of space, I will leave aside here the important debate during the French Revolution that shaped both the discussions of the conspirators and the experience of the Paris Commune which

changing the function of the institution from an essentially conservative one, due to restore freedom, to a radically transformative one, oriented to a future state of affairs that realises freedom for the first time. But the Marxian conception of dictatorship, and that of the early communists also differ at various critical junctures. The most relevant for the purpose of explaining the limited legitimacy conception of political authority is perhaps also the most neglected, and relates to the analysis of the agency of the oppressed in circumstances of transition. Dictatorship during the Roman republic was the temporary rule of one man only. Dictatorship for the French republicans was the rule of a small group of enlightened revolutionaries over the uncultivated mass of people. The novelty of the Marxist position was to challenge the orthodox conception of dictatorship embraced more or less indiscriminately by all those who followed Babeuf (Buonarroti, Blanqui, Weitling, Saint-Simon, Bakunin, Proudhon and Louis Blanc, to mention but some) and to make a crucial distinction between 'dictatorship over' and 'dictatorship of' the proletariat.²⁶ Let me explain.

Dictatorship for Marx and Engels is not the rule of one man as in the Roman republic. Nor is it rule by a group of revolutionary leaders over a mass of uncultivated people, as in the French revolutionary case. It is the rule of the oppressed majority of people, sufficiently aware of their oppression to want to change the existing state of affairs. The way to reach this awareness where it is absent is through democratic political activism and the attempt to develop the political character of class struggle. Marx and Engels's conception of dictatorship has a profound democratic character, in line with the traditional understanding of democracy as rule by the people. The distinction between dictatorship over the proletariat and dictatorship of the proletariat is essential to underline this point. Nowhere does it come out more clearly than in the explicit rejection of the early communist conception of dictatorship popularised especially by Blanqui and whose paternalism Marx and Engels condemned. As Engels made it clear, 'from Blanqui's assumption, that any revolution may be made by the outbreak of a small revolutionary minority, follows of itself the necessity of a dictatorship after the success of the venture. This is, of course, a dictatorship, not of the entire revolutionary class, the proletariat, but of the small minority that has made the revolution, and who are themselves previously organized under the dictatorship of one or several individuals'.²⁷ But it will only be a matter of course, Engels emphasised, that such principles "will deliver a man hopelessly into the hands of all the self-deceptions of a fugitive's life" (aka Blanqui) and "drive him from one folly into another". Therefore, rather than abandoning oneself to such plans, the first step of a working-class revolution was to "win the battle of democracy"²⁸ by "establishing a democratic constitution and thereby, directly or indirectly, the political rule of the proletariat".²⁹

The emphasis on the democratic character of the proletarian revolution is essential

clearly influenced the Marxist analysis, but for an excellent discussion, see Albert Soboul, "Some Problems of the Revolutionary State 1789-1796," *Past and Present* 65, no. 1 (1974).

²⁶ See on this Draper cit.

²⁷ Engels, Frederick "The program of the Blanquist fugitives from the Paris Commune" (1874) available at <https://www.marxists.org/archive/marx/works/1874/06/26.htm>.

²⁸ Marx, Karl, "The Communist Manifesto" in *Selected Writings*, p. 261

²⁹ **Check Engels Preparatory Notes to the Communist Manifesto.**

to underline the difference between the Marxian conception of dictatorship and the French one. In the case of the French republicans, the necessity of a dictatorship of the revolutionary leadership was essential to compensate for the corrupting effects of inequality on the capacity of the oppressed to understand their oppression. In Marx's case, the route to remedy these effects is through political participation and the involvement of the oppressed in their own emancipation. Participation in the construction of a democratic constitution and real exercise of collective self-rule are central to enacting these learning processes. Political education consists in the learning process that democratic political activism makes available, not in the reliance on the alleged political competence of those who claim to know better. Contrary to what Blanqui and the early communists advocated (as well as to many later interpretations) there is no way to sidestep or neglect the consent, endorsement and full involvement of the oppressed themselves.

