



Rethinking Marx rethinking the public

John Higgins

Prof J Higgins, Department of English Language and Literature, Private Bag X3, University of Cape Town, Rondebosch 7701; E mail: John.Higgins@uct.ac.za.

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This essay argues that the young Marx's defence of press freedom in the repressive Germany of his day is more important than the tradition of Orthodox Marxism has generally allowed, and is best considered as a crucial constitutive feature of the massively influential career as critical thinker and political activist to come. Furthermore, it is in and through Marx's reconfiguring of the idea of the public in these early writings that his work may make a significant contribution to today's most pressing debates around the practice and elusive ideal of democracy, and notably those in South Africa involving the so-called Freedom of Information bill.

Karl Marx is not usually thought of as one of the great defenders of a free press, whether by those for, against, or by now merely indifferent to the dogma associated with Orthodox Marxism. Yet this article argues that the young Marx's passionate defence of press freedom in the Germany of his day can be considered a crucial constitutive feature of the massively influential career as critical thinker and political activist to come. Indeed (and as the article further advances), it may well be that it is with the reconfiguring of the idea of the public, in and through his writings on the defence of press freedom in the early 1840s, that Marx's work may make a significant contribution to today's most pressing debates on the practice and elusive ideal of democracy, including those in South Africa involving the so-called Freedom of Information Bill.¹

1 For stimulating surveys of some recent challenges, see, for instance, Agamben *et al* (eds) 2012, and de Sousa Santos (ed) 2005. The latter includes a useful discussion of South African traditions

Indeed, if we cast aside the Cold War spectacles that draw our attention to the strangely inert and restricted figure of Marx as the ‘founder of Marxism’, there emerges the much more lively and contradictory figure of him as one of the nineteenth century’s greatest journalists and public intellectuals.² Gifted with a sharp and satiric pen, spurred on by an insatiable curiosity for the facts, and endowed with a formidable analytic and intellectual resources, Marx was the very model of what we currently call a public intellectual, and this argues that the very possibility of the category of public intellectual owes a great deal not only to Marx’s example, but to his reconfiguring of the very idea of the public in the Europe of his time. For Marx, a free press and the public space of debate it enabled was an indispensable component of the democratic society to come.

1. The Orthodox Perspective

It was Lenin who set in place the decisive frame for the Orthodox Marxist view of the young Marx’s journalism in the early 1840s. Writing, in his authoritative *Granat Encyclopedia* article of 1915, that “Marx’s journalistic activities convinced him that he was insufficiently acquainted with political economy, and he zealously set out to study it” (Lenin 1977: 12), Lenin’s prospective focus became the common starting point for orthodox readings of Marx’s work in this period. In this focus, Marx’s writing for the *Rhenish Gazette* and other newspapers is safely consigned to the same phase of juvenilia as the *Difference* dissertation, interesting – as the editors of the *Collected works* put it – only insofar as it “initiated a new stage ... in his final and complete adoption of materialist and communist positions” (Marx & Engels 1975: xxv). In this instance, I write ‘safely consigned’ with some deliberation, referring to the ways in which Marx’s explicit championing of press freedom was contrary to the “steady rise of censorship” in post-revolution Russia (Smith 2002: 154), and certainly contrary to Lenin’s own explicit call for all publishing to be “under party control” (Lenin 1977: 150).

The prospective focus offered by Lenin is in part correct, but it also suffers from a surfeit of hindsight. Marx does indeed go on to spend a lifetime of energy on the problems of political economy, and this work does culminate in his masterpiece,

of participatory democracy by Sakhela Buhlungu in which his conclusion that “the discourse of a collective participatory democratic culture has been overtaken by one of individualism and careerism” (Buhlungu 2005: 59–60) very likely underlies the muzzling of the press envisaged by the new act.

- 2 The editor of a recent selection of Marx’s journalism insists that we “should at least attempt to understand him as a journalist” (Ledbetter 2007: xviii), while for biographer Francis Wheen, Marx deserves “to be remembered as one of the great nineteenth century journalists” (Wheen 2007: xiii).

Capital. But something important is marginalised by this selective focus, notably the central object of Marx's own concerns in the *Rhenish Gazette* period, the assertion of press freedom and the related reconfiguring of the idea of the public.³

At the same time, it must also be acknowledged that Marx himself bears some responsibility for the distortion that Lenin's prospective view of the *Rhenish Gazette* writings introduces into the understanding of his intellectual trajectory. In this instance, the key text is the deliberately selective account of the development of his own thinking that he offered in the 'Preface' to *A critique of political economy* in 1859, a text that is all the more powerful for being the sole autobiographical moment in the corpus of his writings.

