

Claude Lefort

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The Political Forms  
of Modern Society

Bureaucracy, Democracy, Totalitarianism

Edited and Introduced by  
John B. Thompson

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# Preface and Acknowledgements

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The essays in this volume were originally published between 1948 and 1981. They represent a selection of some of Lefort's most important work on the political, symbolic and historical characteristics of modern societies.

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I am also grateful to Librairie Droz, Éditions Gallimard and Librairie Arthème Fayard for their willingness to allow us to translate and reproduce the essays. Most of the essays originally appeared in various journals before being gathered together in the volumes published by Droz, Gallimard and Fayard. Details of previous publication are given below.

- 1 'The Contradiction of Trotsky', originally published as 'La contradiction de Trotsky et le problème révolutionnaire', *Les Temps Modernes*, 39 (1948-49); reprinted in Claude Lefort, *Éléments d'une critique de la bureaucratie* (Geneva: Droz, 1971), pp. 11-29.
- 2 'Totalitarianism Without Stalin', originally published as 'Le totalitarisme sans Staline: L'U.R.S.S. dans une nouvelle phase', *Socialisme ou Barbarie*, 14 (1956); reprinted in *Éléments d'une critique de la bureaucratie*, pp. 130-90.

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- 3 'What is Bureaucracy?', originally published as 'Qu'est-ce que la bureaucratie?', *Arguments*, 17 (1960); reprinted in *Éléments d'une critique de la bureaucratie*, pp. 288-314.
- 4 'Novelty and the Appeal of Repetition', originally published as the postscript to *Éléments d'une critique de la bureaucratie*, pp. 351-62, under the title 'Le nouveau et l'attrait de la répétition'.
- 5 'Marx: From One Vision of History to Another', originally published as 'Marx: d'une vision de l'histoire à l'autre', in Claude Lefort, *Les Formes de l'histoire: essais d'anthropologie politique* (Paris: Gallimard, 1978), pp. 195-233.
- 6 'Outline of the Genesis of Ideology in Modern Societies', originally published as 'Esquisse d'une genèse de l'idéologie dans les sociétés modernes', *Textures*, 8-9 (1974); reprinted in *Les Formes de l'histoire*, pp. 278-329.
- 7 'Politics and Human Rights', originally published as 'Droits de l'homme et politique', *Libre*, 7 (1980); reprinted in Claude Lefort, *L'Invention démocratique: les limites de la domination totalitaire* (Paris: Fayard, 1981), pp. 45-83.
- 8 'The Logic of Totalitarianism', originally published as 'La logique totalitaire', *Kontinent Skandinavien*, 3-4 (1980); reprinted in *L'Invention démocratique*, pp. 85-106.
- 9 'The Image of the Body and Totalitarianism', originally published as 'L'image du corps et le totalitarisme', *Confrontation*, 2 (1979); reprinted in *L'Invention démocratique*, pp. 159-76.
- 10 'Pushing Back the Limits of the Possible', originally published as 'Reculer les frontières du possible', *Esprit* (1981); reprinted in *L'Invention démocratique*, pp. 317-31.

Most of the essays are published in this volume without alteration. However, I have edited some of the essays in Part I, in so far as they contained material which was repetitive or which was too closely tied to the original circumstances of their publication. All deletions are indicated by ellipses in square brackets.

The material has been translated by several individuals. Alan Sheridan translated essays 1, 2, 7, 8 and 9. Essay 5 was originally translated by Terry Karten and published in *Social Research*, 56 (1978), pp. 615-66; I am grateful to the editor of *Social Research* for permission to reprint this translation. I translated most of the remaining material and I revised the entire manuscript in order to render style and terminology consistent throughout the volume.

*Preface and Acknowledgements*

I accept responsibility for any errors or infelicities that may remain.

When Lefort quotes from texts which have been translated into English, the standard English translations are used wherever possible. Occasionally it was necessary, however, to alter the existing translation in order to stay close to the French text quoted by Lefort. All such alterations are clearly indicated in the notes.

J.B.T., Cambridge, August 1985

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## Politics and Human Rights

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Not long ago, the review *Esprit* organized a conference around the theme, 'Do human rights constitute a form of politics?'. It is a question worth asking. But, in my view, it calls for a second question: Do human rights belong to the sphere of the political? Moreover, should one not relate both questions to a third which is logically prior to both: Are we justified in speaking of human rights, and what do we mean by the term? If we believe that there are rights inherent in human nature, can we do without a definition of what is characteristically human? It is true that to confront this or the first question head on would be somewhat foolhardy. Not only would we run the risk of getting caught up in a reflection which would obscure our initial purpose, but the answer would no doubt remain elusive. The fact is that one of the most penetrating thinkers of our time, Leo Strauss, prepared the way for such a reflection without going so far as to reach a conclusion. We can learn from his book, *Natural Right and History*, that the question of human nature was in no way settled by the abandonment of the premises of classical thought, that it has continued to haunt modern thought and has become more complicated as a result of the contradictions engendered by positive science and historicism. Such a lesson is certainly not insignificant, but it does leave a great deal of uncertainty. And yet if we have to abandon a set of questions on the grounds of their difficulty, there is a danger that we will cut ourselves off from them entirely. The question that concerns us would be debased; we would continue to ask ourselves only if we could avail ourselves of the idea of human rights, of the demands that are inspired by them, with a view to mobilizing collective energies and converting them into a force capable of standing up to other forces in what is called the political arena. We would argue



in terms of utility, even though we would invoke the noble motive of resistance to oppression.

How, then, can we avoid the facilities of pragmatism, without giving way to the vertigo of philosophical doubt? It seems to me that the best way of approaching the matter is to begin with the second question. In fact, this question serves as a hinge for the other two. Nothing rigorous can be said about a politics of human rights until one has examined whether these rights have a properly political significance; and nothing can be said about the nature of the political that does not involve an idea of human existence or, what amounts to the same thing, of human co-existence.

Moreover, it should be pointed out that this question arises in the specific historical conditions in which we find ourselves; it testifies to a new sensitivity to issues of politics and rights. It is a question which must be confronted by all those who are no longer satisfied with an analysis in terms of relations of production, still less in terms of ownership, and for whom the abandonment of the perspective of communism has in no way led to a withdrawal into a religious or moral vision of the world, but has led, on the contrary, to the search for new modes of thought and action.

The spread of Marxism throughout the whole of the French Left has long gone hand in hand with a devaluation of rights in general and with the vehement, ironic or 'scientific' condemnation of the bourgeois notion of human rights. And we should note in passing, before coming back to this point, that, for once, Marxism was not unfaithful to the inspiration of its founder; Marx's famous critique of the 'rights of man' in *On the Jewish Question*, though a product of his youth, was not contradicted by his later works, nor by the contributions of his heirs. Quite recently, Marxism has begun to change its tone; it has taken on a liberal phraseology, while a small number of ideologues, who previously presented themselves as the intransigent guardians of the doctrine, have turned against it. We all know where the shock came from. The discovery of the extent of the system of concentration camps in the Soviet Union, through the flood of information diffused by the victims of the Gulag, with Solzhenitsyn foremost among them, followed by the efforts of dissidents throughout the socialist states, availing themselves of the Helsinki Agreements in order to demand respect for human rights, have had a most disturbing effect on many minds. These rights no longer seem to be formal, intended to conceal a system of domination; they

are now seen to embody a real struggle against oppression. From now on, those who disapprove or condemn repression in the countries of the East feel obliged to recognize that these rights have a value here, in the context of so-called bourgeois democracy, and to declare that the establishment of socialism would have to safeguard them.

Yet what do we hear in the new declarations in favour of human rights? Either they are defined as the indispensable complement of a good regime, a complement which is still lacking in socialism but which will be added at some future date, or they provide proof of an independence of mind or heart in face of the sinister constraints of politics. While some dream only of remodelling socialism so that it may acquire a 'human face', others are content to invoke the humanity of man in order to defend it against the aggression of the state – an evil state, whatever its nature. It is as if, on the Marxist side, human rights have made it possible to rediscover the virtues of the '*supplément d'âme*' and, on the side of the destroyers of socialist idols, they have led to the re-establishment of the opposition between the individual and society, or that between the inner man and the man enslaved in the city.