The anti-paternalist and anti-authoritarian tendency reflected in this Marxist conception of dictatorship appears clearly when we turn to the actual measures advocated during the period of revolutionary transition, as shown by Marx's analysis of the Paris Commune (the closest approximation to his ideal of democratic rule that is available to us). Marx applauds many of the measures adopted by the communards as channelling true popular rule: the progressive dissolution of state bureaucracy, the attempt to reduce the role of experts (or what we would call nowadays technocrats) in making political decisions, the abolition of the professional army and its substitution by a citizen militia, the revocability of administrative and judicial roles and positions, and the more general progressive transformation of representative democracy into direct popular rule.³⁰ During this transformation, it is clear that while the dictatorship of the proletariat relies on the coercive power of the state to realise its goals, it also seeks to undermine it from within.³¹ Indeed, this very work of internal erosion and the attempt to bring traditional executive, judicial and legislative institutions under direct popular control is one of the reasons for which Marx praised the Paris Commune for being "a thoroughly expansive political form", "the political form at last discovered under which to work out the emancipation of labour".³² "The political form so described exemplifies precisely the process of involvement and concrete political activity of the majority of the oppressed in the course of taking back control over the conditions of their social life. It begins a work of social emancipation which does not rely on an elite of professional politicians, technocratic institutions or bureaucratic managers to achieve its desired political objectives but takes radical freedom to be progressively vindicated in the process of making oneself free.

Marx's praise for the workings of the Paris Commune and the way in which it

³⁰ For the analysis of these measures as conducive to the progressive erosion of bureaucratic and administrative power of the state as isolated from society, see "The Civil War in France" in *Selected Writings*. See also the discussion in Leibold, cit.

³¹ For further emphasis on the anti-authoritarian and anti-paternalist character of Marx's conception of dictatorship see Ralph Miliband, "Marx and the State," *The Socialist Register* 2 (1965).

³² "The Civil War in France" in *Selected Writings*, p. 589.

supersedes “the unproductive and mischievous work of the state parasites”³³ reinforces our initial interpretation that the dictatorship of the proletariat is a democratic institution, whose democratic character is affirmed by people as they exercise their political will through real political participation rather than relying on others to cover existing administrative, judicial and legislative roles. Other leading Marxists have sought to clarify this point further by making more explicit its relation to freedom and the idea of democracy, understood as rule by the people. Rosa Luxemburg, for example, argued that the idea of dictatorship of the proletariat consists “in the *manner of applying democracy*, not in its *elimination*”.³⁴ And even Lenin, whose appeal to the idea of the dictatorship of the proletariat has often been taken to epitomise the necessity of proletarian violence,³⁵ argues that “the dictatorship of the proletariat, the period of transition to communism, will for the first time create democracy for the people, for the majority”.³⁶

Notice however that in emphasising the democratic character of dictatorship, both Marx and successive Marxists insisted on its transitory, provisional nature. The political form taken by the process of social emancipation was never conflated with its end goal, just like the forms of direct political participation that it promoted could not succeed in fully eliminating class struggle but merely afforded “the rational medium in which that class struggle can run through its different phases in the most rational and humane way”.³⁷ As Lenin explained in seeking to further articulate Marx’s conception of legitimacy, the idea of democracy for the majority is different from the idea of complete democracy.³⁸ Thus the dictatorship of the proletariat is still different from communist society; only the latter can fully realise freedom. Communism alone, Lenin emphasised, is capable of providing “really complete democracy, democracy without exceptions”. Only in communism are people able to observe the elementary rules of social life “without force, without compulsion, without subordination, without the special apparatus for compulsion that is called the state”. Communism is therefore very different from the dictatorship of the proletariat, and only in communism “does the state cease to exist...and it becomes possible to speak of freedom”.³⁹

These last remarks help to explain how, despite its more radical democratic and anti-paternalist stance when compared to earlier analyses of dictatorship, the Marxian conception is also one that grounds a conception of limited legitimacy of political authority. It is important to be clear on the kind of limitation at stake here. In the Roman account of dictatorship, the powers of the dictator were limited, but the emphasis was on limitation from a temporal perspective (the other limitation, the way in which dictatorship required bracketing civic freedom was subsumed under this

³³ Ibid.

