

Expropriation of the expropriators

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Abstract

The ‘expropriation of the expropriators’ is a delicious turn of phrase, one that Marx even compares to Hegel’s infamous ‘negation of the negation’. But what does it mean, and is it still relevant today? Before I analyse the content of Marx’s expression, I briefly consider contemporary legal understandings of expropriation, as well as some examples of it. In the remainder of the essay, I spell out different kinds of expropriation in Marx and focus on an ambiguity at the core of the notion of ‘expropriating the expropriators’, namely, whether it describes an immanent and objective tendency within the development of the capitalist mode of production or else actively prescribes a form of revolutionary political praxis for the working class. My answer is that it does both, though not without tension. Finally, I develop some implications of these reflections by showing how the concept of expropriation can be put to use today, in struggles around housing, climate and work.

Keywords

Marx, property, capitalism, expropriation, law

Throughout his work, Marx is very clear about how to overcome capitalism.¹ There is, in fact, one simple trick, although it is not easy, and how one goes about doing it determines everything. I am not referring to the self-emancipation of the working class or the self-abolition of the proletariat. These classic revolutionary formulas name the agent of revolution (the working class or the proletariat) and the aim of revolution (emancipated from wage labour or abolished as a class), but they do not describe the *content* of revolution. Instead, I want to talk about a single phrase that Marx repeats at key points in his work, something more banal, more concrete. That is, the *expropriation of the*

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expropriators. At the end of the first volume of *Capital*, while describing the historical tendency of capitalist accumulation, Marx writes:

The centralization of the means of production and socialization of labour reach a point at which they become incompatible with their capitalist integument. This integument is burst asunder. The knell of capitalist private property sounds. *The expropriators are expropriated.*²

And in *The Civil War in France*, while analysing the Paris Commune, he writes:

The Commune, they exclaim, intends to abolish property, the basis of all civilization! Yes, gentlemen, the Commune intended to abolish that class-property which makes the labour of the many the wealth of the few. It aimed at the expropriation of the expropriators. It wanted to make individual property a truth by transforming the means of production, land and capital, now chiefly the means of enslaving and exploiting labour, into mere instruments of free and associated labour—But this is Communism, “impossible” Communism!³

The ‘expropriation of the expropriators’ is a delicious turn of phrase, one that Marx even compares to Hegel’s infamous ‘negation of the negation’.⁴ It was also, perhaps, *the* most famous slogan of Second International Marxism, cited endlessly in popular writings on the end of capitalism and the arrival of socialism. But what does it mean, and is it still relevant today? Marxists usually consider expropriation in one of two ways: (a) negatively, as part of the historical (or ongoing) process of ‘primitive accumulation’, a basic condition of capitalist accumulation or (b) positively, as a revolutionary policy to be implemented by a socialist state or communist party against the bourgeoisie. Rarely is there an analysis of ‘expropriation of the expropriators’ that places it within Marx’s account of the immanent tendencies of capitalist accumulation without succumbing to determinism or voluntarism, which I will try to do here.⁵

Before I analyse the content of Marx’s expression, I would like to briefly consider contemporary legal understandings of expropriation, as well as some examples of it. In the remainder of this essay, I will spell out different kinds of expropriation in Marx and focus on an ambiguity at the core of the notion of ‘expropriating the expropriators’, namely, whether it describes an immanent and objective tendency within the development of the capitalist mode of production or else actively prescribes a form of revolutionary political praxis for the working class. My answer is that it does both, and that these meanings are in tension, though not irreconcilably. Resolving this tension requires grounding the revolutionary political struggle for class expropriation *inside* the objective dynamics of capital’s own self-expropriation. This means bringing together the active, subjective side of the phrase together with its passive, objective side into a single, coherent, mediated view of what the successful expropriation of the expropriators demands. Finally, I develop some implications of these reflections by showing how the concept of expropriation can be put to use today, in struggles around housing, climate and work.

One more thing. Of course, Marx does not write recipes for the cookbooks of the future, and famously avoids describing the details of a post-capitalist society. My point, however, is to challenge the idea that there is no positive content to the theory of

overcoming capitalism in Marx.⁶ This is not about what the final form of socialism or communism looks like, but about what overcoming capitalism looks like. And for Marx, overcoming capitalism looks like expropriating the expropriators, or so I claim. Yet, and here is the tricky part, the conception of the form of overcoming capitalism tends to bleed into the vision of the society to replace it. In that sense, it is not so simple to separate how one conceives the negation of one form of society from the affirmation of another.⁷ To call for expropriating the expropriators is not just to say *no* to something, it is also to say yes. Best to be clear on what that is.