The action of the dissidents has certainly given rise to a revaluation of human rights, but few attempts have been made to assess its significance. Most of the dissidents, it is true, declared that they had no wish to 'get involved in politics'; this made it all the easier for those in the West who did not wish to hear. But what did those declarations mean? It is true that they had no political ambitions, that they were not seeking to overthrow the established power, to propose a new programme for the government, to create an opposition party, or to develop some new doctrine in opposition to Marxism. They demanded no more than the guarantees in force in the democratic nations, without which there was neither liberty nor security for the citizen. However, there is no need to attribute hidden intentions to them in order to discover the political sense of their action. For as soon as the rights that they are demanding become incompatible with the totalitarian system, it is only too clear that they are involved in politics, even though they have no political aim, programme or doctrine; and it becomes equally clear that these rights turn out, in practice, to be bound up with a general conception of society – of what was once called the *polis* or city – which totalitarianism directly negates. What is new in recent years, in the Soviet Union and Eastern Europe as well as in China, is not, I would

suggest, that individuals are protesting against the arbitrary action of the police, denouncing the subjection of the courts to the state and demanding specific liberties, but rather that they are now placing their action under the sign of the defence of human rights; and what is also new is not, of course, that they are persecuted for their opinions and condemned without being able to defend themselves, but rather that human rights have become, through them, the enemy of power. A fundamental opposition is thus emerging – beyond the fact, which has long been established, of the coercion exercised on individuals and groups – between a totalitarian model of society (whatever its many variants may be, Stalinist or neo-Stalinist, Maoist or neo-Maoist) and a model which implies the recognition of rights.

This opposition is not one which has exercised the minds of what is called the Left in France. On several occasions, the Communist Party, notably through its general secretary, Georges Marchais, has protested against the arrest and imprisonment of dissidents. His recent statements on the Prague trials were particularly strongly worded. But when he declares that one cannot prosecute individuals for having the wrong opinions, who bothers to ask him if the defence of human rights is the expression of an opinion? And when he claims his allegiance to those rights, who bothers to ask him what their political implications might be? Before the break-up of the Union of the Left in France, the socialists were happy to exploit the protestations of the Communist Party in the interests of their electoral strategy, delighted at being able to present their ally as a party that had been won over to the cause of democracy. But was this mere opportunism? It is worth asking the question. For I believe that their attitude testifies just as much to their inability to conceive of human rights as anything other than the rights of the individual. They share this conception with the majority of the French Left, whether actually Marxist or merely imbued with Marxism. In fact, the non-communist members of the Left wish to be both liberal and socialist. As liberal, they readily invoke the principles of 1789 (which does not prevent them, in all likelihood, from adoring Robespierre) and are content to imagine a happy *mélange* of socialism and freedom. Their blindness with regard to totalitarianism finds an explanation here. When they read the ever-increasing mass of documented evidence, they are certainly capable of discovering all the signs of a new system of domination; but they go no further than to conclude that bureau-

cratic power is distressingly arbitrary. And although they condemn the vices of this system, they continue to regard the regimes of the Soviet Union, Eastern Europe, China or Vietnam as socialist (only the case of Cambodia leaves them perplexed). Beneath all these judgements lies the tenacious idea that reality is to be defined at the level of the relations of property and relations of power; as for the issue of rights, when it is seen as anything more than a rationalization of these relations, it is installed in the sanctuary of morality, a sanctuary that each individual carries within himself.

So we should not be surprised by the ease with which the communists combine criticism of the trials of the Soviet dissidents with defence of a regime presented as 'positive in an overall sense'. They have room to manoeuvre, for they are borrowing a logic which is not their own but which they turn skilfully to their advantage. But it is still not enough to observe how this logic governs the thinking of the Left; we must also see how it operates outside its frontiers. Modern conservative thinking does not doubt that relations of property and relations of power constitute the essence of politics, however keen it is to extol the values of democracy. Of course, it regards individual liberties and the guarantees accorded to the security of citizens as sacred. But it scrupulously distinguishes between what falls within the domain of morality and what falls within the domain of politics, where the latter concerns the competition for power and the necessities of preserving the established order or the *raison d'état*.

Hence there is a general indifference with regard to the violations of rights committed by political figures: it is accepted that every means will be used to defend their position, just as it seems to go without saying that relations between states are determined by interest or by the imperatives of power. This would explain, for example, the cynical reactions of many people when the scandal of the Watergate Affair burst in the United States some years ago.

The Communist Party is thus protected from the criticisms which would penetrate most deeply. When it reproves the methods of Stalinist repression or what is left of them, some are amazed at what they hear; others attack it for speaking out too late, too timidly, too seldom. Its enemies, who regard the Party's statements as hypocritical, are worried about their positive effect on liberal voters. But no one comes forward to say whether or not the Soviet state's aggression against rights is an aggression against the social body. The question is not asked, because it would imply the idea that rights are constitutive

of politics. Yet, without such an idea, it may be noted in passing, one cannot even say that the defence in principle of individual liberties is incompatible with the justification of Stalinism. One is content to reduce human rights to those of individuals in order to bring out, at a distance from the latter, an order of reality *sui generis*. Henceforth the only relevant problem is whether, in given historical conditions, the preservation of the state could, or can at present, accommodate itself, and to what degree, to the exercise of such rights. From now on, the facts decide what is right. In other words, it is a question of examining whether certain coercive methods of government were deduced, or are being deduced, from the need to preserve a political system – socialism – or whether they were and still are going beyond such needs. In this context, the communists may quite safely concede to their liberal interlocutors that arbitrary arrests for holding the wrong views, let alone the concentration camps, are to be condemned, but this condemnation is carefully adapted to the criterion of realism, in accordance with the convention, *accepted on both sides*, that the violation of human rights is a violation of individual rights, of rights which are not political. Thus they are able to demonstrate that errors of government, of which individuals (even if they amount to millions) were victims, do not allow us to call into question the nature of the state, since the latter is distinct from the nature of individuals, since the state obeys laws and is subject to constraints which are specific to it. And they can still declare that the definition of Stalinism as a historically determinate form of socialism cannot be placed in question by the investigation of what are called its 'excesses', since these excesses are merely the by-products of an initial excess of political authority, which is itself unassailable since it was required by the imperatives of social cohesion. But irrespective of the way that the communists defend their point of view, their defence is always effective, for they speak the same language as their non-communist partners or their enemies.

Now those who resolutely break with political realism and take up unconditionally the defence of human rights do not free themselves from this language, for this break is accompanied by a pure and simple refusal to think about politics. They elaborate a religion of resistance to all power and turn the dissidents into modern martyrs. But by anchoring human rights in the individual, they are unable to conceive of the difference between totalitarianism and democracy, except in terms of a difference in degree of oppression; and, by the

same token, they give new credit to the Marxist view, which, in its initial state, rightly denounced the fiction of 'abstract man' and exposed its function in the context of bourgeois society.

We must extricate ourselves from Marx's framework if we are to give the notion of human rights its full meaning. But, in doing so, we must not fall short of his thought; on the contrary, we must return to his critique of human rights, which was not at all pointless, in order to uncover the error or illusion which underlies his argument and which links it so closely to those of his present-day adversaries.

### Marx's Critique of Human Rights

It was, I said, in *On the Jewish Question* that Marx presented the central themes of his interpretation of human rights; let us therefore examine this work. Marx's interpretation stems from the conviction that the representation of these rights in the late eighteenth century, first in the United States and then in France, served only to provide a cover for the dissociation of individuals in society and a separation between this atomized society and the political community. 'Who is *homme* as distinct from *citoyen*?' Marx asks. 'None other than the *member of civil society*. Why is the member of civil society called "man", simply man? Why are his rights called the *rights of man*? How is this fact to be explained? From the relationship between the political state and civil society, from the nature of political emancipation.' And he goes on to observe: 'The so-called *rights of man*, the *droits de l'homme* as distinct from the *droits du citoyen*, are nothing but the rights of a *member of civil society*, i.e., the rights of egoistic man, of man separated from other men and from the community.'<sup>1</sup> Marx derives from these propositions a series of consequences concerning the status of opinion, in particular religious opinion, liberty, equality, property and security. What does he have to say about opinion? In sum, that it is recognized as legitimate at the moment when it seems to be a spiritual equivalent of private property. On liberty? That, defined as the individual's 'right to do everything that harms no one else', it presupposes that each individual is 'an isolated monad, withdrawn into himself'. On property? That, defined legally as each citizen's right 'to enjoy and to dispose as he wishes of his property, his income, the fruit of his labour and industry', it makes

every man see in other men 'not the *realization* of his own freedom, but the *barrier* to it'. On equality? That it simply offers a new version of the theory of the monad. And, lastly, on security? That it is 'the highest social concept of civil society, the concept of *police*, expressing the fact that the whole of society exists in order to guarantee to each of its members the preservation of his person, his rights, and his property'. It is, in short, the '*insurance* of his egoism'.<sup>2</sup>

Now the experience of totalitarianism throws a sinister light on the weaknesses of this interpretation. Totalitarianism is built on the ruin of the rights of man. However, under this regime, man is dissociated from man and separated from the community, as he never was in the past. But this is not because he is supposed to represent the natural individual; no, it is because he is supposed to represent communist man, because his individuality must be dissolved in a good body politic, the Soviet people or the party. This dissolution is at one and the same time the dissolution of the difference between man and man and of the difference between man and the collectivity. It is not because he is assigned to the limits of a private life, to the status of the monad, because he enjoys the right to have opinions, freedoms, property and security, but because this enjoyment is forbidden. Lastly it is not because civil society is supposed to be dissociated from the state, but because the state is supposed to hold the principle of all forms of socialization and all modes of activity.

