The Marx-Engels Theory of Law

Hans Kelsen

Primacy of Economics over Politics in the Marxian Theory of the Bourgeois (Capitalist) State

The Marxian theory of law is inseparably connected with the theory of state.¹ It is based on the assumption that the economic production and the social relationships constituted by it (the Produktionsverhältnisse) determine the coming into existence as well as the disappearance of state and law. Neither phenomenon is an essential element of human society; they exist only under definite economic conditions, namely when the means of production are at the exclusive disposition of a minority of individuals who use or misuse this privilege for the purpose of exploiting the overwhelming majority. This implies the division of society into two groups of antagonistic economic interests, two “classes,” the class of the exploiting owners of the means of production and the class of the exploited workers.

This is especially the situation of a society where the economic system of capitalism prevails and society is split into the two classes of the bourgeois (capitalists) and the proletariat. The state together with its law is the coercive machinery for the maintenance of exploitation of one class by the other, an instrument of the class of exploiters which, through the state and its law, becomes the politically

dominant class. The state is the power established for the purpose of keeping the conflict between the dominant and the dominated class “within the bounds of ‘order.’” This “order” is the law, which—according to this view—although something different from the state, is in essential connection with the state. The state is “normally the state of the most powerful economically ruling class, which by its means becomes also the politically ruling class, and thus acquires new means of holding down and exploiting the oppressed class.” That means that the political power of the bourgeoisie is the effect of its economic power, that the bourgeoisie becomes the politically ruling class because it is the economically ruling class. This supremacy of economics over politics is quite consistent with Marx’ economic interpretation of history in general and of present society in particular. A society split into classes, says Engels, “needs the state, that means an organisation of the exploiting class for maintaining the external conditions of its production, especially for holding down by force the exploited class.” The dominance of one class over the other, which is the essence of the state, is identical with the exploitation of one class by the other, the dominant class being essentially the exploiting class.

Reality and Ideology

The interdependence which according to this economic or materialistic interpretation of society exists between the economic conditions on the one hand, and state and law on the other, is of decisive importance for the theory of state and in particular for the theory of law. It is usually assumed that Marx describes this interdependence in the well-known metaphor of a political and legal “superstructure” set up above the relationships of production constituting the economic structure of society. “Ideologies” form the superstructure, whereas the basis, the substructure, represents social reality. In his work Zur Kritik der politischen Oekonomie (Contribution to the Critique of Political Economy) he says:

In the social production which men carry on they enter into definite relations that are indispensable and independent of their will; these relations of production correspond to a definite stage of development of their material powers of production. The sum total of these relations of production constitutes the economic structure of society—the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness.

The “superstructures” are “forms of social consciousness,” which he later characterises as “ideological forms in which men become conscious” of social reality. It is usually assumed that Marx understands by “legal and political superstructures” law and state. Engels, e.g., interprets the Marxian formula in the statement that “the economic structure of society forms the real basis, by which the total superstructure of legal and political institutions as well as religious, philosophical and other ideas [Vorstellungsweisen] of each historical period in the last analysis may be explained.” If this interpretation is correct and, hence, law has the nature of an ideology, the meaning of this term is of the utmost importance for a Marxian theory of law.

In his fragmentary work Einleitung zu einer Kritik der politischen Oekonomie (Introduction to the Critique of Political Economy) Marx says that in the study of social science it must be borne in mind that society is given “as in reality so in our mind.” Social ideology as a form of social consciousness is society as it is given in the human mind, in contradistinction to society as it is given in reality. In Das Kommunistische Manifest (Communist Manifesto) Marx and Engels refer to “the charges against communism made from a religious, philosophical and, generally, from an ideological standpoint,” thus meaning by ideology in the first place religion and philosophy. Then, they maintain that “man’s ideas, views, and conceptions, in one word, man’s consciousness changes with every change in the conditions of his material existence, in his social relations and his social life.” Hence “ideology” means the content of man’s consciousness, the ideas man forms in his mind of reality, especially of social reality.

But mostly Marx uses the term “ideology” not in this wider sense as identical with “idea,” but in a narrower and decidedly deprecatory sense. By ideology he means a false consciousness, an incorrect—in contradistinction to a scientifically correct—idea of social reality. He says, in considering social transformations:

the distinction should always be made between the material transformation . . . which can be described with the precision of natural science, and the legal, political, religious, aesthetic or philosophic—in short ideological forms in which men become conscious [of these transformations]. Just as our opinion of an individual is not based on what he fancies himself, so we cannot judge such a period of transformation by its own consciousness.