Lawful expropriation

Legally speaking, expropriation names the act of taking property away from an owner against their wishes, usually by a state authority, mostly with compensation and nominally for the public good.⁸ To expropriate the property or assets of another (e.g. a house, railway company or bank) is to revoke its ownership and confiscate it, unilaterally but legally. Expropriation can take many forms: eminent domain, nationalization, compulsory purchase, socialization and so on. For instance, eminent domain may involve the transfer of title and ownership over privately owned buildings to a municipal government, nationalization may entail bringing an energy company within the ownership and control of a federal government, thus turning private property into public property, and socialization may involve the transfer of ownership and control over a workplace to the workers themselves.⁹

Most states have come to recognize a limited right to expropriate domestic and foreign property owners, under certain very strict conditions. There are now numerous bilateral investment treaties spelling out the conditions for acceptable expropriations.¹⁰ Such conditions usually stipulate that the explicit purpose of the expropriation must be for the ‘public good’, and they also demand fair and just compensation to the property owners for the assets seized. Nevertheless, such acts are strongly disapproved by democratic governments, business communities, individual homeowners and the wealthy, as it goes against the central tenets of liberal society, most notably the freedom of the market, the sanctity of contract law and the security of private property. Thus, although the right to expropriate private property has been juridified and incorporated into domestic and international law over the past few decades, it has also been greatly restricted. Even the very mention of the act tends to evoke Cold War panics about the end of democracy and the free market.

Yet expropriations and nationalizations did happen all over the world during the last century, particularly in relation to energy companies, railways, coal mines, wartime manufacturing, infrastructure, financial institutions, telephone companies and more.¹¹ As mentioned above, the legal justifications were premised upon the notion of the ‘public good’, the only acceptable ground for taking private property away from its rightful owner. The ‘public good’ is, of course, a contested concept, one whose deployment shifts depending on the interests of those in power. The ‘public good’ has meant everything from providing energy to building highways to making weapons to gentrifying neighbourhoods to ending monopolies to redistributing wealth to evicting minorities. Common

examples of large-scale expropriations in the 20th century are the nationalizations of oil companies in Latin America, the expropriation of US businesses in Iran, the Bolshevik expropriations of large landowners, the American nationalizations of railways and coal mines, the expropriations of the Catholic Church during the Spanish Civil War, Nazi expropriations of Jewish property, and land expropriations in Zimbabwe, South Africa and Venezuela.

Given these examples, it is clear that expropriation *in itself* is politically and normatively ambiguous, a legal tool which can help or harm vulnerable communities, wealthy individuals, racial minorities, government officials and so on. From a Marxist perspective, whether a given expropriation is justified cannot merely be a question of legal statutes and economic impacts; it must also be a question of whether it materially benefits and politically empowers the class of those who own nothing but their labour power. That is to say, the legitimacy of a particular expropriation cannot be determined *a priori*, but only by reference to the specific conditions of the property transfer, including who is being expropriated, who is doing the expropriating, what is being expropriated and for what ends.

In addition to these ‘direct expropriations’, there are also ‘indirect expropriations’ – that is to say, actions that make someone’s property or assets more or less worthless without affecting the property title itself, such as changing the financial environment in which a company exists. Even industrial regulations may be considered ‘indirect expropriations’. This charge of indirect expropriation has in fact been levelled numerous times by multinational corporations against even lukewarm attempts to implement environmental measures and health policies. Since at least the 1970s, as states have moved more aggressively to encase legally the market from popular control,¹² and as direct expropriations have become rarer, the fear of indirect expropriation has come to haunt the bourgeoisie more than that of direct dispossession. Yet with the return of more radical social demands for expropriating housing stock, energy companies and workplaces, perhaps the owning class has cried wolf a little too soon.

Expropriation in Marx

Let us now turn to Marx, for whom expropriation means something quite different. First, expropriation for Marx does not presuppose any legal right. In other words, Marx does not believe that expropriations have been legally justified or have to be legally justified. Historical expropriations of common land, for instance, may or may not have occurred within a legal framework that authorized such takings according to juridical principles – but that is not the point. What matters is understanding the expropriations as part of a politico-economic process of dispossession by one class over another, irrespective of the legal validity of any singular deed by any singular agent. Second, expropriation does not require monetary compensation. Expropriations of land, wealth and labour have not been and need not be compensated in order to be considered expropriations. Rather, Marx characterizes expropriations as forms of unequal appropriation, which, under capitalist legal relations, are carried out under the guise of equal exchange. And third, expropriation need not be backed by a state authority. The idea that only the state has the authority to

rightfully dispossess owners of their title ignores how private actors and collective agents have coerced the state to recognize their takings as retroactively valid. For Marx, the agents and subjects of expropriation – the expropriators and the expropriated – are not simply states and individuals but classes mediated through states and individuals. In short, expropriation for Marx is indifferent to the law, can be accomplished without compensation, and describes a social process occurring over time by classes rather than discrete acts by states or individuals.

Before turning to Marx's conception of expropriation as a kind of revolutionary praxis, I would like first to show how different forms of expropriation can be used to distinguish between distinct modes of production. In *Capital*, Marx mostly uses the English cognate term for 'expropriate' (*expropriiert*). But in the *Grundrisse*, he discusses the same concept under the more precise formula of 'appropriation without exchange' or 'without equivalent'.¹³ To unpack this phrase, it helps to distinguish the various objects of 'appropriation without exchange'. There are three major objects in my view, the generalized form of expropriation of which characterizes a historic mode of production or transitional phase. These objects are labour, land and the conditions of labour (or private property based on one's own labour).¹⁴ Putting these together, one can say that at least three distinct forms of expropriation exist in Marx:

1. Expropriation of surplus labour through direct (extra-economic) coercion, which characterizes the appropriation of the surplus product in pre-capitalist economic formations, such as slavery or feudalism;¹⁵
2. The expropriation of land from direct producers, which marks the phase of so-called 'primitive accumulation', and forms the key precondition of capitalist private property, that is, the separation of the producer from their means of production; and
3. The expropriation of unpaid labour from legally free workers through the 'mute compulsion of economic relations',¹⁶ which characterizes the appropriation of surplus value in capitalist societies.