It is true that Marx's interpretation claims to account for a great historical event, the transition from feudalism to bourgeois society. For him, feudalism designates a type of society in which all of the elements – material and spiritual – had a political character, in which they were incorporated into organically linked wholes, the seigneuries, the estates, the corporations, the guilds. In putting an end to this system, he observes,

the political revolution thereby *abolished* the *political character* of *civil society*. It broke up civil society into its simple component parts; on the one hand, the individuals, on the other hand, the *material* and *spiritual* elements constituting the content of the life and social position of these individuals. It set free the political spirit, which had been, as it were, split up, partitioned and dispersed in the various blind alleys of feudal society. It gathered the dispersed parts of the political spirit, freed it from its intermixture with civil life, and established it as the sphere of the community, the *general* concern of the nation, ideally independent of those *particular* elements of civil life.<sup>3</sup>

However, the historical analysis of the transition from the feudal to the bourgeois world is framed within a theory of human emancipation that determines its meaning. The entire work which we are considering, and in particular its conclusion, is convincing on this point. Marx retains from the bourgeois revolution what he calls 'political emancipation', that is, the delimitation of a sphere of politics as a sphere of the universal, at a distance from society, leaving society reduced to a combination of particular interests and individual existences, broken down into its component parts. He regards this political emancipation as a necessary and transitory phase in the process of human emancipation. And since this phase is conceived of by the bourgeoisie as the very realization of human emancipation, he sees it as the moment of the 'political illusion' *par excellence*. In this sense, political 'emancipation' and political 'illusion' turn out for him to be indissociable. And since, simultaneously, the particular elements of civil society are detached from one another as if they were independent, the political illusion coincides according to him with the illusion of the independence of these elements, or with the illusory representation of the rights of man whose aim it is to maintain it. In other words, politics and the rights of man constitute the two poles of the same illusion.

If this is the theoretical structure of the analysis of the bourgeois democratic revolution, we are entitled to ask whether it can support an analysis of the totalitarian revolution. Now it may well be necessary to reverse most of the terms in order to account for the latter. Indeed, totalitarianism tends to abolish all the signs of the autonomy of civil society, to negate the particular determinations that might compose it. Apparently, the political spirit is then propagated throughout the social sphere. The party, as the representative of the political spirit, undertakes to form an alliance between the state, which is supposed to embody the people in general, and all the institutions of civil society. However, no one who reads Marx in good faith will conclude that totalitarianism provides the formula for what he called 'human emancipation'. Among all the reasons that make such a conclusion impossible, let me mention only one: the process of the destruction of civil society entails a formidable extension of the political sphere, but certainly not its disappearance. In other words, the propagation of the political spirit goes together with the strengthening of the power which is supposed to represent the community and to decide 'what is of concern to the people in general'. In the



light of Marx's account, totalitarianism appears as that regime in which the 'political illusion' is at its peak, in which it is materialized in a state that possesses all power (or at least tries to do so). At that point, the rights of man are destroyed; the relationship between 'politics' and the 'rights of man', which Marx saw as the two poles of the same illusion, disappears. Hence we must make a preliminary observation: Marx's framework has been undermined by the events of our time. But this leads to a second observation: his critique of the rights of man, situated as it is in the context of an analysis of the bourgeois democratic revolution, was already ill-founded. This does not necessarily undermine the whole of his critique. To rush to this conclusion would be to ignore one rather remarkable fact: on many occasions, Marx confined himself to commenting on, sometimes even paraphrasing, extracts from the American Constitution, or from the Declarations of 1791 or 1793. We must, therefore, force a certain moderation upon Marx's detractors, who claim to champion the rights of man but who prefer to ignore the ambiguities in these rights, to retain nothing of the formulations that lent themselves and still lend themselves to objections, not only from Marx or Marxists, but from those who are not content to accept egoism as the rule of conduct of individuals in society. Many of those formulations, in the Declaration of 1791, which served as a model in Europe, certainly give substance to the image of a sovereign individual, whose power to act or to possess, to speak or to write, is limited only by the power of other individuals to do likewise. Moreover, it is not arbitrary to regard the right to property, stated in the last article, as the only right which can be characterized as sacred and as the one on which all the others are based. So it is not so much what Marx sees in the rights of man that ought to elicit our criticism as what he is unable to find in them. Indeed Marx falls into and draws us into a trap, which, on other occasions and for other purposes, he was very skilful in dismantling: that of ideology. He allows himself to become the prisoner of the ideological version of rights, without examining what they mean in practice, what profound changes they bring to social life. And, as a result, he becomes blind to what, in the very text of the Declaration, appears on the margins of ideology.

Let us now return to this text. Consider Marx's response to the article on liberty, which stipulates that: 'Liberty consists of being able to do everything which does not harm others'. Marx's comment is that this right turns man into a 'monad' and that it is based not on

the association of man with man, but, on the contrary, on the separation of man from man: 'It is the *right* of this separation, the right of the *restricted* individual, withdrawn into himself.'<sup>4</sup> Thus he circumscribes the negative function of 'not harming' by subordinating it to the positive function of 'being able to do everything which . . .', without taking into consideration the fact that any human action in the public sphere, however society may be constituted, necessarily links the subject to other subjects. Since this link is a primary given, which has nothing to do with particular political or institutional mechanisms (or, what amounts to the same thing, since the isolation, the monadism of the individual is strictly unthinkable), since even when he is in fact separated from his fellow men, this separation is still a modality of his relation to others, the only question ought to be the following: What, in this or that society, in this or that social formation, are the limits imposed upon the action of its members, the restrictions laid down on where they live, their movements, their ability to visit certain places, to pursue certain careers, to change their conditions of life, or on their mode of expression and communication? Instead of posing this question, Marx strangely \* ignores the lifting of the many restrictions which weighed upon human action under the *ancien régime*, before the democratic revolution; he ignores the practical significance of the Declaration of Rights, captivated as he is by the image of a power anchored in the individual and capable of being exercised only up to the point at which it encounters the power of others. Of course, he did not invent this image. It emerges in the article on liberty, it is true; but it is no less true that it disguises a new mode of access to the public sphere. \* However, much more significant is Marx's reluctance to appreciate the two articles concerning the freedom of opinion, the second of which is nevertheless as precise as it could be. In fact, he does not even comment on them in the passage devoted to the examination of the rights of man, and this omission is in itself worthy of note, for it reveals his prejudice. But the argument of *On the Jewish Question* is essentially intended to demonstrate, against Bauer's thesis, that the right to express one's religious convictions – even those of the Jews, who imagine themselves to belong to a people apart and whose beliefs apparently contradict their membership of a political community – this right merely testifies to the split that has occurred and has been sanctified by the rights of man between the individual, particular, private element, which constitutes civil society, on the one hand,

and the life of the state, on the other, between the member of bourgeois society and the citizen. Certainly it would be wrong to deduce from this argument that Marx is against religious freedom, or even, as some imprudent or foolish individuals have maintained, that he shows himself to be anti-semitic. But one must admit that freedom of conscience is for him merely the most eloquent expression of the democratic fiction – a fiction that marks, let me repeat, a necessary, but transitory, phase of human emancipation.