In the 'Preface', Marx (1859: 424) characterised his theoretical beginnings in the following terms:

In the year 1842–3, as editor of the *Rheinische Zeitung*, I first found myself in the embarrassing position of having to discuss what is known as material interests. The deliberations on the Rhenish Landtag on forest thefts and the division of landed property; the official polemic started by Herr von Schaper, then Oberpräsident of the Rhine Province, against the *Rheinische Zeitung* about the condition of the Moselle peasantry, and finally the debates on free trade and protective tariffs caused me in the first instance to turn my attention to economic questions.

For Orthodox or Canonical Marxism, the key point is Marx's "turn ... to economic questions", and the related focus on "material interests". It is with this focus on economic questions that Marxism proper begins, and each of the essays to which Marx refers – the 'Debates on the law on thefts of wood', 'Justification of the correspondent from the Mosel', and 'The industrialists of Hanover and protective tariffs' – do indeed deal with material interests and economic questions. However, for the modern careful reader, it is important to register several features of Marx's

3 For a useful general discussion of Marx's writings on press freedom, see Hardt 2000. Habermas's striking discussion of Marx on the public sphere in his *The structural transformation of the public sphere* suggests that, while Marx "denounced public opinion as false consciousness", he also believed that "to the extent that non-bourgeois strata penetrated the public sphere in the political realm and took possession of its institutions, participated in press, parties and parliament, the weapons of publicity forged by the bourgeoisie were pointed against itself" and "society itself would take on a political form" (Habermas 1999: 124, 126), a conclusion broadly in line with the arguments presented below. I borrow and adapt several formulations in my argument, in this instance, from a previous related essay, 'On representation: citizenship and critique in Marx and Said' (Higgins 2009).

account which may help to grasp what is marginalised in its particular focus and why.

First, and at the most superficial level, there is the hardly surprising fact that the author highlights the long-term nature of his scientific interest in political economy in this, his long-awaited work on political economy, in preparation for some fifteen years. Secondly, though, and in less immediately obvious or visible ways, there is a need to register the pressure of the larger, external context on the writing and address of the Preface.

Although part of the Preface belongs to the tradition of quasi-intimate dialogue between author and reader, an invisible, but pervasive third party is also involved. The Preface is intended to be 'overheard' or perhaps better 'overread' by the censor who will decide on whether to ban or confiscate the book, as had happened with Marx's *Revelations concerning the communist trial in Cologne* in 1852. Indeed, as Marx acknowledged, it was "only thanks to Lassalle's extraordinary zeal and powers of persuasion" that a Berlin publisher had been found (Marx & Engels 1975b: 119). For obvious reasons, the majority of German publishers were unwilling to accept a book likely to be censored and confiscated. Prinz (1969) was the first to point out that the way out was to make sure that the censoring authority categorised the book as a scientific work rather than a political one, and therefore not subject to censorship and potential confiscation. Hence, we have Marx's concern to assure Lassalle that the book's "presentation", that is, "the manner of treatment, is wholly scientific and hence not in violation of police regulations in the ordinary sense" (Marx & Engels 1975b: 96). The last thing Marx wanted was to remind the censor tasked to read the Preface and at this crucial moment – the publication of his long-awaited work on political economy – of his own long history of struggles against censorship, and the insistent emphasis on politics that grew to define his critique of political economy.

So it is that, while the Preface does indeed mention the fierce debate over the paper's treatment of the Moselle peasantry which contributed to the closure of the *Rheinische Zeitung*, the focus on the 'study of political economy' in the account works in his account to make this debate something less than central to Marx's concerns at the time. Yet, and as Allan Megill (2002: 83) usefully pointed out, in terms of quantity alone, no less than 40% of Marx's writing for the paper was concerned with the question of censorship. More significantly, it was in and through the struggle with censorship that he developed the particular brand and conception of radical politics – centred on a new, inclusive idea of the public – that explains and underlies the growing interest in political economy taken as decisive in Orthodox Marxism. Confronting the censorship regime in a sense forced Marx to consider just what the opposite of a censorship regime might be, and this proved to be the figure of an active and articulating democracy.

2. Öffentlichkeit and the censorship regime

We cannot capture the actual dynamics of Marx's critical thinking in this formative period unless we recognise the absolute centrality to it of Öffentlichkeit, a German term which has proved notoriously difficult to translate. The *Collected works* offers a translation into a form so archaic as to be virtually meaningless in our time: Öffentlichkeit as "publicity" – the "quality of being public; the condition or fact of being open to public observation or knowledge", as the *Oxford English Dictionary* defines it. The fact that many contemporary commentators have, to a great extent, retained this translation has tended to make opaque or invisible the highly charged sense of the term active in the Germany of Marx's time, where the question of Öffentlichkeit – broadly speaking, the right to participate and be heard in public discussion of the state's activities – formed a central point of contestation in political debates.