Although the first form of expropriation still takes place today, it is the latter two which are key for Marx: expropriation as dispossession of the direct producer from the land and expropriation as the theft of alien labour time. All three are expropriations in the sense of 'appropriation without equivalent', but only the last has the guise of equal exchange. The second form – expropriation as dispossession – establishes the fundamental condition for capital accumulation, what Marx calls 'capitalist private property'.¹⁷ This fundamental condition is the separation of labour from property – both in the sense of the separation of the direct producers from their conditions of production and in the sense of the separation of the producer from the product of labour.¹⁸

Strikingly, Marx describes all these processes of expropriation in highly normative terms, such as 'robbery, plunder, theft, looting, usurpation, parasitism, spoliation, dissolution, confiscation, enslavement, colonialism, patriarchal domination, squandering, and blood-letting'.¹⁹ Expropriation is both robbery (of land, title and product) and separation (of producer from their conditions of production). But if expropriation is so

negative, and so fundamental to capitalist social relations, then how can it also be the path towards overcoming capitalism and creating a society of free human beings producing in common? This is the puzzle that needs to be resolved.

Is it possible, in a sense, to *counter-expropriate* or to re-appropriate one's own conditions of existence? If so, this would follow Marx's description of communism not as the abolition of private property, but as the negation of the negation of private property.²⁰ As capitalist expropriation negated the personal property of the direct producer, the expropriation of the expropriators would negate capitalist private property and realize individual, true property for all – not by returning to some pre-capitalist condition but by collectively reappropriating and transforming the already socialized form of production underlying capitalist property relations today.²¹

Yet given that proletarians live in conditions of perpetual expropriation – from the land, from the conditions and product of labour, from their own time – any attempt to appropriate those objects for themselves will be seen as unjust expropriations from the point of view of those who have already legally expropriated them. Yet that should not cloud the fundamental difference between, on the one hand, ruling class expropriations, and, on the other hand, revolutionary counter-expropriations: while the former are carried out against the class of direct producers, the latter are carried out against the class of owners. It is the latter kind which Marx seeks to defend against the seemingly unstoppable force of the former. Hence, there must be a *fourth* kind of expropriation in Marx, distinct from the previous forms:

4. The expropriation of capitalist private property as the process by which the producing class takes 'possession in common of the land and means of production produced by labour itself', transforming them from means of exploitation and enslavement into 'instruments of free and associated labour'.²²

For Marx, this process of expropriation is made possible by the 'immanent laws of capitalist production' itself, which centralizes capital and socializes labour, thus making capitalist private property a fetter on the production and distribution of social wealth.²³ That is to say, the 'expropriation of the expropriators' is already happening *within* the present as a tendency of the laws of capital, but not yet actualized, not yet carried through to the end by the proletariat. To carry this through to the end and quicken the euthanasia of the capitalist class would require the internationally coordinated power of socialized labour to shut down the circuits of capital and appropriate the conditions of production for themselves. For Marx, this 'revolt of the working class' grows out of and builds upon the very conditions developed by capitalist production itself, namely,

the co-operative form of the labour process, the conscious technical application of science, the methodical cultivation of the soil, the transformation of the instruments of labour into instruments of labour only usable in common, the economizing of all means of production by their use as the means of production of combined, socialised labour, the entanglement of all peoples in the net of the world market, and with this, the international character of the capitalistic régime.²⁴

The task, paradoxically, is not to abolish private property but to ‘make individual private property a truth’ – to negate the ‘class property’ based on the expropriation of alien labour time and transform it into individual property based on the socially recognized labour of all.²⁵

The expropriation of the means of production from all individuals

In the manuscripts that became the third volume of *Capital* (written between 1863 and 1867), Marx expands on the immanent tendency of capitalist production towards expropriating the expropriators, with particular reference to joint-stock companies, the credit system and cooperative factories. He writes:

Success and failure both lead here to a centralisation of capital, and thus to expropriation on the most enormous scale. Expropriation extends here from the direct producers to the smaller and the medium-sized capitalists themselves. It is the point of departure for the capitalist mode of production; its accomplishment is the goal of this production. *In the last instance, it aims at the expropriation of the means of production from all individuals.* With the development of social production the means of production cease to be means of private production and products of private production, and can thereafter be only means of production in the hands of associated producers, i.e., the latter’s social property, much as they are their social products. However, this expropriation appears within the capitalist system in a contradictory form, as appropriation of social property by a few; and credit lends the latter more and more the aspect of pure adventurers. Since property here exists in the form of stock, its movement and transfer become purely a result of gambling on the stock exchange, where the little fish are swallowed by the sharks and the lambs by the stock-exchange wolves. There is antagonism against the old form in the stock companies, in which social means of production appear as individual property; but the conversion to the form of stock still remains ensnared in the trammels of capitalism; hence, instead of overcoming the antithesis between the character of wealth as social and as private wealth, the stock companies merely develop it in a new form.²⁶