Now what exactly is said in the articles that Marx passes over in silence? Article 10 declares: 'No one may be challenged in his right to hold opinions, even religious opinions, provided that their expression does not disturb the public order established by law.' Article 11 states: 'The free communication of thoughts and opinions is one of the most precious rights of man, every citizen may therefore speak, write and freely print, unless what he does constitutes an abuse of that liberty in the particular cases laid down by law.' Was Marx so obsessed by his schema of the bourgeois revolution that he could not see that freedom of opinion is a freedom of relationships, just as it is said in this case to be a freedom of communication? Of course, in other writings of his youth he defended the freedom of the press. But my purpose here is not to examine the variations in his thought; all that matters is the coherence of a line of argument whose effects can still be seen, in our time, among those who certainly do not possess the generous intentions of the founder. Now the object of Marx's critique is the bourgeois representation of a society made up of individuals; it is aimed at the representation of opinion as the private property of the individual, understood as the thinking individual. This representation can indeed be discerned; but it is not adequate to the sense of the transformation which has taken place. It cannot even be translated into the language of the Declaration without being contradicted. Even supposing that the first of the two articles mentioned does not go beyond the metaphor of property, the second clearly implies that it is man's right, one of his most precious rights, to step out of himself and to make contact with others, through speech, writing and thought. Moreover, it suggests that man cannot be legitimately assigned to the limits of his private world, that he has a right to public speech and thought. Or, better still, for these last formulas run the risk of reducing communication to the operations of its agents, individuals, defined one by one as instances of man in himself, let us say that the article suggests that there is a communi-

cation, a circulation of thoughts and opinions, speech and writing which in principle falls outside the authority of political power, except in cases specified by law. It is the independence of thought and opinion with regard to power, the separation between power and knowledge, that is at stake in the affirmation of the rights of man, and not only or not essentially the split between the bourgeois and the citizen, between private property and politics. Why did Marx not see this? Why did he see the defence of opinion as merely the sign of a fiction which converts man into a monad? Why did he hold this view when he knew better than many others that, in reality, society was not reducible to a juxtaposition of individuals and when he was, therefore, quite capable of understanding that the rights imputed to individuals were embedded in a social context which bourgeois discourse could not dispose of as it wished? Let us leave the question unanswered for a moment in order to take up the contemporary debate on the freedom of opinion.

In the socialist states, it is not individual rights that are violated when people are condemned for holding the wrong opinions. And it is not a matter of errors or mistakes, of accidental infractions of legality which have to do with a defective exercise of power. Such events attest to a particular mode of constituting society, to the specificity of its political system. For the ambition of totalitarian power is to reduce public thought and speech to its pole; to encircle the public sphere – an objective, of course, that is impossible to attain and towards which it only tends – in order to convert it into its private sphere, a sphere which would ideally coincide with the ‘body’ of the Soviet people and properly belong to it, while at the same time defining its law of organization. Thus, one might reverse the common argument: when, for once, the Soviet bureaucrats allow the publication of accounts written by former prisoners of the Gulag or allow Sakharov to speak in front of foreign journalists, it is then that there is a violation of principle, the totalitarian principle, and there is perhaps an error or mistake, in any case a cruel compromise with the reality principle. But when human rights are violated, the violation exists only in the eyes of the victims; the state is acting in accordance with the nature of the regime. It does not give in to the arbitrary, it is not undergoing some return to the Stalinist fever, it is not giving a lesson to its opponents; it is not a fear of the people that is at work, since it is in the nature of tyrants to instill fear in the people – no, it is simply that the logic of the system prevents it from

\* accepting any opinion which may be seen as a sign that social life is external to power, that there is an otherness in the social sphere.

But to return to Marx – Marx, who had only bourgeois society to observe, who put all his energy into conceiving of ‘human emancipation’ and whom I would not dream of accusing of foolishness or hypocrisy. Why is he so blind to the questions of the rights of man? Why is he captivated by the bourgeois ideology of the rights of man? Let us look more closely at this blindness. He comments ironically on security, basing his case on an article in the Constitution of 1795: ‘*Security* is the highest social concept of civil society, the concept of *police*, expressing the fact that the whole of society exists only in order to guarantee to each of its members the preservation of his person, his rights, and his property.’<sup>5</sup> In fact, the commentary alters the sense of the text; for the latter stipulates that security consists in the protection afforded by society to each of its members for the preservation of his person, etc. No less remarkable is the neglect of the Declaration of 1791, which, in other respects, he exploits abundantly, and the articles of which are more precise. For instance, article 7 states: ‘No man may be accused, arrested, or detained except in cases laid down by the law and in accordance with prescribed forms. Those who elicit, expedite, carry out or have carried out arbitrary orders must be punished; but any citizen called upon or seized by virtue of the law must obey instantly; resistance will be construed as guilt.’ Article 8: ‘The law must lay down only those penalties that are strictly and obviously necessary; and nobody may be punished except under a law established and promulgated prior to the offence and legally applied.’ Article 9: ‘Any man being presumed innocent until he has been found guilty, if it is considered indispensable to arrest him, any harshness that is not necessary to secure his person must be severely punished by the law.’

I hope I will be forgiven for reminding the reader of such well-known texts, but it is useful to compare them with Marx’s interpretation. Marx is not concerned to demonstrate that the principles expressed are transgressed in practice, or even that their expression may permit their transgression – in short, he does not draw a distinction between their form and their content, as he was to do, for example, in *The Eighteenth Brumaire* when analysing the Constitution of 1848. He ignores the recognized function of the written law, the status that it acquires in its separation from the sphere of power, a status that protects it from the circumstantial exploitation by legis-

lators subject to government pressure and confers upon it the necessary authority for it to be applied even to those in government and to their agents. He brings law down to the level of empirical reality, this being conceived as the reality of individual relationships, and thus turns it into a device intended to preserve those relationships. But, it will be said, Marx denounces the utilitarian definition of the law, which is based on the idea of the egoistic individual. That is certainly true, but at the same time he exploits it, basing his own critique on the idea of generic life or the generic being. Far from merely rejecting a bourgeois interpretation of the law, he effaces the dimension of the law as such. The law, to which the Declaration refers, has no other meaning for him than that which he assigns it in the bourgeois representation. We hardly need to be reminded that Marx is not trying to defend the prerogatives of power, to free power from all constraints and to place individuals at its mercy; he is trying to conceive of a society delivered from the oppression and exploitation of human beings by one another. But, within that society, he does not envisage any particular institution and he does not make room for human rights because individuals seem to him at that point to be immediately immersed in social life, in a fully human life, or because they seem to him to breathe the same air of freedom. Such a vision prevents Marx, for example, from considering the formula 'Each man being innocent until he has been found guilty . . .' and from seeing in it an irreversible acquisition of political thought. He ignores it because this formula presupposes that there are innocent individuals and guilty individuals and third parties, the latter capable of arbitrarily confusing the innocent and the guilty or indeed of correctly distinguishing between them; he ignores it because it presupposes distinctions which are not of the order of life, but which are symbolic. Much more striking to Marx, almost to the point of blinding him, than the guarantee given to the innocent was the notion of guilt, the image of a position from which the true and the false, the just and the unjust, are enunciated, a position which reveals power and justice both in conjunction and disjunction.

So let us not be misled by the critique of bourgeois society as a society of egoism. It is true that Marx's critique of the rights of man is guided by the idea of a decomposition of society into individuals, a decomposition which seems to be the result of the unleashing of private interests, of the dissolution of bonds of dependence which were economic, social and political and which formed quasi-organic

wholes. But Marx shares this idea with a great many of his contemporaries; it is at the heart of conservative, anti-individualistic and anti-bourgeois discourse; it is even to be found in the writings of liberals. Finally, we know the extent to which it was developed in Hegel, to whom Marx explicitly refers in *On the Jewish Question*. Little would be served here by pointing out what distinguishes Marx from Burke or de Bonald, de Maistre or Guizot, Hegel or de Tocqueville, and what they have in common. In my view, what is specific to Marx – and what, paradoxically, may have enabled him to decipher a reality that the others ignored or merely glimpsed, that of the relations of production and class relations – is his rejection of the political, which is very evident even before he has fully defined his field of interpretation. The critique of the individual is carried out as soon as one adopts a theory of society in which the dimension of power, and with it the dimensions of law and knowledge (giving this term its widest sense, to include opinions, beliefs and scientific knowledge) are abolished. Such a theory does not allow one to grasp the meaning of the historical mutation in which power is assigned limits and right is fully recognized as existing outside power: this double movement becomes unintelligible, a mere sign of illusion.