³⁴ Luxemburg, *The Russian Revolution, Democracy and Dictatorship*.

³⁵ On the misguided interpretation of the role of violence in Lenin, see Lucio Colletti, *From Rousseau to Lenin. Studies in Ideology and Society* (Monthly Review Press: New York), pp. 220-1.

³⁶ Vladimir I. Lenin, “The State and Revolution,” in *Essential Works of Lenin*, ed. Henry M. Christman (New York: Dover Publications, (1932) 1987)., p. 339.

³⁷ Marx, “The Civil War in France”, p. 589.

³⁸ Lenin, cit., p. 301.

³⁹ Ibid.

temporal limitation and justified in relation to it). In the French republican tradition, the limited character of dictatorship is also understood in temporal terms and requires trust in the virtues of a small class of political leaders to constrain itself. Although, as we saw above, Marx and Engels are not indifferent to the temporal dimension, the more important limitation is of another nature. It has to do with the fact that for as long as a group of people (in this case the oppressed majority) needs to resort to the coercive power of state institutions (however much transformed) to enforce an obligation to obey the new laws, the promise of real self-mastery can never be entirely fulfilled. This deeper limitation, I want to argue, is at the heart of a distinctive Marxist theory of legitimacy, which has been little noticed so far, and to which I now turn.

5. The limited legitimacy view of political authority

Recall the basic tenets of Marx's theory of the state under capitalist conditions. We assumed that (some version of) Marx's critique of how capitalism hinders freedom is plausible. The general problem can be presented in the following terms. Imagine a state where the fundamental structures that enable social cooperation are affected by persistent and pervasive economic inequalities due to the mechanism through which wealth is produced and distributed. Legal arrangements, property and inheritance rules, formal and informal networks of cooperation, the dominant societal culture, tend to inherit these inequalities and reproduce them. Far from being fair and open to all, political opportunities and people's access to offices and positions are corrupted by deep asymmetries in the degree of social and political power controlled by members of different classes.⁴⁰ As a result, the views and interests of certain groups tend to be systematically promoted at the expense of others. There are winners (a small minority) and losers (a majority). The winners tend to win and the losers tend to lose, albeit with some individual exceptions.⁴¹ Those who benefit from the system contribute (whether intentionally or inadvertently) to consolidating methods of compliance, values and incentives that help to stabilize the social structure and entrench its inequalities even further. These inequalities also have important epistemic implications for many people's ability to observe the deficiencies of the system, their ascriptions of responsibility for the injustices it produces, and their willingness to do things differently. They amount to a form of ideological domination, they shape the way many people see themselves and others in a social structure, and inform the courses of action that they perceive as open or closed to them.

Described in this way, the capitalist state fails to meet a number of familiar, liberal, criteria for being considered legitimate. It does not embody a fair system of cooperation, it is not one where benefits and burdens are distributed in a reciprocal way, and it is not a system to which people would consent if they were making political decisions in an informed way. Given these structural limitations, losers are

⁴⁰ On the relation between economic inequalities and social power and the affinities between Rousseau's and Marx's thoughts on this point see Frederick Neuhauser, "Rousseau's Critique of Economic Inequality," *Philosophy & Public Affairs* 41, no. 3 (2013).

⁴¹ See on this issue G. A. Cohen, "The Structure of Proletarian Unfreedom," *ibid.* 12, no. 1 (1983).

merely coerced by the law. To be merely coerced by the law means to have very little say in how the laws affect you. It means, at least under one prominent conception of freedom and legitimacy that is also shared by Marx, to be unfree.