Marx is here describing two things: on the one hand, the competition between capitals, which results in fewer and fewer individuals appropriating more and more social wealth (which he describes as a form of expropriation), and, on the other hand, the creation of new forms of social production and social property, which could facilitate a transition away from a capitalist society of private ownership and private production toward a communist society of associated producers owning social wealth in common. But, and here is the issue, this is only possible if the expropriated class are able to finish the project of expropriation that capital started, that is, to release the means of production from the ownership of anyone whatsoever. This means radically extending the process of capitalist expropriation to the capitalist class itself so that no single individual could ever again wield such enormous power over human beings via the ownership of the means of production. The resulting ownership in common of the social means of production and

socialized wealth by the associated producers would not reproduce capitalist property relations since there would no longer be a class of separate owners who could appropriate surplus value through the legal expropriation of unpaid labour. In turn, there would also no longer be a class of formally free workers economically compelled to sell their labour power to employers in order to earn wages to meet their needs, since there would no longer be an employing class monopolizing the means of production which sells those needs back to workers in the form of commodities for a profit. Rather, instead of wages, prices and profit, individual needs would be met through determinate social property relations based on the principle of ‘from each according to their ability, to each according to their needs’.

This expropriation of the expropriators by the expropriated is made possible precisely by the new forms of capitalist property and production, which socialize ownership and labour to an unprecedented degree, through joint-stock companies, the credit system and cooperative factories. Yet since these developments have their origins in the capitalist system, such post-capitalist possibilities remain contradictory, formally reproducing the capitalist distinction between social wealth and private wealth while slowly eroding it in substance. Marx continues:

The cooperative factories of the labourers themselves represent within the old form the first sprouts of the new, although they naturally reproduce, and must reproduce, everywhere in their actual organisation all the shortcomings of the prevailing system. But the antithesis between capital and labour is overcome within them, if at first only by way of making the associated labourers into their own capitalist, i.e., by enabling them to use the means of production for the employment of their own labour. They show how a new mode of production naturally grows out of an old one, when the development of the material forces of production and of the corresponding forms of social production have reached a particular stage. Without the factory system arising out of the capitalist mode of production there could have been no cooperative factories. Nor could these have developed without the credit system arising out of the same mode of production. The credit system is not only the principal basis for the gradual transformation of capitalist private enterprises into capitalist stock companies, but equally offers the means for the gradual extension of cooperative enterprises on a more or less national scale. The capitalist stock companies, as much as the cooperative factories, should be considered as transitional forms from the capitalist mode of production to the associated one, with the only distinction that the antagonism is resolved negatively in the one and positively in the other.²⁷

Here, Marx specifies two transitional forms of producing and appropriating social wealth, both intrinsic to capitalist production, which nevertheless represent elements of a new “associated” mode of production: capitalist stock companies, which ‘negatively’ resolve the antagonism between capital and labour by socializing private enterprises through stocks and credit, and cooperative factories, which ‘positively’ resolve the antagonism by turning associated workers into their own capitalists. Of course, these ‘transitional forms’ have not carried us beyond our current mode of production. On my reading of Marx, such forms constitute elements of an alternative ‘associated’ mode of

production only to the extent that they actually break free from capitalist property relations, that is, to the degree that they facilitate the expropriation of the expropriators and thus the abolition of the entire system of production for exchange based on value, wage labour and money. This would be expropriation not in the legal sense of dispossession and transfer of property title, but in the revolutionary sense of negating the social and legal basis of class property as such. As the fundamental basis of capitalist private property is the separation of the producer from the conditions of production and the ownership of the latter by a distinct class of surplus-appropriating individuals, the negation of this separation through expropriation is nothing other than the unification of the human community in a classless society where social existence is no longer mediated unconsciously through value but consciously through the coordinated activity of human beings in association.²⁸ As Marx and Engels put it in the *Manifesto*, '[I]n place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all'.²⁹

According to Marx, this transformative potential is already latent in the credit system, albeit in a contradictory way. Marx describes 'the implicit latent abolition (*Aufhebung*) of capitalist property'³⁰ internal to the credit system as such:

The credit system appears as the main lever of overproduction and overspeculation in commerce solely because the reproduction process, which is elastic by nature, is here forced to its extreme limits, and is so forced because a large part of the social capital is employed by people who do not own it and who consequently tackle things quite differently than the owner, who anxiously weighs the limitations of his private capital in so far as he handles it himself. This simply demonstrates the fact that the self-expansion of capital based on the contradictory nature of capitalist production permits an actual free development only up to a certain point, so that in fact it constitutes an immanent fetter and barrier to production, which are continually broken through by the credit system. Hence, the credit system accelerates the material development of the productive forces and the establishment of the world market. It is the historical mission of the capitalist mode of production to raise these material foundations of the new form of production to a certain degree of perfection. At the same time credit accelerates the violent eruptions of this contradiction—crises—and thereby the elements of disintegration of the old mode of production.³¹