However, the illusion does not exist within the society where Marx lodges it; it exists in his own mind and it forces him to give an imaginary reconstruction of the formation of the modern state. He sees this state, it should be remembered, as the complement of bourgeois society, contrasting the new system with that of feudalism. Now it is certainly his refusal to think in political terms that prevents him from examining a development which should be analysed – namely, the development of the monarchical state, a state that long before the French Revolution had established itself by destroying both the organization and the spirit of feudalism. Had he done so, Marx would never have said that the advent of the democratic state marked the moment of the institution of an ‘ideal community’. He would have had to agree that the figure of the Nation, of the People, of the agency that serves as guarantee of its unity, began to emerge in the fourteenth century, that the split of which he speaks between the universal and the particular took place for the first time in Europe as a result of the formation of the monarchy, based on a theory of sovereignty, and not as a result of the fragmentation of private interests. He would have had to agree that, far from the state arising out of the emancipation of bourgeois society, shaking itself free of the

feudal world, it was much more the case that the establishment of territorial kingdoms, unified by the common allegiance of subjects to the monarch and gradually levelled down by state power, created the conditions for the expansion of the bourgeoisie. And he would have been led, in the wake of Hegel, to investigate the modality of the state-society division, as well as that of the class division and that of the articulation of power and right. The fact is that, as soon as one engages in such an investigation, the first development of the democratic state and the establishment of human rights appear in a new light. For if they mark a mutation of the political, this mutation occurs on the boundaries of a unique history, the history of the emergence of that state which embodies right, the *état de droit*. How can we forget that this state was instituted, on the one hand, as the result of a secularization of Christian values – and, in its earliest stage, as the result of the transfer of the representation of Christ the mediator between God and man to that of the king, mediator between the political community and its subjects – and, on the other hand, as the result of a religious reworking of the Roman legacy, its transcription into a problematic of transcendence, and of the mediation of juridico-rational values, which already sustained a definition of the sovereignty of the people, of the citizen, of the distinction between public and private, etc. What, with regard to this history, does the modern ‘political revolution’ signify? Not the separation of power and right, for such a separation was essential to the monarchical state. Rather, it signifies a phenomenon of disincorporation of power and disincorporation of right which accompanies the disappearance of ‘the king’s body’, in which the community was embodied and justice mediated; and, by the same token, it signifies a phenomenon of disincorporation of society whose identity, though already figured in the nation, had not yet been separated from the person of the monarch.

Instead of speaking of ‘political emancipation’ as though it were a moment of political illusion, it would be better to examine the unprecedented event constituted by the separation of power and right – or, if we have fully appreciated what is involved in right, the simultaneous separation of the principle of power, the principle of law and the principle of knowledge. Separation, here, does not mean complete break; or, if the term break is suitable, it is only on condition that it does not efface the mode of articulation which is instituted by the break itself. Power does not become alien to right; on



the contrary, its legitimacy is more than ever affirmed, it becomes more than ever the object of juridical discourse and, similarly, its rationality is more than ever examined. But the notion of human rights now points towards a sphere that cannot be controlled; right comes to represent something which is ineffaceably external to power. No doubt the prince, in the Christian monarchical state, had to respect rights, the many specific rights that had been acquired over the centuries (for example, those of the clergy, the nobility, the cities, estates and corporations); they were rights which were rooted in a past whose memory could not be erased, rights which belonged to a kind of pact. But those rights and that pact were supposed to constitute the monarchy itself, in such a way that the prince was subjected to them only because he conformed to its nature, as if it were an exercise of his own freedom, as if he bore the rights in himself, as if he had contracted the pact with himself. Though limited, the power of the prince was nevertheless unlimited in fact, to the extent that right seemed consubstantial with his own person. Subjected to right, in the sense that the origin of this right was to be found in God or in Justice, his power extended nevertheless beyond all limits, to the degree that he dealt only with himself in the relation that he formed with his subjects. Hence a quite different mode of externality in relation to power is established as soon as right is deprived of a fixed point.

This last statement may seem somewhat excessive. For surely a new point is fixed: man. And what is more, it is fixed by virtue of a written constitution: right is categorically established in the nature of man, a nature present in each individual. But what kind of anchor point is this? As soon as we ask the question, we are confronted by a triple paradox. The first form of the paradox is this: society is now conceived as a society of free and equal individuals, a society which is ideally one, in this sense, and homogeneous. However, as we have said, beyond the declaration of natural rights, and even in their very declaration, an essential mutation is apparent, for this society now turns out to be uncircumscribable, by virtue of the fact that it cannot be related to itself in all its elements and represent itself as a single body, deprived as it has now become of the mediation of an incorporated power. In other words, modes of existence, modes of activity and modes of communication, whose effects are indeterminate and which, for that very reason, move out of the orbit of power, are now recognized. The second form of the paradox is this: the rights of man

are declared, and they are declared as rights that belong to man; but, at the same time, man appears through his representatives as the being whose essence it is to declare his rights. It is impossible to detach the statement from the utterance as soon as nobody is able to occupy the place, at a distance from all others, from which he would have authority to grant or ratify rights. Thus rights are not simply the object of a declaration, it is their essence to be declared. The third form of the paradox is this: the rights of man appear as those of individuals, individuals appear as so many little independent sovereigns, each reigning over his private world, like so many micro-entities separated off from the social whole. But this representation destroys another: that of a totality which transcends its parts. It discloses a transversal dimension of social relations, relations of which individuals are the terms but which confer on those individuals their identity, just as much as they are produced by them. For instance, the right of one individual to speak, to write, to print freely implies the right of another to hear, to read, to keep and pass on the material printed. By virtue of the establishment of these relations, a situation is constituted in which expression is encouraged, in which the duality of speaking and hearing in the public sphere is multiplied instead of being frozen in the relation of authority, or being confined in privileged spaces. One has only to consider the guarantees concerning the principle of security to realize that one cannot restrict oneself to the idea of protection of the individual. Once again, it must be said that what is called into question here is the notion of a society which would embrace, or rather include, individuals as its members and the notion of an organ which would decide their movements. It is the image of the engulfing of the particular within the social space which is destroyed.

Let us draw the consequences from these paradoxes. Once the rights of man are declared, there arises, so it is said, the fiction of man without determination. The entire critique of Marxist inspiration, but also the conservative critique, rushes into that fragile citadel and demolishes it. Thus Joseph de Maistre declared: 'I have met Italians, Russians, Spaniards, Englishmen, Frenchmen, but I do not know man'; and Marx thought that there were only concrete individuals, historically and socially determined, shaped by their class condition. With less talent, a number of our contemporaries continue to sneer at abstract humanism. Now the idea of man without determination cannot be dissociated from the idea of the *indeter-*

*minable*. The rights of man reduce right to a basis which, despite its name, is without shape, is given as interior to itself and, for this reason, eludes all power which would claim to take hold of it - whether religious or mythical, monarchical or popular. Consequently, these rights go beyond any particular formulation which has been given of them; and this means that their formulation contains the demand for their reformulation, or that acquired rights are not necessarily called upon to support new rights. Lastly, for the same reason, they cannot be assigned to a particular period, as if their meaning were exhausted by the historical function they were called upon to fulfil in the service of the rising bourgeoisie, and they cannot be circumscribed *within* society, as if their effects could be localized and controlled.

From the moment when the rights of man are posited as the ultimate reference, established right is open to question. It becomes still more so as the collective wills or, one might prefer to say, social agents bearing new demands mobilize a force in opposition to the one that tends to contain the effects of the recognized rights. Now, where right is in question, society - that is, the established order - is in question. While a class may have effective means at its disposal to exploit for its own ends and to deny others the guarantees of rights, and while power may have effective means to subordinate the administration of justice or subject laws to the imperative of domination, nevertheless these means remain exposed to an opposition in terms of right, an *opposition de droit*. This term, it seems to me, should be weighed carefully. The *état de droit* has always implied the possibility of an opposition to power based on right - an opposition like the remonstrances to the king or the refusal to comply with taxes in unjustifiable circumstances, even the recourse to insurrection against an illegitimate government. But the democratic state goes beyond the limits traditionally assigned to the *état de droit*. It tests out rights which have not yet been incorporated in it, it is the theatre of a contestation, whose object cannot be reduced to the preservation of a tacitly established pact but which takes form in centres that power cannot entirely master. From the legal recognition of strikes or trade unions, to rights relative to work or to social security, there has developed on the basis of the rights of man a whole history that transgressed the boundaries within which the state claimed to define itself, a history that remains open.

I hope it is clear that these remarks are not intended to call into question the justified criticisms brought against the actual application of human rights, or more generally against the actual formulation of the laws that are supposed to be based on them, or even against the representation that they substantiate of a liberty and an equality which would be valid for all, over and above the contingencies of social life. As long as they are made at the factual level, these criticisms are valid, whether they denounce the vices of legislation in this or that domain or the iniquities in the system of justice by attacking the interests and passions that govern them, or whether they dismantle the mechanisms by which opinion is manipulated or fabricated, or whether they show how the sacralization of property serves to mask the opposition between capital and labour. My main purpose was to bring out the symbolic dimension of human rights and to show that it has become a constitutive element of political society. It seems to me that if one ignores this dimension, considers only the subordination of juridical practice to the preservation of a system of domination and exploitation, or confuses the symbolic and the ideological, one can no longer see the damage to the social tissue that results from the denial of the principle of human rights in totalitarianism.