When the system is pervasively corrupt in the way we have described, losers have reasons to want to change it. They rebel and seek to modify the rules governing the economic and social structure. A period of political revolution ensues. Losers re-write the constitution, profoundly modify property arrangements, change inheritance rules, abolish economic privileges and use the coercive power of the state to prepare the transition to a society in which everyone is truly free.

Marx calls the truly free society a communist society. But he notoriously says very little on how exactly a communist society ought to look like (I shall return to this point later). Much more energy is devoted, instead, to discussing the transitional, intermediate phase, a society between the collapse of capitalism and the establishment of communism. This is the dictatorship of the proletariat. The dictatorship of the proletariat is not the final goal of the revolution, it is an institution that exercises political authority on a provisional basis. It is also a freedom-enhancing measure, it does not embody freedom itself. Moreover, being tied to the coercive exercise of power, the legitimacy it enjoys is of a limited kind. Why is the legitimacy that the dictatorship of the proletariat enjoys a limited form of legitimacy? And why is it legitimacy at all?

The answer, I believe, lies in an argument which Marx does not articulate explicitly about the epistemic impact of structural advantage and disadvantage on people's views of justice and injustice. If the argument about the ideological effects of capitalist social relations is correct, then it is implausible to expect literally everyone in a society rigged by capitalist injustice to endorse the revolutionary project. While, for Marx the oppressed themselves will have an epistemic insight into the scale of injustice confronted by that society, he anticipates that their insight will not be shared by everyone. People might object to radical change for all sorts of reasons: their motives might be selfish, ignorant, immoral or a combination of all of these. But whatever the reasons are, there will be a strong epistemic bias which prevents members of certain groups in society (such as those who have vested interests in the preservation of the previous order, or those who are not directly oppressed and therefore are ideologically blinded to the scale of injustice), from identification with the new institutions. Every institution emerging from deep political conflict faces serious obstacles in terms of the epistemic burdens associated to people's recognition of new roles and positions in society or to a new system of economic production and distribution. Thus, every institutional configuration, no matter how just in its inception, will be purely coercive for some.

In cases of epistemic bias affecting people's endorsement of political authority, the revolutionary institutions cannot speak in the name of everyone since not everyone endorses their emancipatory project. When that is the case, when the revolutionary institutions go on to apply the coercive apparatus they inherit to those who fail to recognise themselves in the normative purpose promoted by the new legal order, the political authority established might act justly but is only partially legitimate.

The legitimacy of dictatorship is an expression of this limited legitimacy view of political authority. A period of dictatorship, as we saw, is necessary given the emergency of the revolutionary circumstances and the need to exercise coercion to ensure compliance by all. But to fully deliver on its freedom-enhancing promise, the dictatorship must necessarily be restricted to the transitional context in which it operates. When the transitional period is over, when people are truly free and communism has been established, people do the right thing spontaneously and without need for a coercive political authority to enforce compliant behaviour. The need for coercion disappears and the state withers away, or as the literal German translation suggests, it dies out (*stirbt ab*). As Engels puts it “since the state is merely a transitional institution of which use is made in the struggle, in the revolution, to keep down one’s enemies by force, it is utter nonsense to speak of a free people’s state”. Indeed, Engels continues, “so long as the proletariat still *makes use* of the state, it makes use of it” and “as soon as there can be any question of freedom, the state as such ceases to exist”.⁴²

I shall return to the argument about the withering away of the state and its relation to the utopia of freedom in the next section. For now, let me emphasise how this distinctive theory of legitimacy, which I labelled the limited legitimacy view of political authority, compares to other theories we are familiar with. As already emphasized, the dictatorship of the proletariat is for Marx an institution that embodies the limited legitimacy of political authority, an institution that acts justly but does not speak in the name of everyone. An institution that acts justly but does not speak in the name of everyone exercises political authority in a way that is only partially legitimate. This is different from liberal theories of political obligation which claim that when certain criteria of justice are satisfied, the state’s coercive power is fully legitimate and the freedom of the individual is perfectly compatible with it. But it is also different from anarchist theories because political authority is not completely illegitimate when it falls short of the endorsement of everyone. Those who deploy the coercive power of the state for just purposes act with some *legitimate* authority even if they do so *provisionally*, and on a *temporary* basis.⁴³