As the pre-eminent historian of the period, James Sheehan, puts it (usefully describing simultaneously the constituent elements of Öffentlichkeit), "the free and easy flow of news, the clash of opinions about every day events, and the circulation of ideas about politics – all essential elements in the formation of a politically informed public" had been "severely restricted" in Germany after the Carlsbad decrees of 1819, with the fact of this restriction coming under increasing and particular pressure in the *Vormärz* period (1830-1848) in which Marx was active, and in which the *Rhenish Gazette* played a small, but significant role (Sheehan 2000: 445, 623-26; Sperber 1991).⁴

4 Key moments in the development of the censorship regime include Kant's publication in 1784 of 'An answer to the question: "What is Enlightenment?"', where he asserts that 'we live in an age of enlightenment ... the century of Frederick' (referring to enlightened despot Frederick the Great [1712-1786]); the 'Wöllner Rescript' of 1794 in which, at the urging of Frederick William II (1744-1797), Kant is forbidden to publish anything further on religion. He defers, but notes in a letter that was later made public and that we discuss below that "silence in a case like the present one is the duty of a subject; and while all that one says must be true, this does not mean that it is one's duty to speak out the whole truth in public" (Reiss 2002: 2). In 1819, the Carlsbad decrees are set in place after a theology student, Karl Sand, murders the reactionary playwright August von Kotzebue. These established a system of censorship which included *Vorzensur* (pre-censorship) of published works of less than 320 pages and the right of *Nachzensur* and confiscation of others, and also gave the state the right to dismiss all 'subversive' university teachers. The Decrees were renewed in 1824, 1830, 1831 and 1832. In January 1832, Wirth establishes a Press Association to further the spread of liberal ideas. On May 27, he gives a keynote speech at the Hambach Festival, calling for political reform through increased Enlightenment and public discussion. In July, the government responds with the 'Ten articles', dramatically increasing censorship and surveillance, while in 1833 the Central Bureau of Political Investigation is formed; it surveys over 2000 people in the next decade. In 1835, the *Young Germany* writers are banned for attempting to "undermine the

Theoretically speaking, the question of Öffentlichkeit had been central to philosophical and political debate in Germany at least as far back as Immanuel Kant's prize-winning essay of 1784, 'An answer to the question: What is Enlightenment?' (Kant [1784] 2002). In this and subsequent work, Kant set in place what he viewed as a certain idea of the public, and the consequently necessary boundaries to the practice of public thinking that he nonetheless believed essential to human progress. This was a conception of the public which Marx was to decisively challenge in his *Rhenish Gazette* writings, but the new monarch, Frederick William IV, to insist on maintaining.

3. Kant's Enlightenment public

Kant's answer to the question, 'What is Enlightenment?', posed by a contributor to the *Berliner Monatschrift*, is riven between a philosophical commitment to universal enlightenment, but a commitment which is undermined and complicated by the fact that it is articulated from a social and discursive position of deference demanded by a still authoritarian political hierarchy.⁵

Kant defined Enlightenment as a collective human project, "man's emergence from his self-incurred immaturity" (Kant [1784] 2002: 54) and argued strongly that this was only possible if and only if there is "freedom to make *public use* of one's reason in all matters" (Kant [1784] 2002: 55). For the philosopher Kant, the "motto of enlightenment" is, and can only be, "*Sapere aude!*" [*Dare to know!*]. "Have the courage to use your own understanding", he writes, borrowing and adapting the Latin phrase from the poet Horace. In the essay, Kant praised the Prussian King, Frederick the Great, for the fact that there are now "distinct indications that the way is now being cleared ... to work freely in this direction", and that "obstacles to universal enlightenment ... are gradually becoming fewer" (Kant [1784] 2002: 58). In this regard, he concluded, "our age is the age of enlightenment, the century of *Frederick*" (Kant [1784] 2002: 58).

existing social order", with the Prussian College of Censors issuing a particular condemnation of the poet and satirist Heinrich Heine. All of this is the necessary background to the issuing of the new Prussian Censorship Instruction in December 1840, which promised to 'free the press from improper restrictions'.