This paragraph is full of pregnant phrases, including the 'historical mission' of the capitalist mode of production, credit breaking through the fetters of production, the material developments which credit allows and the violent crises that result, as well as the self-destructive tendencies of capitalism itself. Now this may seem like a teleological story, with the credit system driving capital beyond its limits so as to construct the foundations of a new mode of production. But we should be careful here. Rather than a deterministic teleology, one can just as easily observe a research method that documents the numerous contradictory tendencies burrowed within the same social development. One such tendency is towards the hyper-exploitation of labour, economic crisis, financial swindling and the private expropriation of social wealth by fewer and fewer individuals; another such tendency is oriented toward the socialization of labour and ownership, the

vast rise in productive power, the reduction of labour time to a minimum and the increased potential for social expropriation of ‘class property’ on a society-wide scale. Both tendencies coexist at the same time in a *Spannungsverhältnis*, a state of tension, while the future remains undecided, contingent on the collective action of human beings. Accordingly, Marx concludes this digression on the immanent tendency of the capitalist mode of production towards its own self-expropriation with a thought on the ambiguous nature of the credit system:

The two characteristics immanent in the credit system are, on the one hand, to develop the incentive of capitalist production, enrichment through exploitation of the labour of others, to the purest and most colossal form of gambling and swindling, and to reduce more and more the number of the few who exploit the social wealth; on the other hand, to constitute the form of transition to a new mode of production. It is this ambiguous nature (*Mischcharakter*), which endows the principal spokesmen of credit from Law to Isaac Péraire with the pleasant character mixture of swindler and prophet.³²

Given the previous typology of various forms of historical expropriation in Marx, and given this new account of how capitalism itself tends towards a form of self-expropriation, how are we to ultimately interpret Marx’s call for expropriating the expropriators? Marx both enthusiastically calls for expropriating the expropriators and, at the same time, soberly declares that the expropriators are, in fact, being expropriated. Are these the same thing? Is the declaration of the fact of expropriation a description of what will happen, given the implicit long-term tendencies of capital? If so, then why call for expropriating the expropriators at all? If it is already in the cards, then merely calling for it seems as helpful as calling for the rate of profit to fall. But Marx is not so deterministic. Rather, in a more materialist vein, Marx’s call for expropriating the expropriators emerges not from an independent moral claim about the justice of such measures, but from his account of the contradictory tendencies at play within the development of capitalist social relations itself.

On the one hand, the ‘expropriation of the expropriators’ names the political activity by which the expropriated class of producers utilizes its collective power to seize the instruments of labour and turn them into tools of liberation, held in common by all. The classic way of visualizing this form of expropriation is through spontaneous, proletarian self-activity, in which workers engage in strikes, occupations, and takeovers of workplaces, industries and neighbourhoods, forming councils or communes to self-manage their newly acquired social and economic power for the benefit of all those produce and reproduce the world (e.g. Germany 1918–1919). But to transform private ownership of the means of production into common ownership requires more than just a single act of expropriation; it needs a political authority which can underwrite the legitimacy of the new property relations and an economic organization which can coordinate the use of newly expropriated common property for all. In other words, what good is an expropriated factory owned and run in common by a worker’s council if no one else treats it as such? Furthermore, do the economic conditions not have to be ‘ripe’ enough for such expropriations to have any traction? How can revolutionary expropriations be carried out in a way that builds upon the progressive dynamics at work in rationalizing production,

instead of regressing behind them? These questions motivate an alternative, more cautious reading of Marx's famous phrase, one that he himself puts forth in his economic writings, which I have tried to outline above. In order to ground the political actions of the working class within the economic tendencies of the era, Marx theorizes the expropriation of the expropriators not only from the side of the subjects, but also from that of the objects.

Thus, *on the other hand*, the 'expropriation of the expropriators' describes an unconscious economic tendency and even 'aim' of the capitalist mode of production itself: the consolidation of total social wealth by fewer and fewer individuals, and ultimately, by no one at all. How does the transition from 'fewer and fewer individuals' to 'no one at all' actually happen? Isn't this just a leap into abstraction? As abstract as it sounds, this is explicitly how Marx puts it in *Capital Vol. III*, as cited above. The idea is that capitalism increasingly socializes labour and ownership through various transitional forms (co-ops, joint-stock companies, credit system, etc.), so that the inherent tendency moves towards eliminating individual ownership of means of production altogether, which would ultimately be more efficient, dynamic and rational. This is expropriation as the gradual *socialisation* of the means of production, a view defended by many socialists in the late 19th and early 20th century, such as Bernstein and Kautsky. For them, some industries were considered more 'ripe' than others for this kind of expropriation, like coal mining or banking, since the economic conditions for rationally managing them as common property were already in place. The expropriation of the expropriators, on this view, was already occurring through capitalism's own internal dynamic to socialize labour and ownership in new forms, and this process has to be allowed to develop until the new economic organization is ready to burst through its legally inadequate husk. While some may still defend this idea today, it seems like the time has passed in which one can reasonably believe that capitalist monopolies will expropriate themselves into common property in order to become more efficient and rational forces of production. Waiting around for the expropriators to expropriate themselves seems just as likely as waiting around for the planet to cool itself. That is why I think neither a purely objectivist nor purely subjectivist interpretation of the 'expropriation of the expropriators' really makes sense. It is not coincidental that this phrase rings a Hegelian bell, as the key to the puzzle of its ambiguity lies in mediating both subject and object.