It might be interesting at this point to see the distinctiveness of Marx’s position on the relation between legitimacy and justice by contrasting it with a more familiar analysis from the recent contemporary literature, that of John Rawls. In many ways, the society that removes the structural effects of economic and social inequalities is a well-ordered society in the Rawlsian sense of the term. Marx’s idea that even in a

⁴² See Friedrich Engels, “Engels to August Bebel in Zwickau” (1875), available at https://www.marxists.org/archive/marx/works/1875/letters/75_03_18.htm, accessed 7th March 2017.

⁴³ There is some controversy in the literature on whether the dictatorship of the proletariat already begins to dissolve some crucial functions of the state by deprofessionalising politics and progressively bringing bureaucratic, administrative and judicial functions under the direct control of the people (as was Marx’s view) or whether the state continues to concentrate power and simply places it at the service of revolutionary goals (as in Engels’s reading). The interpretation I have offered above is more in line with the first but both are compatible with the limited legitimacy view of political authority. I shall leave aside here the complications that arise from the possibility of being a victim of war from an aggressive enemy which demands the maintenance of a national guard and which was justified by both Marx and Engels. The issue is discussed in the context of examining the duration of dictatorship but in a somewhat optimistic way, which assumes that the revolution will occur more or less simultaneously in a number of key states, for the issue of war not to be fatal to its survival. For a discussion of this problem see Hunt cit. esp. pp. 235 ff.

well-ordered society there will be those who object to the normative project that society serves echoes Rawls's view that in a well-ordered society there will be those for whom the affirmation of a sense of justice is not a good. Or to put it in the terms of *Political Liberalism*, Rawls, like Marx, assumes that even in a well-ordered society there will be "many unreasonable views" or "doctrines that reject one or more democratic freedoms".⁴⁴ The question, Rawls raises is whether "those who do affirm their sense of justice are treating these persons unjustly in requiring them to comply with just institutions".⁴⁵ In *A Theory of Justice* the answer rests with the justifiability of a theory of punishment and the presumption that a coercive system is necessary to guarantee the stability of social cooperation.⁴⁶ In *Political Liberalism*, Rawls argues that those who undermine the system by affirming unreasonable views provide us with "the practical task of containing them – like war and disease – so that they do not overturn political justice".⁴⁷ In other words, for Rawls, the system of punishment is essential to guarantee that everyone does their share in a system of social cooperation, whilst knowing that others are also required and compelled to do so. The solution to the assurance problem is an authorised public system of interpretation of rules, backed up by coercive sanctions. The need for such system to contain those who undermine it and to maintain political justice, is "a permanent fact of life, or seems so".⁴⁸

From a Marxist perspective, we would take issue with the reification of human nature on which Rawls's claim appears to rely. For Marx, the public coercive authority that provides people with the assurance Rawls requires, is only provisionally justified, there is nothing permanent about it. It characterises a provisional set-up in which the sense of justice is still in the process of developing, not one in which it has firmly established itself. For Marx in a truly well-ordered society which realises freedom, people's attitudes, psychological dispositions and mutual sentiments of trust and solidarity will develop in directions that we cannot anticipate or that might well appear naively optimistic from where we stand. If a well-ordered society truly does do away with inequality, envy, the corrupting effects of hierarchies of social rank, and so on, why should we assume that people will still mistrust one another and continue to look over each other's shoulders to ensure that everyone acts as they should? Why do we need to continuously rely on an external authority that guarantees that everyone is doing their share, that deploys coercive sanctions to guarantee people's compliance, and that resorts to a public penal system to punish those who fail to conform? There is something perverse in assuming that although people create a civil condition so as to abandon the anti-social dispositions that characterise them in the state of nature (see Rawls's reference to the Hobbesian thesis), they actually never succeed in doing so. It seems much more plausible to think that what seems to us like "a permanent fact of life", to use Rawls's expression, might have to do with the kinds of institutions in which social attitudes develop, and the disposition to one another that they encourage or stifle. This is why, Marx argues, that "under human conditions", i.e. once the unsocial sources of crime are removed, punishment takes a very different form, it is "nothing but the sentence passed by the culprit on himself. No one will want to convince him that violence from without, done to him by others, is

⁴⁴ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 64.