- 5 Sthasis Kouvelakis has provided the best recent account of the complex relations between Kant, Hegel and Marx on the question of publicity. He notes how Kant "addresses himself, first and foremost, to a cultivated public and the king, whom he seeks to enlighten; he does not turn to the people with a view to inciting it to rebellion" (Kouvelakis 2003: 12), and consequently advocates a "[s]elf censorship and a willingness to respect the divide between intellectuals and the "lower orders" (Kouvelakis 2003: 14), quite alien to Marx's perspective.

Yet Kant's theoretical commitment to the "universal enlightenment" of the collective subject of humankind is complicated and undermined by the social restriction that immediately comes in to qualify access to public expression. For "by the public's use of one's own reason I mean that use which anyone may make of it as *a man of learning* addressing the entire *reading public*" (Kant [1784] 2002: 55). In practice, the freedom to make public use of one's reason in all matters does not apply to everyone, only to scholars. The "real public" (Kant [1784] 2002: 57), the "public in the truest sense of the word" (Kant [1784] 2002: 56) turns out to be the public without the people, as Kant himself was to emphasise in some of his later political writings.

In *The contest of faculties* (1798), Kant – still smarting from the prohibition that he publish no more on religion – recognises that philosophers are often viewed as a "stumbling block to the state" and, indeed, are often "decried as a menace to the state" (Kant [1798] 2002: 186). Against this view, he argues for the value of enlightened critical thinking for which he had argued in 1784, but again works more explicitly to contain this through a consideration of the social and political dynamics of address in the public sphere. Philosophers, he insists,

do not address themselves in familiar terms to the people (who themselves take little notice of them and their writings), but in respectful tones to the state, which is thereby implored to take the rightful needs of the people to heart. And if a whole people wishes to present its grievance, the only way in which this can be done is by publicity (Kant [1798] 2002: 186).

Publicity – a virtual synonym for *Öffentlichkeit*, in this instance – is, for Kant, a contradictory space: as a philosophical project, it is an open space committed to universal enlightenment, but as a political project, that space is strictly limited by its permissible forms of address. His earlier statement in the 'Theory and practice' essay (Kant [1793] 2002) summed up what was – ironically enough – to become the template for the post-1815 generation's censorship regime. While he argues that "freedom of the pen is the only safeguard of the rights of the people", this is immediately qualified by the assertion that such freedom "must not transcend the bounds of respect and devotion towards the existing constitution" (Kant [1793] 2002: 85).

All in all, Kant's thinking displays the absolute internalisation of a system of structured hierarchy that works against his philosophical plea for "universal enlightenment". Kant's problematic (in the old Althusserian sense of the term, as a closed structure of at once theoretical and ideological ideas) – in which free public use of reason is permitted, as long as it is conducted in a deferential way and that does not bring 'the people' into the equation, is still active in Marx's

time and forms an implicit dialogue with Kant throughout the freedom of the press articles.⁶ It will be noted later in this article that the specificity of Marx's position comes through in any comparison with Kant, who, while extolling the virtues of enlightenment and free debate, had nonetheless maintained that even the philosopher remained subject to the monarch, at least with regard to open public statement.

The general Kantian problematic which governs and structures *Öffentlichkeit* is still evident and powerful in the arguments for the founding of the *Rheinische Zeitung* in 1840. On 14 January, the publishers of the *Rheinische Zeitung* explained their decision to found a new paper on the grounds that, currently, the "public sphere (*Öffentlichkeit*) is in the hands of a single monopoly", this single monopoly being the existing newspaper for the region, the *Cologne Gazette*. There was a pressing need, they write – "from the material, intellectual and political point of view" – for greater *Öffentlichkeit* in the area, with *Öffentlichkeit* specifically defined in this context as the "guarantee of the freedom of all interests [which] possess a legal right to represent themselves in civil life" (my translation, JH; Lascoumes & Zander 1984: 47)]. It will be noted later in this article that precisely what was at stake for Marx increasingly became both the principle of the right to legal representation in civil life, but also the practice of such representation: the increasingly pressing question of the form and style of that representation as Marx began to perceive the dual political-semiotic nature of what democratic representation (another potential translation or figuring of *Öffentlichkeit*) might be in practice.

Duly considered, I suggest that *Öffentlichkeit* – and not political economy – is, in fact, the central term or focus of Marx's work in this early, formative period. It is so because it stands precisely as the mirror image of, or opposite to the structures of repression and censorship that constituted the political life of the Germany of the time, a political life which Marx characterised as 'despotic' in a deliberately provocative way.