### **Human Rights and Democratic Politics**

I shall now venture to raise again the question with which I began. But perhaps it would be wise to reformulate it more prudently: Does the struggle for human rights make possible a new relation to politics? I would prefer to put it like that in order to suggest that it is not simply a question of examining the conditions of a particular political thought or action that has broken with ideology.

It seems that one must give a positive answer to this question and sustain it unhesitatingly with regard to the democratic societies in which we live. Indeed, it is impossible to confine the argument to the observation of totalitarianism, as I seemed at first to be doing. Under totalitarianism it is clear that human rights are annulled and that by struggling to get them recognized the dissidents are attacking the political foundation of the system. But it would still be misleading to declare simply: here, in our societies, these rights exist. For just as one has reason to say that the essence of totalitarianism is to

reject them, so one must refrain from granting them a *reality* in our own society. These rights are one of the generative principles of democracy. Such principles do not exist in the same way as positive institutions, whose actual elements can be listed, even though it is certainly true that they animate institutions. Their effectiveness stems from the allegiance that is given them, and this allegiance is bound up with a way of being in society, which cannot be measured by the mere preservation of acquired benefits. In short, rights cannot be dissociated from the awareness of rights: this is my first observation. But it is no less true that this awareness of rights is all the more widespread when they are declared, when power is said to guarantee them, when liberties are made visible by laws. Thus the awareness of right and its institutionalization are ambiguously related. On the one hand, this institutionalization involves, with the development of a body of law and a caste of specialists, the possibility of a concealment of the mechanisms indispensable to the effective exercise of rights by the interested parties; on the other hand, it provides the necessary support for an awareness of rights. Furthermore, one sees, even under totalitarian domination, especially in the Soviet Union, what use the dissidents have been able to make of the established laws of the constitution, for all their vices. This remark would merit a whole examination to itself, for it shows that in a modern society, when the religious foundations of right are destroyed, power may deny right, but it is incapable of depriving itself of its reference to it. However, since we are speaking of democratic society, it should be observed that the symbolic dimension of right is manifested both in the irreducibility of the awareness of right to all legal objectification, which would signify its petrification in a corpus of laws, and in the establishment of a public register in which the writing of the laws – like any writing without an author – has no other guide than the continuous imperative of a deciphering of society by itself.

From such a point of view, to reduce the problem of right to the terms of the Marxist critique, to oppose form and content, to denounce the language that transposes and disguises the bourgeois relations and the economic reality on which those relations are supposed to rest, is, by ignoring this symbolic dimension, to deprive oneself of the means to understand the meaning of the demands whose aim is the inscription of new rights, as well as the changes that occur in society as a result of the dissemination of those demands

and, no less, in the social representation of the difference between legitimate ways of life; lastly, it is to maintain intact the image of state power, in the tenacious conviction that only its conquest would make possible the development of something new. We can already assess the extent of this blindness, and also the extent of the tasks of a politics of human rights, by considering either the transformations that affected French society, or the forms of contestation that it has seen emerge, since the last war and still more since 1968. The inability to conceive of them politically, not so much provoked as masked by a fear of allowing the regime to take credit for them, has had strange consequences: whether they concern the family, women, children, or sexuality, whether they concern justice, the function of the magistrates or the condition of prisoners, whether they concern employment, the management of enterprises, the status of farmers or the defence of peasant property against the intrusion of the state, or whether they concern the protection of nature, we have seen either changes in legislation or the rise of new demands that, despite their failure, testify to new collective needs and, judging by the positive response that they have received, to a new social sensibility to these needs. And yet the parties or small vanguards of the Left have been able to do no more than feverishly exploit the signs of these transformations and these needs in the interests of their own strategy, introducing them as so many ingredients in their traditional programme, without ceasing to proclaim that socialism alone is able to change life.

Now is it not in the name of their rights that workers or employees challenge the right of a management to deprive them of work, that they press their claims to the point of taking over the management themselves, as happened at the Lip factory, that they rebel, here and there, against the working conditions that they have to endure, that they demand new measures for their safety? Is it not in the name of their rights that peasants, like those in the Larzac, resist the expropriation which is regarded as indispensable by the state? Is it not again in the name of their rights that women claim recognition of their equality with men, that homosexuals rise up against the prohibitions and repression to which they are subjected, that consumers band together or that city-dwellers and country people oppose the devastation of the natural environment? Are these various rights not affirmed by virtue of an awareness of right, without objective guarantee, and equally with reference to publicly recognized principles

which are partly embodied in laws and which must be mobilized in order to destroy the legal limits that restrict them? And, lastly, can one not see that under the thrust of these rights, the web of political society either tends to change, or appears more and more susceptible to change?

→ If we wish to conceive of a new relationship to the political, we should begin by recognizing that it is beginning to take shape before our eyes. So our first task is not to invent; it is to interpret, to raise to the level of reflection a practice which is not silent, of course, but which, being necessarily diffuse, is unaware of its significance in society at large and which cannot be truthfully expressed by their political formations, for the latter are concerned merely to make use of these practices and, partly and not without some success, to disarm them. What is new in the character and style of these demands? In the first place, they are not looking for an overall solution to conflicts through the conquest or destruction of established power. Their ultimate objective is not that famous inversion which would place the dominated in the position of the dominators and pave the way for the dissolution of the state. I do not mean that the existence of state power is ignored. But in a sense, it is the opposite pole of this power which must be recognized. If one considers, for instance, the turn that the struggle against redundancies has recently taken, it would be a mistake to try to reduce this struggle to its economic significance; it appeals to a social right to work, the notion of which is actually very ancient, but which acquires new vigour in opposition to the power acquired by the state. The state is less and less able to leave entirely to individuals, however powerful they may be, the right to decide on their strategy, at the whim of circumstances and power relationships. It is too involved in the management of national production, directly as an entrepreneur and indirectly as regulator of the economic system and stabilizer of social conflicts, and too dependent on the constraints of all kinds which stem from its involvement in the world. Thus one sees the formation of a *social power* in which a multiplicity of elements, apparently distinct, and less and less formally independent, combine around political power.

Now it is this social power that is shattered by the right to work, as it is articulated in the various demands coming from one branch of production, one region, one locality or some enterprise determined to rid itself of its surplus workers. The legality of actions taken by employers or bureaucrats, whose exercise, according to the conven-

tional image, the state is supposed to guarantee, as if it existed above the parties concerned, is opposed by a new idea of what is socially legitimate: an idea of such force that it sometimes gives protest a character close on rebellion, while the symbols of authority are singled out as its targets (this is evident in the occupation of the 'sacred' space of the management's offices in a factory or the sequestration of its representatives). The way in which legality is challenged in the course of demonstrations is an indication of the contestation of established legitimacy; it tends to reveal the presence of social power in places where it had been practically invisible. And, by the same token, it tends to bring out a pole of right from which power runs the risk of being dissociated. No doubt the state may always prevail by virtue of its monopoly of legitimate violence and make recourse to its traditional means of coercion. It does this, from time to time, when the danger seems to be sufficiently circumscribed. But the concessions granted by the government are remarkable; this is because the legitimate foundation of violence seems more and more threatened, the risk involved in using violence ever greater, when the state penetrates more into the detail of social life. A violence that was exercised only at the edge of legality would undermine the foundations of the regime. This example gives us some idea of the extent of the contradictions inherent in the democracy of our time and allows us to assess the opportunities for change that it offers. It is undeniable that there has been an accentuation of the constraints exercised from above on ordinary social activities and relations. But, at the same time, demands are propagated, transversely, so to speak, which are not simply *de facto* signs of resistance to these constraints, but which testify to a vague sense of justice and reciprocity, or of injustice and the breakdown of social obligation. Thus exclusion from the sphere of work appears to individuals as much more than an injury, much more than a sign of the arbitrary power of the employers: it is like a denial of right, of a social right.