⁴⁵ *A Theory of Justice*, Rev. ed. (Cambridge, MA: Harvard University Press, 1999), pp. 211-212.

⁴⁶ Ibid.

⁴⁷ Rawls, *Political Liberalism*, p. 64.

⁴⁸ Ibid.

violence which he had done to himself".⁴⁹ Thus Marx does not fully abandon the idea that even under humane conditions there will be something to punish, that people will err, commit wrongs, or hurt each other in various ways (whether intentionally or inadvertently).⁵⁰ But the trade-off which requires the acceptance of a public coercive authority for the sake of protecting people's freedom is nothing more than a necessary evil, which can only be provisionally justified. Real freedom is only realised when the need for such public political authority has been superseded and society has transformed itself to a sufficient degree that coercion is no longer needed. That is what it means to say that the state progressively withers away.

6. Freedom and utopia

An implication of the limited theory of legitimacy that I have outlined is that a state can be fully legitimate only when laws render people fully free. But this is also slightly paradoxical. If laws were to render us fully free, they would also emancipate us from the need for a coercive authority that enforces laws. And if people really have no need to be coerced by the laws, if there are no longer structurally-rooted conflicts between them and everyone does what is right without need for sanctions and punishment, the state, at least in the form we know it, would have no reason to be there. It would be converted from "an organ superimposed upon society into one completely subordinate to it".⁵¹ The state, understood as a coercive exercise of political power in function of the maintenance of justice, would spontaneously wither away. This is why the state as such is not destroyed, or smashed, or swept away and why the question of how much revolutionary violence will be required to complete this transition reflects a misguided take on the problem.⁵² The state is not smashed or destroyed, it is simply used for the purpose of promoting real freedom. But the more that cause is effective, the more the sense of justice establishes itself through new social institutions, the more the state begins to fade and leaves in its place society with its spontaneous forms of social organization, with a purely voluntary form of cooperation between people, and with an unmediated exercise of self-rule.

Dictatorship is the exercise of coercive rule from the majority of the oppressed on the minority of the oppressors. But the true realm of freedom marks the end of social conflict and with it of the very distinction between oppressors and oppressed. The period of revolutionary transition indicates the transfer of power from one class to another, but the revolution is only really successful when the coercive basis on which power is exercised withers away. It is not when the governors are truly representative of the governed but when the difference between the governors and the governed disappears. The true realm of freedom is not a society in which perfect justice is fully realized but one that has moved beyond the need for justice.

⁴⁹ Marx, "The Holy Family" in *Collected Works of Marx and Engels*, vol. 4 (London: Lawrence and Wishart, 2010), p. 179.

⁵⁰ See for a discussion of this Norman Geras, "Seven Types of Obloquy: Travesties of Marxism," *Socialist Register* 26 (1990), p. 13.

⁵¹ See Marx, "Critique of Gotha Programme", cit. above.

⁵² For a discussion of the problem of violence, see also Colletti cit.

This is the Marxian utopia and it is a utopia that many will not share, partly out of concern with the uncertainties of transition in the absence of a more specific account of what the perfect society ought to look like, and partly because one might find it hard to speculate over what will happen to human nature when material scarcity is permanently overcome and social dispositions are radically transformed. In the first case, our capacity for abstraction does not seem to go far enough, in the second case it seems to require us to go too far.