4. 'Comments on the latest Prussian Censorship Instruction'

Frederick William III died in June 1840, having ruled Prussia with an iron hand since 1797. His son acceded to the throne in June 1840, and hopes were high that he would prove more enlightened than his father, and open Prussia up to the constitutional reform promised, but endlessly deferred by his father since the formation of the German Confederation in 1815. On 10 August, the king issued

6 | For Althusser's classic discussion of the problematic, see Althusser & Balibar 1977: 25–8, 153–5.

an amnesty for all political criminals; on Christmas Eve 1841, he issued a new Censorship Instruction, promising to “free the press from improper restrictions” (Marx 1842a: 109).

Marx, however, was not deceived. For him, the new Instruction fully embodied the reactionary ‘Romantic’ spirit which had already been apparent in the medieval pomp surrounding the new monarch’s inauguration ceremonies. These “confirmed my suspicion that all issues would now become purely personal”, as he wrote to his friend Arnold Ruge in May 1843. From now on, Frederick William IV’s

own heart and mind would constitute the basic law of the Prussian domains, of *his* state; and in Prussia the King really is the system. He is the only political person. His personality determines the nature of the system. Whatever he does or is made to do, whatever he thinks or puts into his mouth, constitutes the thought and action of the Prussian state (Marx 1843c 1992: 203).

This, wrote Marx, promised nothing less than “the comedy of despotism”.⁷ Still smarting from the appointment of Hegel’s arch-rival, the now arch-conservative Schelling, as Professor of Philosophy at Berlin in November 1841, he composed a lengthy response to the new Instruction.⁸ This was intended for publication in the radical young Hegelian journal, the *Hallische Jahrbücher*, “if the censorship does not censor my censure” (Marx & Engels 1975a: 381). This indeed happened, and the article was only published a year later, safely outside the blanket of the censorship regime, in Zurich. ‘Comments on the latest Prussian Censorship Instruction’ offered a devastating critique of the Instruction, pointing out how – despite its many promises of a greater liberalisation – what it has to offer is, in many respects, worse than its predecessor, a ‘Romantic’ form of coercion and control that looked back to an idea of the restricted public as the system of feudal and authoritarian relations between monarch and subjects that the enlightened rationalism proposed by Kant had tried hard to mitigate.

The new Instruction began by promising to open up more space for free expression, and even asserted “the value and need of *frank* and *decent* publicity” (Marx 1842a: 353). It insisted that “the censorship should not prevent serious

7 Deliberately echoing Hegel’s (1991: 104) influential definition of despotism as a state where only “One is free”, the monarch.

8 Schelling was specifically appointed to Berlin University by the new king to seek to “uproot the dragon seed of Hegelianism” from the universities. Marx immediately shifted the venue for the examination of his doctoral thesis from Berlin to Jena, where it was successfully granted on 15 April 1841, just nine days after submission. He also criticised the now conservative Schelling openly in the thesis for his shift from his earlier, more democratic positions.

and modest investigation of the truth, nor impose undue constraint on writers” (Marx 1842a: 111), and even claimed that criticisms of the government “are not to be rejected because they are written in a spirit that does not agree with the government’s views, as long as their formulation is decent and their *tendency well-meaning*” (Marx 1842a: 119; Marx’s italics). Marx’s italics – as usual – take us to the core of the argument, and the ways in which the new Instruction’s apparently innocent appeals to stylistic criterion (decent formulations, modest investigations of the truth), in fact, mask or cover over the despotic power of the censor as he effectively stands in for “the only political person”, the new king.

For all of this claimed new openness, argued Marx, ultimately depended entirely on the “temperament of the censor” (Marx 1842a: 113), on his subjective interpretation of what constitutes “frankness” and “decency”, on what he counts as “serious” and yet “modest” investigation of the truth, on his judgement of the difference between “undue” and appropriate restraint on writers. In particular, Marx highlighted how laws against “tendency” in making “their main criterion not *actions as such*, but the *frame of mind* of the doer” have “no objective standards”, and rest entirely on the individual and subjective judgement of the censor. Such laws, he insists, are no more than “laws of terrorism”, and – making sure to add a historical comparison to the French Revolution that is certain to infuriate the conservative regime – are laws “such as were invented owing to the emergency needs of the state under Robespierre”. Above all, he argues, any “law which punishes tendency abolishes the equality of citizens before the law” (Marx 1842a: 120). At the centre of the dispute is the contrast between the emerging idea of the nature of a fully democratic conception of the public, and the older notion of a restricted public, the public without the people.