The “ideological” consciousness is false because it is determined by the social situation of the man whose mind reflects the social reality, especially by the interests of the social group, or class, to which the man belongs. Marx has the rather naive epistemological view according to which man’s consciousness reflects—like a mirror—the real
objects. In his main work, *Das Kapital*, Marx says, in opposition to Hegel’s view that reality is a reflex of idea: “With me, on the contrary, the idea [das Ideelle] is nothing but the material transformed and translated in the mind of man [das im Menschenkopf umgesetzte und übersetzte Materielle].” And Engels writes in his pamphlet *Ludwig Feuerbach und der Ausgang der klassischen Philosophie*:

“We conceive of ideas . . . as pictures of real things”; and in his *Die Entwicklung des Sozialismus von der Utopie zur Wissenschaft*:

“thoughts are only more or less abstract images of the real things and events.” An ideology is a form of consciousness that reflects social reality in a distorted way, it counterfeits something that, in reality, does not exist, veils reality or something in it instead of unveiling it, it is a deception and even self-deception and, above all, it is an illusory consciousness. Hence there is always an antagonism or conflict between the reality and the ideological consciousness man has of this reality; and, since Marx speaks of conflicts or antagonisms as of “contradictions,” there is always a contradiction between reality and ideology.

The epistemological doctrine which is at the basis of Marx’ theory of ideology is formulated in these famous statements:

The mode of production in material life determines the general character of the social, political and spiritual process of life. It is not the consciousness [Bewusstsein] of men that determines their existence [Sein] but, on the contrary, their social existence [gesellschaftliches Sein] determines their consciousness.”

Although the second sentence is supposed to express the same idea as the first, the two are not quite the same. In the first sentence only the “mode of production” is the determining factor, in the second, it is the entire “social existence.” In the first sentence not only the “spiritual” but also the “social” and “political” process of life is the determined factor; in the second, it is only the “consciousness” which is identical with the spiritual process of life. By the “social” and “political” process of life law and state as social institutions may be understood; and this “social” and “political” process of life—as distinguished from the “spiritual” process of life in the first sentence—may very well be conceived of as part of the “social existence” of men referred to in the second sentence. Hence there is a strange ambiguity as to the meaning of the relationship between reality and ideology, which makes the foundation of Marx’ theory of cognition highly problematical. This ambiguity plays a particular part in the theory of state and law when the question arises whether these social phenomena belong to the substructure, *i.e.*, the real basis, or to the ideological superstructure.

If Marx’ sociological theory of knowledge is taken in its second version (the social existence of men determining their consciousness) the question arises whether a consciousness other than an ideological, *i.e.*, false, illusive consciousness is possible at all. Since man’s consciousness is “ideological” in this sense because it is determined by man’s social existence, the answer must be in the negative. Hence there can be no true, *i.e.*, objective theory of reality in general and of social reality in particular. It is evident that Marx cannot maintain his fundamental position, for the very statement that the social existence determines the consciousness of men must claim to be a true and that means an objective theory of the human consciousness, not determined by the social existence of the one who makes this statement. There can be no doubt that Marx presents his own social theory as a non-ideological, correct description of social reality, as a “science.”

In an above-quoted statement Marx makes a clear distinction between a description of reality performed “with the precision of natural science,” that is to say a “scientific” consciousness, and “ideological forms” in which man becomes conscious of social reality, that is to say, an ideological consciousness. As we shall see later, Marx explains the deficiency of an ideological consciousness by the deficiency of the social reality producing such an ideological consciousness. In the communist society of the future, which represents a perfect social reality, there will be no “ideological” consciousness: but there will be a consciousness, there will certainly be science; and if science, as a content of consciousness, is to be conceived of as ideology, not in the derogatory sense of the term but as something different from its object, *i.e.*, from reality reflected in the consciousness, the term “ideology” may be used not only in the sense of a false, illusive, but also in the sense of a scientifically correct, consciousness.