The first concern, the issue of transition, can be addressed by returning to Marx's argument that the conditions under which particular social transformations occur are not artificially brought about by particular visionaries of freedom or justice but linked to the crisis and social grievances already embedded in the old society. The mechanisms through which this transition takes place, whether and how much sacrifice is needed, are difficult to calculate in advance and depend on the social context and development of institutions in place in each context. As Marx puts it analysing the Paris Commune, the working class "have no ideals to realise"; they "have no ready-made utopias" to introduce by decree" since their goal is "to set free elements of the new society with which old collapsing bourgeois society itself is pregnant."⁵³ However, the fact that there are no utopian blueprints to realise does not mean that it is impossible to specify some institutional measures that would facilitate the progressive erosion of the coercive basis of the state. I already listed above some of the necessary changes that Marx mentions in the context of discussing the Paris Commune (over and above the economic transformation): the abolition of the professional army, the transformation of all administrative, legislative or judicial functions in revocable offices that are exercised on a rotational basis, the attempt to reduce reliance on experts and technocratic elites, the reduction of the wages of politicians and civil servants to those of ordinary working people and so on. All this contributes to the general process of deprofessionalisation of politics in the state, and plants the seeds of its future erosion.

This takes us to the second concern: the undefined character of utopia. For Marx freedom is established in great part through the process of making oneself free, and when that process is complete we are in the utopia of freedom, a place which is, in the etymological meaning of the term, no place as much as the best place, a place about which we can say very little in advance of having reached it. To specify how the utopian society should look like is to deny the agency of those who will be responsible for freely constructing that society. It is to conflate between the process of pursuing the good and its perfectionist aberration. It is to turn utopia into the kind of elitist, bureaucratic, technological, and administrative nightmare that for a long time has been conflated with Marx's own vision and that has posed the greatest obstacle to understanding his radical, and radically demanding, vision of freedom. Marx defined utopia as "the play of the imagination on the future structure of society" but refused to write "recipes for the cookshops of the future"⁵⁴ and mocked his utopian socialist contemporaries for writing blueprints of the perfect society which were "silly, stale and thoroughly reactionary".⁵⁵ Of course there are a number of

⁵³ Marx, "The Civil War in France", cit. p. 590.

⁵⁴ Marx, Letter to Friedrich Adolph Sorge [19 October 1877] in *Collected Works*, cit. vol. 5, p. 284 and vol. 34, p. 303.

⁵⁵ Marx to Sorge, letter dated 19 October 1877, in *CW*, cit. vol. 34, p. 303; and vol. 45, p. 284. For an informative discussion of Marx's and Engels's relation to utopian socialism, see David Leopold, "The

things Marx says about the future, and they are not limited to the well-known economic dimension, and to the political measures already mentioned, but which include family relations, the development of children, the disappearance of divisions based on class, regions, nationality, religion, race, and their implications for the transformation of both nature and humanity.⁵⁶ But none of this is set out in great detail, and when Marx sought to explain more concretely the future communistic society he limited himself to such (perhaps ironic) remarks about hunting in the morning, fishing in the afternoon and criticising the evening which have made his account an object of much derision. But if we appreciate the structure of Marx's argument about freedom and its relation to the problems of justice and legitimacy, we might also appreciate how the view's apparent limitations are in fact its greatest virtues. To say that a perfect society is one in which people are fully free requires also a non-committal stance as to how that perfect society will exactly look like, least those conditions of free agency be denied.

All this helps to explain why on this perspective the label of realistic utopia when articulating a particular vision of justice seems inappropriate. Indeed, one might go as far as even doubting the pertinence of a utopia about justice. To the extent that justice relies on the coercive use of power to be realised, it will always be a vehicle of punishment as much as a vehicle of emancipation. Justice can only be part of our account of how we seek to reach utopia but never a part of utopia itself because to make use of coercion in a society in which coercion is by definition not needed risks turn utopia into a dystopian nightmare.