In his continuing arguments, Marx sets Kant’s philosophical conception of the necessity for the public use of reason against the social and political restriction that he had built into it. *Contra* Kant’s definition of enlightenment as the emergence from immaturity, the call for censorship amounts to no less than a commitment to “the thesis of the *permanent immaturity* of the human race” (Marx 1842b: 153); it entails a conception of the citizenry as “a crowd of adults who are to be educated from above” (Marx 1842b: 193) quite contrary to the spirit of Kant’s enlightenment. Against this, he sets the core democratic idea of a political community regarded “as an association of free human beings who educate one another” (Marx 1842b: 193).⁹ In this conception, the press – and the space of critique it allows – has a crucial role to play in the modern state. This

9 Compare also Kouvelakis’s instructive commentary on this formulation, noting (though in particular relation to Marx’s relation to Hegel) that “What disappears as a result is the state as abstract universality and power exercised from above” (Kouvelakis 2003: 265).

powerful role explains Marx's direct challenge to the new Censorship Instruction, his insistence that the "real, *radical cure for the censorship* would be its *abolition*" (Marx 1842a: 131) and not the 'improved' strictures of the new Instruction.

Radical, as Marx elsewhere reminds us, means "to grasp things by the root" (Marx 1844: 251). What he finds at the root of censorship is not a simple aesthetic question of style, as the Instruction would have it, but rather the complex question of the politics of representation: of who has the right to speak, who has the right to make public representations. "Representation must not be conceived as something that is not the people itself", he writes in 'On the commission of the estates in Prussia' (Marx 1842c: 306). "It must be conceived", he insists, "as the people's self-representation ... as the self-reliant vitality of ... the *free human being*" (Marx 1842c: 306). The alternative to this – fully embodied in the new Censorship Instruction – is a silencing of the people, a return to the feudal relations of domination in which "the slave serves in silence and the owner of land and people rules as silently as possible" (Marx 1843b: 205). In 'the comedy of despotism' that is the new regime of Frederick William IV, silence is – impossibly – "the only possible means of communication" (Marx 1842c: 306).

This was precisely the silence that Kant himself had openly advocated in the face of censorship, writing that "silence in a case like the present one [where he was prohibited from writing more on religion by order of Minister Wöllner in 1794] is the duty of a subject; and while all that one says must be true, this does not mean that it is one's duty to speak out the whole truth in public" (Reiss 2002: 2). What this amounted to – as Marx's friend Arnold Ruge put it in August 1842, commenting on Kant's statement – is that the "*subject* in Wöllner's state was not permitted to be a *philosopher*" (Ruge [1842] 1997: 222), and concluding, with considerable dismay, that "even Kant, this *anima candida* (candid soul), was a diplomat" (Ruge [1842] 1997: 220). The silence of a subservient diplomacy was not a compromise Marx could accept. As he was to make abundantly clear in his reply to Minister von Schaper's criticisms of the newspaper's coverage of the increasing poverty of the Mosel wine region, his new conception of the public demanded that both the philosopher and the journalist had to be granted the rights to speak up of the citizen, rather than internalise the duty of a subject to keep quiet.

5. 'The justification of the correspondent from the Mosel'

In December 1842, the paper carried two articles on the increasing poverty and distress of the peasantry in the Mosel wine-growing region; the second of these drew particular attention to the apparent indifference of state officials to the situation. The *Oberpräsident* of the Rhine Province, Herr von Schaper, took

exception, and demanded an immediate response and apology from the paper. He rejected the idea that “the Mosel population had been forbidden to discuss publicly and frankly its state of distress”; angrily denied the claim that the “cry of distress of the vine-growers was for a long time regarded in higher quarters as an *insolent shrieking*” (Marx 1843a: 336), and demanded to know the factual basis for these accusations or withdraw them.

The author of the main offending article, a local lawyer from the region, P J Coblenz, was not up to the task; Marx, as editor, took it upon himself to reply in January 1843. ‘The justification of the correspondent from the Mosel’ deepens and develops Marx’s arguments on the importance of press freedom to democracy, and extends the earlier analysis of the politics of style and standpoint. Ironically enough, his virtuoso defence of press freedom provided the very pretext the government had been seeking for the closure of the newspaper.

Von Schaper demanded facts; instead, Marx provided a subtle analysis of the difficulties to be faced in any attempt at arriving at the facts. The beginnings of a critical analysis of the situation needed to start from the necessary recognition that the “whole truth” of a situation “appears at first only as the emergence of a number of different, individual points of view” (Marx 1843a: 333). With specific regard to the situation in the Mosel region, two different points of view clash, while a third is entirely unrepresented. Public officials view the entire matter differently to the private individuals concerned, while the views of the poorest of the viticulturists who have “neither the time nor the education to describe [their] condition” go entirely unrepresented (Marx 1843a: 343). He demonstrates this clash – and the consequent difficulty of establishing the facts of the matter – by simply juxtaposing and comparing the official report on the situation, compiled by the chief tax inspector of the region, Herr von Zuccalmaglio, with the responses to it made by the *Society for the Promotion of Viticulture* (Marx 1843a: 338).