Given these two very distinct meanings of the phrase – one political, voluntarist, revolutionary, spontaneous, violent and illegal, and one other economic, objective, reformist, gradual peaceful and legal – is it possible to harmonize them? *Expropriation of the expropriators*, as the social appropriation of class property without equivalent, and *expropriation of the expropriators*, as the private appropriation of social wealth without equivalent? Whereas the first names a revolutionary form of proletarian self-activity, the latter describes a historical tendency of capitalist accumulation. The former is an act of subjective will, the latter is an objective dynamic of capitalist social relations. On their own, each form of expropriation is one-sided: revolutionary expropriation cannot succeed without favourable economic conditions that allow it to flourish, and the gradual self-expropriation of capital can never be completed without a political force to push it through all the way. Emphasizing one side here, another side there, it seems as though Marx wavers on which form he truly favours. Or, and I think this is more likely, his different

emphases at different moments to different readers are part of strategy of showing the necessary mediation of both forms of expropriation. By advocating a revolutionary measure whose form is already implicit in capitalist social relations, yet which can only be seen from the perspective of its negation, Marx is able to ground his defence of expropriation in both a materialist account of social relations and a political theory of social transformation. That is to say, the ‘expropriation of the expropriators’ in Marx is both a description and a prescription, a prescription that only makes sense within a specific description of reality. To truly expropriate the expropriators, Marx seems to be saying, the expropriators themselves must be undergoing their own self-expropriation, a process which, fortunately, the working class can help carry through to the end.

Conclusion

Let me make some concluding observations. First, expropriation has been vastly underappreciated by Marxists, political theorists, legal theorists and radical economists. Marxists usually consider expropriation in one of two ways: (a) negatively, as part of the historical (or ongoing) process of ‘primitive accumulation’, a basic condition of capitalist accumulation or (b) positively, in a Marxist–Leninist manner, as a revolutionary policy to be implemented by a socialist state or communist party against the bourgeoisie. Rarely is there an analysis of ‘expropriation of the expropriators’ that places it within Marx’s account of the historical tendency of capitalist accumulation without succumbing to determinism or voluntarism, which I have tried to do here. My interpretation of Marx’s thorny phrase tries to take seriously both its active and passive inflections, so to speak. This particular interpretation does not come out of nowhere, but can be traced back to debates among socialists, communists and social democrats during the German Revolution in 1918–1919, a topic I will expand upon in forthcoming work.

Now, once more, the time has come to rethink expropriation both as a legal measure of contestation and a political strategy of emancipation. Even just bringing up the idea of expropriation can open up previously unimagined horizons for collective transformation. One place this is happening is in Berlin, with the popular campaign to expropriate large residential property owners for the purpose of socialization.³³ This movement takes its legal justification from Articles 14 and 15 of the German *Grundgesetz*: ‘Expropriation shall only be permissible for the public good’ (Art. 14); and ‘[l]and, natural resources, and means of production may for the purpose of socialization be transferred to public ownership or other forms of public enterprise by a law that determines the nature and extent of compensation’ (Art. 15). This campaign has been wildly successful in mobilizing tens of thousands of tenants and neighbours to push for transforming the commonsense relation between private property, ownership and housing in the city. By demanding the social expropriation of private housing from mega owners, the *Deutsche Wohnen & Co Enteignen* campaign has brought the question of the private ownership of basic needs front and centre to the public. This almost never occurs, and if it does, it rarely has the legal, social, political and economic backing that this movement has accrued. Of course, Marx’s account of expropriation was not about legally seizing homes from the rich, compensating the owners at market rate, and then transferring the title over to the state

(although Engels was in favour of expropriation to solve the housing crisis).³⁴ Rather, it was about reappropriating the conditions of production by the producers themselves, enabling them to free themselves from dependency on the property of those who exploit them. Yet housing is a basic condition for the reproduction of labour power, as well as an enormous cost that workers have to pay. Thus expropriating property in the form of housing partly frees workers from their servitude to bosses, to owners and to landlords – in short, to capital.

The expropriation of property for the public good is one thing, but what about everything else? How far can we extend the argument about expropriation? The German basic law names three objects of socialization: land, natural resources and means of production. So why not start those? In other words, why not expropriate private property in land, and make housing free for all?³⁵ Why not expropriate the privately owned natural resources, and stop burning fossil fuels? And why not expropriate the means of labour and end private production of commodities for the sake of profit? Let me end by giving three reasons for expropriating everything.

First, expropriation happens all the time, for the public good and infrastructure (e.g. roads and power lines), but more often than not, to make a city or area more profitable (e.g. to build a sports stadium). Second, the right to expropriate land for the common good is a long-lasting norm, stretching back thousands of years, and almost universally found in societies across the world.³⁶ Until relatively recently, it was so taken for granted that there was no need to justify it in legal documents. Only now that our property relations are so privatized has the justificatory burden been placed on the expropriator and not the expropriated. Third, expropriation can be effectively used for fighting various crises of capitalism in housing, the environment and the workplace. That is to say, to tackle the crisis in housing, it might make sense to expropriate big landlords, stop extracting rent and start making housing free for everyone. To mitigate climate change and stop burning fossil fuels, it might help to expropriate energy companies from their investors and start decarbonizing the economy. And to rebuild workers' power, it may not be a bad idea to expropriate workplaces from their owners and start producing in common for need.