Marx was evidently aware of the fact that his doctrine of ideology endangers his own social theory. It is probably for the purpose of defending his theory against the objection to be a mere “ideology” in the derogatory sense of the term that in *Das Kommunistische Manifest*, he asserts that at a certain stage of the class struggle “the bourgeoisie itself supplies the proletariat with weapons for fighting the bourgeoisie,” that “a portion of the bourgeoisie goes over to the proletariat and, in particular, a portion of the bourgeois ideologists, who have raised themselves to the level of comprehending theoretically the historical movement as a whole.” Thus, these “bourgeois ideologists” cease to produce ideologies and develop a true science of the historical movement. But how is such a metamorphosis possible, how can they escape the fundamental law that their social existence,
that is their belonging to the bourgeois class, determines their social consciousness? This is seen from the point of view of Marx’s social theory—a miracle.

State and Law as Reality

The typical and most characteristic ideology is religion. “Religion,” says Marx, “is the general theory of this world”; and of religion he says that it is a “perverted consciousness of the world,”¹³ the “opium of the people,” an “illusion.”¹⁴ It is significant that Marx, when he denounces religion as an illusive ideology, defines it as a “theory.” In a letter to Ruge he speaks of “religion and science” as of the “theoretical existence of man”¹⁵ in contradistinction to his practical existence, that is, the “reality” of his true existence. In this sense only a theory, a function of cognition, a form of consciousness, not the object of theory or cognition, nor reality—correctly or incorrectly—reflected in man’s consciousness, could be characterised as ideological. Marx frequently speaks of ideology as a mere “expression” (Ausdruck) of reality and denounces as an ideological fallacy to take what is a mere “expression” of the reality for reality,¹⁶ whereby he evidently presupposes that the expression is false, illusive. Hence, only a certain—namely a false—theory of the state or a certain—namely illusive—philosophy of law, not the state or the law, could be conceived of as an ideology. In accordance with his thesis that the social existence of man, that is, his social reality, determines man’s social consciousness, Marx says that the state “produces religion as a perverted consciousness”¹⁷ and opposes “the state together with the social reality connected with it” to the “legal consciousness, the most distinguished, most universal, to the rank of science elevated expression of which is the speculative philosophy of law.”¹⁸ Here the state is presented as social reality upon which an illusive legal philosophy as an ideological superstructure is set up.

In his Zur Kritik der politischen Oekonomie he identifies the relationships of production, that is, the social reality in opposition to the social ideology, with legal relations. “At a certain stage of their development the material forces of production in society come in conflict with the existing relations of production—or what is but a legal expression for the same thing—with the property relations within which they had been at work before.”¹⁹ Property relations, that is, legal relations, are relations of production, that is, economic relations. “Property” or “legal” relations is only another name for relations of production, economic relations.²⁰ Marx, it is true, characterises here the law, just as he characterises ideology, as an

“expression” of the relations of production, i.e., an expression of the social reality. But the law is not—as an ideology by its very nature must be—a false, illusive expression, an expression which is in contradiction to the object that it expresses. The expression of economic reality which is the law, is in harmony with reality, corresponds to reality.

Marx rejects the view that sovereigns make law for the economic conditions. “Legislation, political as well as civil, could do no more than give expression to the will of the economic relations.”²¹ That economic relations have a “will” is a rather problematical metaphor. But the meaning of it is: that the law corresponds to the economic conditions which it “expresses,” that the law is a correct, and hence not an ideological, expression of economic reality. “Law is only the official recognition of fact.”²² Marx says of the forms of division of labour: “Originally born of the conditions of material production, it was not till much later that they were established as law.”²³ The law prescribing division of labour is in perfect harmony with division of labour in economic reality. That the law is an “expression” of economic conditions means that it is the product of economic reality, that it is its effect. But—according to Marx—the law is not only the effect of economic reality; the law has itself effects on this reality. In Das Kapital we read:

By maturing the material conditions and the combination on a social scale of the process of production, it [the law] matures the contradictions and antagonisms of the capitalist form of production, and thereby provides, along with the elements for the formation of a new society, the force for exploding the old one.²⁴

In his Einleitung zu einer Kritik der politischen Oekonomie Marx writes:

Laws may perpetuate an instrument of production, e.g., land, in certain families. These laws assume an economic importance if large landed property is in harmony with the system of production prevailing in society, as is the case e.g., in England.