There are numerous differences between the two versions. The official report claims that a labour-intensive method of shoot removal is new to the region; the board claims that this “is not the case”. The report claims that the cost of wine barrels is included in the cost of wines, the board that it is not. The official report concludes that “the present position of the wine-growers has arisen because the earlier state of affairs was an unnatural one, for which the imprudent are now paying” (Marx 1843a: 340), and that the Mosel viticulturists are guilty of deploying “vivid description [to] obtain for ourselves all possible advantages” (Marx 1843a: 341). The Society rejects these assertions, and insists that they and they alone have rendered a “frank and truthful description” (Marx 1843a: 341) of the current state of affairs.

Briefly, the 'dialogue' proves in reality to be no more than a dialogue of the deaf. The official whose task it is to give expert information on the state of distress is "an official who himself took part in regulating the situation in the Mosel region" (Marx 1843a: 343). Consequently, "what could be more natural than he should take sides against the petitioner", and that, instead of using the data provided by the memorandum, "he tries to refute them" (Marx 1843a: 343). Similarly, the viticulturists "who have observed the real poverty of others [and] who see it gradually coming closer even to themselves" (Marx 1843a: 343) are predisposed to believe that "reality itself has been distorted under the influence of a one-sided and arbitrarily established point of view". Hence, writes Marx (1843a: 343-4),

they oppose the overweening presumption of officialdom; they point out the contradiction between the real nature of the world and that ascribed to it in government offices, contrasting the practical proofs to the official proofs ... they conclude ... that the expert official who comes into contact with their conditions of life will not give an unprejudiced description of them precisely because these conditions are partly the result of his activities, whereas the unprejudiced official, who could give a sufficiently impartial judgement, is not an expert.

Always, Marx suggests, "alongside the actual reality, a *bureaucratic* reality, which retains its authority however much times may change" (Marx 1843a: 345). What is engaged in this clash is a more or less permanent "*contradiction between reality and administrative principles*" (Marx 1843a: 347).

What counts for Marx in this dialogue of the deaf is the recognition of the different standpoints that confront and talk past each other: the official standpoint and the private standpoint. Marx locates the social and political need for a free press in the contradiction between reality and the discursive standpoints which lay claim to it.

In this whole argument, in which the question of style becomes a matter of the substance and structure of social and political relationships, Marx crucially transforms the central idea of standpoint.¹⁰ In the clash between the differing standpoints of the official reporter and the viticulturists, the term loses something of its ordinary subjective connotation and becomes instead the site of an objective social relationship. He puts it like this:

10 Williams's description of style as above all a matter of social relationship is apposite here. For this, see Higgins 2001: 91-3.

In investigating a situation *concerning the state* one is all too easily tempted to overlook the *objective nature of the circumstances* and to explain everything by the *will* of the persons concerned. However, there are *circumstances* which determine the actions of private persons and individual authorities, and which are as independent of them as the method of breathing. If from the outset we adopt this objective standpoint, we shall not assume good or evil will, exclusively on one side or the other, but we shall see the effect of circumstances where at first glance only individuals seem to be acting. Once it is proved that a phenomenon is made *necessary* by circumstances, it will no longer be difficult to ascertain the *external* circumstances in which it must *actually* be produced and those in which it could not be produced, although the need for it already existed. This can be established with approximately the same certainty with which the chemist determines the *external* conditions under which substances having affinity are bound to form a compound (Marx 1843a: 337).

What could better describe the core of Marx's critical thinking than seeing "the effect of circumstances where at first glance only individuals seem to be acting"? It is this insight – grounded in the discussions of press freedom and the contrasting ideas of a restricted and open public – which comes to constitute a key dimension of Marx's critical thinking, the "base and superstructure theory" in which the possibilities for agency are determined by structure. The driving force of the *Communist manifesto*: the theoretical frame is first sketched out as such in the 1859 'Preface'; it becomes the key explanatory hypothesis in the *Eighteenth Brumaire of Louis Napoleon* and explains why, in *Capital*, "individuals are dealt with only in so far as they are the personifications of economic categories, the bearers of particular class-relations and interests" (Marx [1867] 1976: 92).