Expropriating private property, however, is only the first step. Changing the structure of ownership in one instance does not in itself change the social relations that underlie them. For if value and the exchange relation still mediate social activity, then there is no reason that expropriated houses, energy companies or workplaces would be less exploitative, less alienating or more beneficial to human beings and the planet than private ownership. At least not yet. As Otto Neurath wrote in 1920 about the nationalization of some industries in Germany following workers' demands for socialisation, 'But what did it help them that they burnt nationalized coal instead of privately mined coal, that their corn had been fertilised with nationalised potash instead of private potash?'³⁷ The point here is that expropriation in the form of nationalization, or as transfer of title from private to public ownership, without any other change, guarantees nothing except a new boss. However, only with the change in form of ownership is a deeper change in the content of ownership even possible. In Germany, for instance, a private owner of housing stock, coal companies or car factories, can deal with the property 'at his discretion' (*German Civil Code §903*), within the limits of the law. There is nothing more to be said to the owner, no

matter the needs of society at large. To challenge the power of property over human lives requires confronting that private authority in certain domains, something which Marx was getting at in his concept of expropriation of the expropriators. It is not just a legal measure to be instituted, but a social process to be carried through. Expropriating large housing companies, fossil fuel companies or production industries, for instance, is absolutely necessary for even getting to the step at which one can ask those questions about need, accountability or sustainability. Without that, all one can do is plead for changes from the outside. Expropriating means no longer asking for better behaviour from individual owners of social wealth, but collectively appropriating the power to decide in common over the proper use of the wealth of society, whether it be in the form of housing, energy, technology and so on. That is no guarantee in itself of a change for the better, but it is hard to imagine such a change without it.

What needs to change is not only the form of ownership – from private to public or common – but the content of ownership itself. What would it mean to shift the function of property from separation to solidarity, from profit to need, from exchange to use, from extraction to renewal, from exploitation to care? Answers to those questions are not to be found in Marx or the law, but rather in the content of the social struggles that are taking place all over the world today – for better, or for worse.

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Notes

1. I am grateful to Rob Hunter, John Clegg, two anonymous reviewers, and the *Legal Form* editorial collective for their feedback. Previous versions of this paper were presented at HM 2019 and *Legal Form* 2020.
2. Karl Marx, *Capital: A Critique of Political Economy, Volume I* (Harmondsworth: Penguin, 1976 [1867]), 929 (emphasis mine).
3. Karl Marx, *The Civil War in France* [1871], MECW 22: 335 (emphasis mine).
4. Marx, *Capital I*, 929.
5. This approach is inspired by the complex ways in which socialists, social democrats, communists and industrialists debated ‘socialization’ following the German Revolution of 1918, a topic I will expand upon in future work.
6. For a more detailed reading of Marx’s various comments on the overcoming of capitalism, see Peter Hudis, *Marx’s Concept of the Alternative to Capitalism*, Leiden: Brill, 2012.
7. For more on this dialectic between negation and affirmation, see Jacob Blumenfeld, “[Lifting the Ban](#)”, Brooklyn Rail, 2021.
8. ‘The term *expropriation*, in English, originally meant the appropriation without equivalence of the title to real property, and hence, the separation, removal, and alienation of human beings from the land. To expropriate more generally was “to dispossess (a person) of ownership” or right to a property. The term also took on the more general connotation of confiscation and robbery’. John Bellamy Foster and Brett Clark, ‘[The Expropriation of Nature](#)’, *Monthly Review* 69, 2018.

9. On the various kinds of expropriation, see August Reinisch, ‘[Expropriation](#)’, in Peter Muchlinski, Federico Ortino, and Christoph Schreuer (eds), *The Oxford Handbook on International Investment Law* (Oxford: Oxford University Press, 2008) 407; and Alice Ruzza, ‘[Expropriation and Nationalization](#)’, in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford: Oxford University Press, 2013).
10. See [Expropriation—UNCTAD Series on International Investment Agreements II](#); J. A. M. A. Sluysmans and E. J. L. Waring, ‘Core Principles of European Expropriation Law’, 2016 (2016) *European Property Law Journal* 142.
11. See, for example, Thomas Hanna, ‘[A History of Nationalization in the United States: 1917–2009](#)’, *The Next System Project* (4 November 2019).
12. For more on the encasement of the market, see Quinn Slobodian, [Globalists: The End of Empire and the Birth of Neoliberalism](#) (Cambridge: Harvard University Press, 2018).
13. See Marx, *Grundrisse* [1858], MECW 38: ‘An exchange of equivalents occurs, [but it] is merely the surface layer of a [system of] production which rests on the appropriation of alien labour without exchange, but under the guise of exchange. This system of exchange has capital as its basis’. (433); ‘It is therefore no longer surprising to find that the system of exchange values—the exchange of equivalents measured by labour—turns into, or rather reveals as its concealed background, the appropriation of alien labour without exchange, the total separation of labour and property’. (433); ‘The exchange of equivalents, which appears to imply property in the product of one’s own labour ... is reversed, manifests itself by a necessary dialectic as the absolute separation of labour and property and the appropriation of alien labour without exchange, without equivalent’. (438); ‘[capital] is the power of appropriating alien labour without exchange, without equivalent, but under the guise of exchange’. (474).
14. Marx, *Capital I*, MECW 35, 748: ‘What does the primitive accumulation of capital, i.e., its historical genesis, resolve itself into? In so far as it is not immediate transformation of slaves and serfs into wage labourers, and therefore a mere change of form, it only means the expropriation of the immediate producers, i.e., the dissolution of private property based on the labour of its owner’.
15. Whereas the expropriation of slave labour is total, the expropriation of peasant labour is partial.
16. Marx, *Capital I*, MECW 35, 736: ‘The mute compulsion of economic relations seals the domination of the capitalist over the worker. Direct violence outside economic conditions, is of course still used, but only exceptionally. In the ordinary run of things, the worker can be left to the “natural laws of production”, i.e., to his dependence on capital, a dependence springing from, and guaranteed in perpetuity by, the conditions of production themselves’. Translation modified. See also Søren Mau, “‘The Mute Compulsion of Economic Relations’: Towards a Marxist Theory of the Abstract and Impersonal Power of Capital’, in: *Historical Materialism* 29.3 (2021) 3–32.
17. Marx, *Capital I*, MECW 35, 751.
18. See Marx *Capital III*, MECW 37, 608: ‘Just as the capitalist mode of production in general is based on the expropriation of the conditions of labour from the labourers, so does it in agriculture presuppose the expropriation of the rural labourers from the land and their subordination to a capitalist, who carries on agriculture for the sake of profit’.
19. See Foster and Clark, ‘[The Expropriation of Nature](#)’, fn 30.
20. On the negation of the negation of private property, see Marx, *Capital I*, MECW 35, 751: ‘The capitalist mode of appropriation, the result of the capitalist mode of production, produces