In stressing the “harmony” of the law with the relationships of production, Marx goes as far as to characterise the positive law as “natural” law. He says of the English Factory Acts, they are “just as much the necessary product of modern industry as cotton yarn, self-actors, and electric telegraph.”²⁵ “They develop gradually out of the circumstances as natural laws of the modern mode of production.”²⁶ Marx expressly refers to “the effect of legislation on the maintenance of a system of distribution and its resultant influence on production.” If the law is not in harmony” with the conditions of production, it
ceases to be effective, as *e.g.*, in France, where in spite of the “legis-
avative attempts to perpetuate the minute subdivision of land” achieved
by the revolution, “land ownership is concentrating again.” In so far
as the law—or the fact Marx has in mind when he refers to “law”—is
an effect of economic reality and has itself effects on this reality,
that is to say, if the law is within the chain of cause and effect, it is
within reality, and hence belongs to the substructure of the ideologi-
cal superstructure.

State and Law as Ideology

However, on the other hand Marx refers to the real state and the
existing law, and not to a theory of the state or a philosophy of law,
as to ideologies. In *Das Kommunistische Manifest* the charges against
communism made from an ideological standpoint are formulated as
follows: “Undoubtedly—it will be said—religious, moral, philosophical
and juridical ideas have been modified in the course of historical
development. But religion, morality, philosophy, political science,
and law constantly survived this change.” Here morality and law are
placed as ideologies on the same plane with philosophy and science.
In *Die deutsche Ideologie*, which is an important source for an
understanding of Marx’ doctrine of ideology, Marx refers to “mor-
ality, religion, metaphysics, and other ideologies.” Morality is an effec-
tive normative order regulating human behaviour; and if morality is
an ideology on the same level as religion and metaphysics, then law,
too, may be conceived of in this way. Marx says of the “laws” as well
as of “morality” that they are the “ideelle expression of the condi-
tions of the existence” of the dominant class (conditioned by the
development of production) and by the “ideelle” expression he means
an ideological expression in opposition to the economic reality thus
expressed.

It is characteristic of “ideologists,” says Marx, that “they take
their ideology for the creative force and the purpose of all social
relationships, although they are only their expression and sympt-
oms.” The law,” says Marx, “is only symptom, expression of
other relationships, on which the power of the state is based.” The
real bases are the relationships of production. It is especially the
legal institution of property which is the “legal expression” of “certain
economic conditions, which are dependent on the development of
the forces of production” for “the relationships of production
among the individuals must also express themselves as political and
legal relationships.” In his critique of Stirner, Marx reproaches this
philosopher of having taken “the ideological-speculative expression
of reality, separated from its empirical basis, for the very reality”,
and as one of these ideological expressions of reality, mistaken as
reality by Stirner, Marx points to the law.33

According to this view, the law—and not an illusive legal philo-
osophy—is an ideological superstructure set up above the social reality,
the relationships of production. Hence one is quite justified to inter-
pret the “legal and political superstructures” referred to in *Zur Kritik
der politischen Oekonomie* to mean the law and the state—as pointed
out, Engels himself and consequently almost all interpreters of Marx
do so—although Marx, a few lines later, identifies the law with the
relationships of production, and, in other connections, characterises
the state as a specific social reality producing ideology, and not as an
ideology produced by a specific social reality.

If the law is part of the ideological superstructure as something
different from and opposed to its substructure, the social reality con-
stituted by economic relationships, then the law cannot be the effect
of these relationships and, especially, cannot itself have effect on
them. When Marx—in the above-quoted statements—admits an inter-
action between law and economics, he deals with law as with a social
reality. If the law is a social reality in the same sense as economic
production, then the scheme of super- and sub-structure is not appli-
cable to the relationship between the two social phenomena. But it is
just of the ideological superstructure that Engels maintains that it
“influences” the substructure. In a letter to J. Bloch he writes:

The economic situation is the basis, but the various elements of the super-
structure—political forms of the class struggle and its consequences, consti-
tutions established by the victorious class after a successful battle, etc.—forms
of law and then even the reflexes of all these actual struggles in the brains of
the combatants: political, legal, philosophical theories, religious ideas and
their further development into systems of dogma—also exercise their influ-
ence upon the course of the historical struggles.