One would search in vain among the struggles brought about by the crisis in the steel industry, for instance – and earlier by that in the watchmaking or textile industries – for the first signs of a revolutionary situation or even a political upheaval that might bring to power the parties claiming allegiance to socialism. Although these parties might derive some benefit from them (and we have seen from the failure of the Union of the Left how precarious this very hypothesis is), there is every reason to believe that, if successful, these



parties would be confronted by the same difficulties as those faced by previous governments, or even that they would give rise, with new hopes, to more intense demands. Such demands are rooted in the awareness of right. However substantial they may be, and whatever changes they might introduce into the system of managing enterprises and into every sphere of administration, they do not seek to be resolved by the action of state power. They stem from a domain that the state cannot occupy. They are constantly aroused by the need for the aspirations of minorities or particular sections of the population to be socially recognized. These minorities, it should be said, may be the product of circumstances; whether they are made up of workers made redundant in a firm, inhabitants of a region threatened with the loss of their main source of subsistence through the disappearance of an industry, farmers struck by a disastrous harvest or fishermen and shopkeepers affected by an oil slick: these minorities and categories may discover their own identity, whether it is of an ethnic order or based on a cultural affinity or a similarity of situation, or they may group together around some project of general importance (consumer protection, defence of the environment, etc.). So varied are their motives and modes of formation that at first sight one would think they had nothing in common. At one end of the spectrum, we have seen conscientious objectors who demanded exemption from a specific national obligation and claimed a particular status, or homosexuals who wanted no more than to have a particular way of life respected: what brings these instances together is the fact of being different in some way. At the other end of the spectrum, we have seen the protests of those suddenly deprived of the normal means of subsistence: their concern is, in a sense, to re-establish themselves as similar to others. Considering the heterogeneity of the forms of protest and demand, one hardly dares speak of a spectrum. But despite this variety, the initiatives of the minorities are linked together by virtue of the fact that they combine, in a way that seems paradoxical, the idea of legitimacy and the representation of a particularity. This conjunction, whatever the motives, whatever the circumstances that trigger it off, attests to the symbolic efficacy of the notion of rights. Claims based on interest are of a different order: these conflict with one another and are regulated by means of a power relationship. State power is based on interests; indeed, it affirms itself by exploiting their divisions, by taking advantage of the benefits obtained and the injuries inflicted, each

one always relative to the other, in order to enlarge the circle of its autonomy. On the other hand, faced with the demand for or defence of a right, it has to respond according to its principles, according to the criteria of the just and the unjust and not only of the permitted and the forbidden. In the absence of such a response, the law runs the risk of being reduced to the level of constraint; and, while it loses its transcendence, the power that seems to apply it runs the risk of falling into triviality. Let me stress once again that the right affirmed against the claims of state power to decide, according to its own imperatives and its own expansion, does not attack it head on, but obliquely; by circumventing it, as it were, it touches the centre from which it draws the justification of its own right to demand the allegiance and obedience of all.

What we have to examine, then, is the meaning of conflicts which presuppose both the fact of power and the attempt to gain respect for different rights. These conflicts are becoming more and more characteristic of modern democratic societies. The agency of state power, and its ever more extensive intervention, is an inefaceable aspect of these societies. It would be naive or insincere to imagine that an abolition of power would be possible or even that the tendency for the state apparatus to become more powerful could be reversed by substituting others for those who exercise authority. On the contrary, one is tempted to believe that under the cover of socialism the concentration of the means of production, information, regulation and control of social activities, the use of all the instruments capable of bringing about the unity of the people, would increase. If the development of this tendency can be stemmed, this counter-tendency will not emerge from the place of the state. As soon as that place was fully fixed, separating itself from the meta-social 'other place' for which religion once provided the reference, the possibility arose of an objectification of the social space, a complete determination of the relations between its elements. Moreover, this process was not the result of a seizure of power by the aspirants to despotism: the delimitation of a properly social space, perceptible as such, intelligible as their space, constitutive of a common identity for the groups which inhabit it and relate to one another, without supernatural disguise, goes hand in hand with the reference to a power which, at one and the same time, emerges from it and becomes, as if at a distance, its guarantor. So we must recognize equally that the project which now haunts power, and which is now able to take advantage

of the hitherto unknown and unimagined resources of science and technology, can no longer be imputed to a category of individuals or to some instinct for domination. Rather we must recognize that this project mobilizes the energies and moulds the attitudes of those who are in a position to carry it out. However, this conclusion merely confirms my conviction that it is at the heart of civil society, in the name of an indefinite need for a mutual recognition of liberties, a mutual protection of the ability to exercise them, that one may discern a movement antagonistic to that which is propelling state power towards its goal.

This brings us to the second feature of the struggles inspired by the notion of rights: emerging or developing in various centres, sometimes as a result of temporary conflicts, those struggles do not tend to fuse together. Whatever their affinities and convergences, they are not dominated by the image of an agent of history, a People-as-One, and they reject the hypothesis that right will be achieved in reality. So we must resolve to abandon the idea of a politics that would compress collective aspirations in the model of an alternative society, or, what amounts to the same thing, the idea of a politics that would stand over the world in which we live and allow it to be struck by the thunderbolts of the Last Judgement. No doubt it may seem difficult to reconcile ourselves to this abandonment, for the faith in a future freed from the ties to the present is deeply rooted in the minds of those who are convinced that reformism is a trick. But we ought to examine this faith and ask ourselves whether revolutionism is not nourished by illusions identical to those of reformism. For both avoid, each in its own way, the question of social division as it is posed in modern society, the question of the origin of the state and its symbolic function, the question of the nature of the opposition between dominators and dominated which is at work throughout the entire width and depth of the social sphere. Reformism suggests that the state, by its own activity, or as a result of the growth of popular demands (in both cases thanks to the increase in production, wealth and education), may become the agent of social change and the promoter of an increasingly egalitarian system. Revolutionism suggests that the conquest of the state apparatus by dominated groups or by a particular party that guides them, and the use of its resources for their own advantage, creates the conditions for the abolition of domination. Both seem unable to conceive, at one and the same time, of two movements that are nevertheless inseparable: the movement by

which society is circumscribed, brought together, endowed with a definite identity by virtue of an internal split that establishes the pole of power as a pole above, a pole more or less separated from the whole, and the movement by which, beginning from this pole and as a result of this quasi-separation, the means of every kind of domination (material resources, skills, decision-making) are accumulated in the interests of those who possess authority and seek to consolidate their own position. Reformists and revolutionaries are blind to the symbolic function of power and obsessed by the appropriation of its *de facto* function, that of control over the functioning of social organization. This blindness and this obsession have not only the same causes, but the same effects: the struggles that are developing in various domains of civil society are assessed only in terms of the opportunities they offer, in short or long term, of altering or overthrowing the power relations between political groups and the organization of the state. Now it is these struggles, I believe, that must be freed from the mortgage imposed on them by the parties whose ambition is power; and this we may do by bringing out the idea of a transformation of society by movements which are wedded to their autonomy.

Of course, autonomy is a resounding word and it requires some elucidation if we are not to fall victim to the fictions that at present disarm rather than mobilize energies. Autonomy, it has to be said at once, can only be relative. But we must recognize that it is also pointless to wish to fix or to efface its limits in empirical reality. These two temptations can be observed in the debate on workers' self-management, a concept that does not have the same value as that of autonomy, but which has won considerable support in a society dominated by the fact of production, and even more by that of organization. Either one denounces as inconsistent the idea of a society entirely governed by the principle of self-management, or one is not afraid to regard any resistance or criticism that it may elicit as stemming from a desire to preserve old structures of domination. The arguments that are put forward in this regard have the effect of concealing the question of the political. Those invoked in the name of realism are well known; there is no need to develop them further. The imperatives of production and of modern organization more generally would make the participation of everyone in public responsibilities unviable; they would impose a schema of division of labour that would reinforce hierarchies based on competence and

would increasingly treat the latter as the basis of authority. Moreover, the sheer size of our societies, the complexity of the tasks required to mobilize resources for aims that are in the general interest, the co-ordination of sectors of activity, the satisfaction of social needs of all kinds, the protection of public order and national defence: these considerations could be accommodated only through a process of centralized decision-making, combined at best with an increase in the number of representative bodies, kept strictly apart from the unstable mass of their constituents. If one takes these necessities into account, the idea of a self-management realized within the boundaries of innumerable social cells would seem somewhat fanciful.