Real freedom is fully realised only in a society in which people do the right thing or relate to each other in the right way because they are motivated by what is right and not by fear of sanctions or desire of rewards. When society is transformed so that human beings are liberated by material needs or by the competition for power and recognition, the structural roots of conflict disappear and justice is no longer needed. The need for coordination is of course still there, and so are disagreements among human beings, but society takes on these challenges and discharges them differently from the state as we know it. To say now, how exactly society does this and how it will look like in the future is both dangerous and unnecessary. Marx's positive account of the conditions that need to be in place for capitalism to be overcome and to pave the way to the truly free society is contained in his theory of the dictatorship of the proletariat and not in his vision of communism. The former (the dictatorship of the proletariat) is, as I tried to suggest, a theory of (limited) legitimacy in its connection with the need for justice, and also a theory of the transition from non-ideal circumstances to an ideal of freedom. The latter (communist society) is an ideal of perfect freedom but perfect freedom is as such beyond legitimacy and beyond justice.

Earlier I emphasised that a utopian society is one where political conflicts, understood as conflicts rooted in certain material conditions and the existence of social classes, come to an end. This does not mean that wrongdoing, hurtfulness, and disagreement also come to an end. Marxists are committed to the idea that a

Structure of Marx and Engels's Considered Account of Utopian Socialism," *History of Political Thought* 26, no. 3 (2005).

⁵⁶ For more on each of these issues see Bertell Ollman, "Marx's Vision of Communism: A Reconstruction", *Critique*, vol. 8, number 1 (1977), pp. 4-41.

communist society is not one that represses individualism but where individual differences flourish and are brought to their maximal development. “It goes without saying”, Engels argued, ‘that society cannot free itself unless *every individual* is freed”.⁵⁷ Emancipation is reached only “by offering each individual the opportunity to develop all his faculties, physical and mental, in all directions and exercise them to the full”.⁵⁸ But if human beings remain different from each other, with their own distinctive characteristics, temperaments and skills, it is also plausible to anticipate that misfortunes and disagreements might persist and they might still hurt, offend or be angry with each other. The point to emphasise is that once the social basis of transgression and crime is removed and the need for coercive authority withers away, society finds ways of solving these disagreements much like a functioning family does, through a combination of toleration, deliberation and common efforts to find solutions that do not involve sanctions and punishment. For Marx, democracy as a decision-making mechanism remains crucial even after the state has withered away.⁵⁹ Democracy takes a more deliberative and less antagonistic form, and is an integral part of the ways in which collective decisions are made. But it is a kind of democracy that no longer needs the state and resembles more the democratic ideal of the ancients (without the latter’s exclusionary features) than that of the moderns. It is a form of decision-making where the personal and the communal interest of the individual support each other rather than pulling apart, and where the social nature of human beings prevails over their unsociable one. It is a form of democracy that succeeds in delivering the wisdom of the multitude championed by Aristotle, but in a context in which the material or power-related objections to that ideal that Plato or Hobbes highlighted no longer apply.

Conclusion

If we accept that capitalism is unjust and needs to be overcome, the idea of the dictatorship of the proletariat provides a plausible and attractive account of legitimacy in non-ideal circumstances. As I tried to suggest, Marx’s analysis of it ties in with a neutral, non-derogatory, use of the term, which goes back to a respected republican tradition and has had a long legacy in the history of political thought. It provides an interesting alternative to liberal and anarchist accounts of political obligation and a useful way of describing the authority claims of a just future state (the dictatorship of the proletariat) or criticising the injustice of the current one (the dictatorship of the bourgeoisie). It also helps us see better what is at stake in Marx’s claim about the withering away of the state and his intentionally elusive account of utopia in a communist society.

⁵⁷ Engels, “Antidürring” in *CW*, cit. vol. 279. My italics.

⁵⁸ *Ibid*, p. 280.

⁵⁹ For an argument that insists on how democracy might disappear as a regime type but emphasises the persistence of democratic fora, see Hunt cit. p. 252.