capitalist private property. This is the first negation of individual private property, as founded on the labour of the proprietor. But capitalist production begets, with the inexorability of a law of Nature, its own negation. It is the negation of negation. This does not re-establish private property for the producer, but gives him individual property based on the acquisitions of the capitalist era: i.e., on co-operation and the possession in common of the land and of the means of production’.

21. Marx believes that the expropriation of capitalist private property and its transformation into socialized property will be easier, quicker and less violent than the historical expropriation of the personal property of the direct producers and transformation into capitalist private property: ‘The transformation of scattered private property, arising from individual labour, into capitalist private property is, naturally, a process, incomparably more protracted, violent, and difficult, than the transformation of capitalistic private property, already practically resting on socialised production, into socialised property. In the former case, we had the expropriation of the mass of the people by a few usurpers; in the latter, we have the expropriation of a few usurpers by the mass of the people’. Marx, *Capital I*, MECW 35, 751.
22. Marx, *Capital I*, 929; Marx, *Civil War in France*, MECW 22, 335.
23. Marx, *Capital I*, MECW 35, 750: ‘That which is now to be expropriated is no longer the labourer working for himself, but the capitalist exploiting many labourers. This expropriation is accomplished by the action of the immanent laws of capitalistic production itself, by the centralisation of capital. One capitalist always kills many [...] The monopoly of capital becomes a fetter upon the mode of production, which has sprung up and flourished along with, and under it’.
24. Marx, *Capital I*, MECW 35, 750.
25. Marx, *Civil War in France*, 335. For my Stirnerist reading of Marx’s negation of the negation of private property, see the conclusion to Jacob Blumenfeld, *All Things are Nothing to Me: The Unique Philosophy of Max Stirner* (New York: Zero Books, 2018).
26. Marx, *Capital III*, MECW 37, 437 (emphasis mine). For the German, see MEGA II/4.2, *Ökonomische Manuskripte 1863-1867*, pt. 2, 503-55.
27. Marx, *Capital III*, MECW 37, 438.
28. On communism as the unification of the human species, see Jacques Camatte, ‘[The Wandering of Humanity](#)’ [1973], republished in *This World We Must Leave and Other Essays* (New York: Autonomedia, 1995) 39.
29. See Karl Marx and Friedrich Engels, [Manifesto of the Communist Party](#) [1848], MECW 6, 497-506.
30. Marx and Engels, [Communist Manifesto](#), 497-506.
31. Marx, *Capital III*, MECW 37, 438-39.
32. Marx, *Capital III*, MECW 37, 438-39.
33. Jacob Blumenfeld, ‘[Expropriate Everything](#)’, Brooklyn Rail 2019. See also, Sabine Nuss, *Keine Enteignung ist auch keine Lösung*, Berlin: Dietz Verlag, 2019.
34. See Friedrich Engels, [The Housing Question](#) [1872], MECW 23, 317-91.
35. Marx, *Capital III*, 910-11: ‘From the standpoint of a higher socio-economic formation the private property of particular individuals in the earth will appear just as absurd as the private property of one man in other men. Even an entire society, a nation, or all simultaneously

existing societies taken together, are not the owners of the earth. They are simply its possessors, its beneficiaries, and have to bequeath it in an improved state to succeeding generations, as *boni patres familias*'.

36. According to Susan Reynolds, 'expropriation for the common good' has been the norm all over the world for thousands of years, not just a modern invention. Susan Reynolds, [Before Eminent Domain: Toward a History of Expropriation of Land for the Common Good](#) (Chapel Hill: University of North Carolina Press, 2010).
37. Otto Neurath, 'Total Socialisation' (1920), in *Economic Writings* (New York: Kluwer, 2004), p. 375.