At this point, the "objective standpoint" – the standpoint above the conflict of interests – is to be provided by the free press. "In order to solve this difficulty" – the difficulty of the clash of interests described above – Marx writes that

the rulers and the ruled alike are in need of a third element, which would be political without being official, hence not based on bureaucratic premises, an element which would be of a civil nature without being bound up with private interests and their pressing need. This supplementary element with the head of a citizen of the state [*staatsbürgerlich*] and the heart of a citizen is the free press (Marx 1843a: 349).

What counts for Marx, in this instance, is that the free press provides an open political space, the space of a free public, the very space of what becomes the guiding thread of Marx's writings, the idea and practice of critique. He writes:

In the realm of the press, rulers and ruled alike have an opportunity of criticizing their principles and demands, and no longer in a relation of subordination, but on terms of equality as citizens of the state [*in gleicher staatsbürgerlicher Geltung*]; no longer as individuals, but as intellectual forces, as exponents of reason (Marx 1843a: 348-9).

The free press, in other words, came to embody the principles of that philosophy turned outwards to critique that Marx had sought (but notably failed) to articulate in his doctoral dissertation, but which remained the constant guiding force of his critical thinking.¹¹

With the free press firmly put in place as the necessary 'third element', Marx achieved the brilliant turning of the tables he had promised at the outset, demonstrating – against von Schaper – that “the need for a free press necessarily arises from the specific character of the distress of the Mosel region” (Marx 1843a: 336). The free press, he concludes triumphantly,

brings the people's need in its real shape, not refracted through any bureaucratic medium, to the steps of the throne, to a power before which the difference between rulers and ruled vanishes and there remains only equally far removed *citizens of the state* (Marx 1843a: 349).

But there was the rub. For at stake are two completely opposed notions of the public. Marx's public was one composed of, and constituted by the *citizens* of the modern democratic state to come. Frederick William IV's idea of a public was one made up of the silent and obedient *subjects* of a monarchy in which the king realised his powers, and his loyal subjects their obligations.¹²

11 See Marx's doctoral dissertation, *Difference between the Democritean and Epicurean philosophy of nature*, and notably its baffling discussion of critique as the “turning towards the outside of philosophy” (Marx 1841: 86). For an excellent overview of the idea of critique in Marx, see Renault 1995.

12 Something like King Mswati of Swaziland's sense of a 'monarchial democracy', lest we think Marx's discussions of the 1840s stand at too great a distance from us! See 'Mswati declares Swaziland a "monarchial democracy"', *Mail and Guardian* (<http://mg.co.za/article/2013-09-03-mswati-declares-swaziland-a-monarchial-democracy>).

6. Conclusion

Marx's rethinking, in his articles defending press freedom, of the idea of the public belongs, of course, to the longer history of the struggles for democracy in and through the nineteenth century; but not, I think, only to that period. As is becoming increasingly clear throughout the world, struggles concerning the understanding and practice of democracy, and the place of the public and of public reasoning in democracy as well as struggles over the definition and practice of press freedom are far from over.

In South Africa, the rereading and reconsideration of Marx's somewhat neglected writings on press freedom may well be worthwhile, especially with regard to their core emphasis on the necessity, for any democratic society, of a deliberating and self-educating public. What might Marx have made of the current government's moves to currently institute a new Freedom of Information Act in South Africa? Very likely he would have brought to bear the insight that powered both his journalism and the profound researches into historical and theoretical understanding that do, in fact, make the great contradictory and unfinished project of *Capital* his key work for later generations. This was the simple recognition that "private interest cannot bear the light of public knowledge and debate" (Marx 1842c: 261).¹³

In the present day, as in 1841, he might well have remarked that "Government hears only *its own voice*, it knows that it hears only its own voice, yet it harbours the illusion that it hears the voice of the people, and it demands that the people, too, should itself harbour this illusion" (Marx 1842b: 167-8). For Marx, as for us, the task of a free press is to constantly shatter that illusion and, in so doing, to open up the necessary space for a *dissensual* public to emerge.¹⁴

13 Compare Jakes Gerwel's telling remark on recent critiques of the South African Constitution from the ruling party itself, in the final interview given prior to his untimely death, and particularly his comment "I thought that was just plain politics from people who had found themselves on the wrong end of the law. In my view our judiciary, particularly the Constitutional Court and our Supreme Courts, have been quite exemplary in the way that they exercise their powers. Those who cry foul are normally those who deem themselves to have suffered under the law. It's purely self interest. Our Constitution, as you say, is one of the proudest achievements of our society" (Higgins 2013: 240).

14 I take the term 'dissensual' from the important work of political theorist Jacques Rancière. See, in particular, Rancière 2010.

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