That means that the ideological superstructure, especially the law as
element of this superstructure, has effects on the substructure. Hence
“ideology” is “reality” in the same sense as the economic relations-
ships which Marx identifies with reality; and he must identify reality
with economic relationships in order to oppose these relationships as
‘reality’ to that which he wants to disparage as ‘ideology’: above all,
to religion. Since the identification of social reality with economic
relationships is the essence of his economic interpretation of society,
this interpretation breaks down as soon as ‘ideologies’ are recognised
as ‘realities’. A very characteristic application of this interpretation is
Marx’s statement:

‘Society is not based upon law; this is a juridical fiction. On the contrary, the
law must rest upon society. It must be the expression of its common interests
and needs arising from the actual methods of material production against the
caprice of the single individual. 35

The bourgeois doctrine, rejected by Marx, that society is based on
law, means, if not intentionally misinterpreted, that the law—or more
exactly formulated, certain acts by which law is created or applied—
influences social life, without excluding that social life influences
the formation of the law. Hence the rejected doctrine is not a juridical
fiction. It is the description of social reality within which economic
and legal elements are in a relationship of interaction or interdepend-
ence, a fact which Marx and Engels in the above-quoted statements
admit.

The Future of the Law

As to the future of the law, there are only very few statements in
the writings of Marx and Engels. They were probably of the opinion
that what they said about the state applied also to the law, which
they considered to be a coercive order issued by the state. It is ob-
viously the law that Engels has in mind when he, in the above-quoted
statement, refers to an “order” within the bounds of which the class
conflict is kept by the state as an organisation of the ruling class.
Neither Marx nor Engels had a clear idea of the relationships between
state and law. That state and law are essentially connected with one
another, they probably considered as self-evident; but they were
more interested in the state aspect of society than in its law aspect. It
may be assumed that according to the Marx–Engels doctrine of the
state, the law as a coercive order and specific instrument of the state
exists only in a society divided into two classes, a dominant exploit-
ing and a dominated exploited class. In one of his most frequently
quoted statements, Marx says that in the phase of transition from the
proletarian revolution to the establishment of perfect communism,
that is to say, during the period of the dictatorship of the proletariat,
there will be still a law, but that this law, in spite of its progress as
compared with the bourgeois law, will still be “infected with a
bourgeois barrier (mit einer buergerlichen Schranke behaftet).” By
this not very fortunate metaphor he expresses the idea that the law
of the socialist state will still have a certain bourgeois character, be-
cause there will still be a ruling class and a ruled class and hence a
class antagonism; and that only “in the highest phase of communist
society,” that is, that phase where the socialisation of the means of
production is completely achieved and all class antagonisms radically
abolished, “can the narrow horizon of bourgeois law be completely
overcome, and only then will society inscribe on its banner: from
each according to his capacities and to each according to his needs.”
This may be interpreted to mean that in this phase of the develop-
ment of communism there will be no law, because the law is by its
very nature bourgeois law, and that means class law. It must, how-
ever, be admitted that the statement is ambiguous and that it may
also be interpreted to mean that even in the perfect communist
society there will be law, but not bourgeois law, meaning a coercive
order guaranteeing the exploitation of one class by another, presented
by an ideological doctrine to be the realisation of justice. Communist
society will have law, but no “legal superstructure” because no ideo-
logical superstructure at all (provided that by legal superstructure not
the real law but an illusive, apologetic doctrine of the law) is to be
understood. There will be no reason to pretend that communist law
is just, because communist law will really be just, legal reality will
not be self-contradictory, its external form will be in complete
harmony with its internal essence, its ideal destination, the idea of
justice. Hence law may be conceived of as a normative order, and
such a concept of the law will have no ideological character in the
degenerative sense of the term. Since even the perfectly just reality of
communist society will have a consciousness—there will be science,
although no religion—the reflection of the real law in the conscious-
ness of communist society, that is to say, the description of the law
as a normative order . . . will not be in conflict with its immanent
idea, for the law will really be identical with justice . . .

Marx does not say that the law during the transition period of the
dictatorship of the proletariat will be bourgeois law. He says only
that the law of the socialist state will be infected with an evil of
bourgeois society: inequality. He seems not to exclude the possibility
of a law that is not infected with this evil, a law of true equality. But
he adds to the words “a law of inequality” the words “as all law.”
Here, as mentioned before, the words, “all law” may, in conformity
with the preceding words, mean bourgeois law as well as the law of
the socialist state; the law of the communist society guaranteeing
true equality is not included, because supposed to be justice. In this
connection Marx says:

These defects [the inequality of the law] are inevitable in the first phase of
communist society, when, after long travail, it first emerges from capitalist
society. The law can never be on a higher level than the economic structure of
society and the evolution of civilisation conditioned by this structure.