Such arguments are neither weak nor always hypocritical, as is sometimes all too readily said. They derive simply from an analysis of the social structure such as it has come to be and they grasp that structure as something natural. This being so, they confuse notions which ought to be distinguished if we wish to go beyond the limited horizons of our social life. In particular, they confuse the exercise of power with the exercise of competence. There is no reason to deny that competence confers authority; but the idea that competence secretes power is applicable only to a society in which a general apparatus of power has emerged as a distinct entity and in which, such power being accorded or itself assuming a position of knowledge or control of society as a whole, there is the possibility that individuals possessing competence and authority will successively identify with power (from the latter's point of view, that is). This objection is not a purely formal one; it makes it possible to bring out what very often remains hidden by the realist argument, namely, that there is a difference between the exercise of competence and the exercise of power. It is the image of power that mobilizes for its purposes the image of competence; and it does that at a time, of course, when technological and scientific developments are increasing the importance of competence. How, for example, can one say that, in reality, individuals who have a technological or scientific training, or who possess a capital of skills in whatever sphere which distinguishes them from the majority, benefit proportionately from a degree of freedom and decision-making that involves them in a system of political power? One has to say that they are more likely to be buried in the shadowy regions of the organization. What is true, but quite different, is that competence (real or simulated) provides the criterion

for a hierarchy of rewards and that this constitutes a solid support for the preservation of the socio-political structure. But it should be noted that the arrangement of this hierarchy cannot be deduced from the principle of distinction based on competence; it stems from an interpretation which is, in the widest sense, political. Finally, the same realist subjection to the conditions of the established order prevents one from imagining a society whose functioning would not be governed by an ultra-centralized state apparatus; it forgets, to a large extent, that causes are also effects, that the choices of technologies, energy resources, favoured forms of production, systems of information, modes of transport, ways of stimulating industrial development, town-planning programmes, etc. also trigger off the social processes of a mass society as well as the processes of administrative centralization and the concentration of power. By the same token, the critique of the ideal of self-management leads one to ignore all the possibilities for collective initiatives to be found in those spaces which are governable by those who inhabit them, possibilities for new models of political representation, as well as possibilities for new channels of information that would change the terms of participation in public decisions.

On the other hand, one remains surprised at the poverty of the theory of self-management as soon as it claims to apply its aims in reality. The argument of the adversary is turned against him, the limits of autonomy disappear. It is as if the idea of being together, producing together, deciding and obeying together, communicating fully, satisfying the same needs, both here and there and everywhere simultaneously, became possible as soon as the alienation which ties the dominated to the dominator is removed; it is as if only some evil and complicit servitude had for centuries or millennia concealed from people the quite simple truth that they were the authors of their own institutions and, what is more, of their choice of society. If this is believed, there is no need to confront the problems posed on the frontiers of the history that we are living through. Paradoxically, the idea that any established system is capable of being called into question collapses into these claims: that there is no other weight of the past than *de facto* weight, that humanity has always found itself, as it finds itself today, faced with a radical possibility – and this is a way of saying that there is no history. Nor is there any more concern to examine the question of equality and inequality. The plausible idea that inequality is expressed in reality only at the price of a certain

social and political compensation collapses into the claim that it is merely a false scent serving to sustain the project of domination.

There would be no mystery in obedience to power, as it is embodied in material institutions, as it is represented by human beings, as something merely likeable or detestable, if *loftiness* were only a trap; if it did not testify to a general movement of elevation as well as a general movement of lowering; if it did not capture something of the institution of the social at the same time as it folded back upon itself, responding, through an increase of its strength and a growth in its mass, to the necessity of disposing of the social. In particular, there would not be that astonishing reversal of liberty into servitude, no enigma of voluntary servitude (to borrow the forceful expression of La Boetie), of a servitude which is opposed to the desire for liberty without being alien to it, if the sign of that which falls from above did not have some relationship with an aspiration.

To think about the limits of autonomy in this way is not to take up again the question of the political in terms of the general relationship between society and power. I am not substituting the idea of an ambiguous power for the idea of an evil or benevolent power. I am trying to catch a glimpse of a dimension of the social space which is generally obscured. Why is it obscured, if not, paradoxically, because of a phantasized attraction for the One and an irresistible temptation to project it into the real. Whoever dreams of an abolition of power secretly cherishes the reference to the One and the reference to the Same: he imagines a society which would accord spontaneously with itself, a multiplicity of activities which would be transparent to one another and which would unfold in a homogeneous time and space, a way of producing, living together, communicating, associating, thinking, feeling, teaching which would express a single way of being. Now what is that point of view on everything and everybody, that loving grip of the good society, if not an equivalent of the phantasy of omnipotence that the actual exercise of power tends to produce? What is the imaginary realm of autonomy, if not a realm governed by a despotic thought? This is what we should be thinking about. This does not prevent us from seeing that the wise reformers, predicting the advent of a rational power which would be able to circumscribe the experiences of autonomy within just limits, to combine, as is sometimes said, the authority of the plan with the virtues of self-management, have decided to assess the value of col-

lective initiatives by the criterion of their conformity with the decisions of the state; they wish to leave to the tenants of the socialist edifice only the freedom to be heard in order to obey the instructions of the landlord.

To free oneself from revolutionism is not to rejoin reformism; I am simply saying that nothing is served by ignoring the attraction for the One, by denying the distinction between the high and the low. I am saying that we would do better to strive to resist the illusion of a power which would really coincide with the position that is represented of it and that it seeks to occupy, as well as the illusion of a unity which would be perceptible, real and which would dissolve all differences within it. As soon as one confuses the symbolic and the real one falls into this double illusion, the consequence of which is to obscure in one way or another the plurality, fragmentation and heterogeneity of the process of socialization, and also the transversal development of practices and representations, the mutual recognition of rights. What defies the realist imagination is the fact that society organizes itself in terms of a quest for unity, that it testifies to a latent common identity, that it relates to itself through the mediation of a power which goes beyond it and that, simultaneously, there are many different forms of sociability, forms which are not determinable, not totalizable. I am not surprised by this; the imagination to which such noisy homage is paid in our time is powerless to make us confront the contradiction, the true contradiction, I would say, the one that obstinately resists its resolution, because it is an indication of the questioning that lies within the institution of the social. And let me note in passing that it must always betray the mark of what it repressed: the imagination of the One secretly conveys the representation of power (the Other by whom the One is named), a sign of social division; the imagination of the free development and free flowering of collective energies secretly conveys the representation of the Same, a sign of non-division.

In the final analysis, what eludes the imagination, although it finds unknown resources therein, is democracy. Its emergence was accompanied by the appearance, for the first time or in an altogether new light, of the state, society, the people, the nation. And one would like to conceive of each of these forms in the singular, to defend it against the threat of division, to reject anything that flaws it as a symptom of decomposition and destruction, and, since the work of division seems to be unleashed in democracy, one would like either

sociability

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\* to suppress it or to get rid of it. But state, society, people and nation are indefinable entities in democracy. They bear the imprint of an idea of the human being that undermines their affirmation, an idea which seems derisory in face of the antagonisms that tear apart the world, but without which democracy would disappear; and they remain in perpetual dependence upon the expression of rights which resist the *raison d'état* and the sacralized interest of society, people and nation. So we should not assume that the desire for revolution, understood as the advent of communism, and the desire for a good society frees us from the imaginary figures which haunt democracy. Such desires modify them, but they reinforce at the level of phantasy the belief on which they are nourished; they serve the cult of unity, the cult of an identity found at last in the singular, and it is not by accident, but following its own logic, that it abolishes the idea of right. We should consent, instead, to think and act within the horizons of a world which offers the possibility of freeing oneself from the attraction of Power and of the One, a world in which the continuous critique of illusion and political invention are carried out in the context of an indetermination of the social and the historical.

\* A politics of human rights and a democratic politics are thus two ways of responding to the same need: to exploit the resources of freedom and creativity which are drawn upon by an experience that accommodates the effects of division; to resist the temptation to exchange the present for the future; to make an effort, on the contrary, to discern in the present the signs of possible change which are suggested by the defence of acquired rights and the demand for new rights, while learning to distinguish them from what is merely the satisfaction of interests. And who could say that such a politics lacks audacity, when one looks towards the Soviets, towards the Poles, the Hungarians or the Czechs or towards the Chinese in revolt against totalitarianism: it is they who can teach us to decipher the meaning of political practice.

- 74 Ibid.
- 75 Ibid., p. 168.
- 76 Ibid., p. 187.
- 77 Ibid., pp. 187-8.
- 78 Ibid., p. 190.
- 79 Ibid.
- 80 Ibid., p. 188.
- 81 Ibid., p. 193.
- 82 Ibid., p. 192.
- 83 Ibid.
- 84 Ibid., p. 186.

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- 1 Karl Marx, *On the Jewish Question*, in K. Marx and F. Engels, *Collected Works* (London: Lawrence and Wishart, 1975), vol. 3, p. 162.
- 2 Ibid., pp. 162-4.
- 3 Ibid., p. 166.
- 4 Ibid., pp. 162-3.
- 5 Ibid., p. 163.

## 8 The Logic of Totalitarianism

- 1 Leon Trotsky, *Stalin*, trans. Charles Malamuth (London: Hollis and Carter, 1947), p. 421.
- 2 Marc Ferro, *La Révolution de 1917* (Paris: Aubier-Montaigne, 1976); *Des Soviets à la bureaucratie* (Paris: Gallimard-Julliard, 1980).

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