This could be interpreted to mean: in the second phase of communist
society, the economic structure of which will represent the highest
possible degree of civilisation, the law, too, will reach the highest
possible level. However, the words “as all law” may also mean what they say: all law whatsoever, so that there is no law even where the principle of true equality prevails.

It is important to note that the same ambiguity which characterises the view presented by Marx in his Gotha Programme concerning the future of the law in communist society is implied in the statements he makes in the same essay concerning the future of the state. Criticising the Programme’s postulate of a “free state” he says:

It is not at all the purpose of the workers . . . to make the state “free.” In the German Reich the “state” is almost as “free” as in Russia. Freedom consists in transforming the state, which is not an organ superior to society, into an organ subordinated to society. 37

Marx does not say that freedom consists in eliminating the state from society, but that it consists in organising the state in a way that it will become an instrument of society. As pointed out, he formulates the question of the future of the state as follows: “What are the changes which the state will undergo in the communist society?” He does not ask: Under what conditions will the state disappear? And he objects to the Gotha Programme that it does not deal with the revolutionary dictatorship of the proletariat, nor “with the future state of the communist society.” 38 This statement may be interpreted to mean that there will be in the future communist society a state, although not a state which dominates society but a state dominated by society, a state which is an instrument of this society; 39 just as there will be—according to the above presented interpretation of Marx’ statements about the future of the law—a just law in this society.

This interpretation of Marx’ statements concerning the future of the law may be summarised as follows: There will be in communist society no law of inequality, hence no ideological, i.e., illusive, legal theory, and no law pretending to be just; consequently there will be no law as an “ideology” in the derogatory sense of the term, but a real law of true equality, a law which will be the realisation of justice. If this law is conceived of as norm or normative order, it is an ideology in a non-derogatory sense—in the same sense as science will be an ideology of communist society. This view is confirmed by some statements he made in his Einleitung zu einer Kritik der politischen Oekonomie. There he says that “there can be no society where there is no property in some form,” although it would be a mistake to assume that it must be private or individual property. Since property presupposes a legal order, the statement that there is no society without some form of property implies the view that where there is society there is law, expressed in the famous formula of Roman jurisprudence ubi societas ibi jus. He also says “that every form of production creates its own legal relations,” from which follows that also in a communist society there must be law. As a matter of fact, he asserts in this connection:

All production is appropriation of nature by the individual and through a definite form of society. In that sense it is a tautology to say that property (appropriation) is a condition of production. But it becomes ridiculous when from that one jumps at once to a definite form of property, e.g., private property (which implies, besides, a prerequisite the existence of an opposite form, viz., absence of property). History points rather to common property (e.g., among the Hindus, Slavs, ancient Celts, etc.) as the primitive form, which still plays an important part at a much later period as communal property. 40

If the nationalisation of the means of production achieved during the transition period of the dictatorship of the proletariat is to be maintained within the society of perfect communism, if here the means of production must remain at the exclusive disposition of the organs of the community and private property in these goods excluded, in order to maintain true equality, that is to say, if collective property of the community in the means of production has to be an institution of the future society, then there must be a law guaranteeing this status. However, it must be admitted that the other interpretation, according to which in the perfectly communist society of the future there will be no state and consequently no law, and that means that the social order will have no coercive, even no normative character, is not only not excluded but in conformity with the anarchistic tendency prevailing in the writings of Marx and especially of Engels.

Notes

20. On the basis of this identification of legal relationships with economic relationships, some Marxian writers define the law as an aggregate of economic relationships in opposition to the bourgeois definition of the law as a system of norms...
22. Loc. cit., p. 163.
27. Loc. cit., p. 231.
28. Gesamtausgabe, Bd. V, p. 16; cf. also pp. 21, 49.
36. This statement is made in a letter Marx wrote on May 5, 1875, to Bracke, concerning the draft of the Gotha Programme of the German Social-Democratic Party. The letter is published: *Neue Zeit*, IX-1, 1890-1891, p. 561 et seq.
39. The German text corresponding to the words "with the future state of the communist society" runs as follows: "mit dem zukünftigen Staatswesen der kommunistischen Gesellschaft." The term *Staatswesen* means by and large the same as *Staat*, that is, state. But it is significant that Marx does not use the more precise term *Staat*.