

Arguing about Justice: Marxist Immoralism and Marxist Moralism

I

Marxists, theorists sympathetic to Marx, and Marxologists are divided both over whether Marx thought and over whether Marxists should think that some social formations (such as capitalism) are unjust and others just, or whether such terms of appraisal are not altogether inapplicable to whole social formations.¹ Even analytic philosophers sympathetic to Marx and thoroughly knowledgeable about Marx and Marxism and with a similar philosophical and social science orientation are sharply divided over this issue.² The contrast comes out both vividly and starkly if we compare

1. See Robert Tucker, *The Marxian Revolutionary Idea* (New York: Norton, 1969), chap. 2, and *Philosophy and Myth in Karl Marx* (Cambridge: Cambridge University Press, 1961), pp. 11–27; Allen W. Wood, “The Marxian Critique of Justice,” *Philosophy & Public Affairs* 1, no. 3 (Spring 1972), and “Marx on Right and Justice,” *Philosophy & Public Affairs* 8, no. 3 (Spring 1979); Ziyad I. Husami, “Marx on Distributive Justice,” *Philosophy & Public Affairs* 8, no. 1 (Fall 1978); Gary Young, “Justice and Capitalist Production: Marx and Bourgeois Ideology,” *Canadian Journal of Philosophy* 8 (1978), and “Doing Marx Justice,” *Canadian Journal of Philosophy*, supp. vol. 7 (1981); Richard Miller, *Analyzing Marx* (Princeton: Princeton University Press, 1985), pp. 3–97; Richard Norman, *The Moral Philosophers* (Oxford: Clarendon Press, 1983), pp. 173–201; Steven Lukes, *Marxism and Morality* (Oxford: Clarendon Press, 1985); Jon Elster, *Making Sense of Marx* (Cambridge: Cambridge University Press, 1985), pp. 196–233. Norman Geras provides a defense of Marxist moralism in an important review article with a thorough grasp and an illuminating categorization of the literature; see “On Marx and Justice,” *New Left Review* 150 (March/April 1985): 47–89. I discuss Tucker’s and Wood’s Marxological views in “The Tucker-Wood Thesis Revisited,” *University of Toronto Law Journal* 38, no. 1 (Winter 1988): 28–63.

2. On the side I characterize, following Allen Wood, as Marxist immoralism there is Wood, Richard Miller, Andrew Collier, and Anthony Skillen. On the Marxist moralist side there is G. A. Cohen, William Shaw, Norman Geras, Jon Elster, and Gary Young. For a description of analytic Marxism see Richard W. Miller, “Marx in Analytical Philosophy: The Story of a Re-birth,” *Social Science Quarterly* 4, no. 4 (December 1983): 846–61.

the views of Allen Wood and G. A. Cohen. Both are analytic philosophers thoroughly immersed in the work of Marx, and both have written distinguished critical interpretations of Marx.³ Nevertheless they are deeply divided about Marxism and morality. On the one hand, Wood argues that concepts such as justice were for Marx through and through ideological constructions which could have no critical content for appraising capitalism or any social formation (or indeed anything else). This, according to Wood, is not just Marx's own possibly eccentric view about morality but something which is integral to a thoroughly and consistently Marxist conception of things.⁴ Cohen, on the other hand, argues that Marx condemned capitalism as unjust, in a suitably nonrelativist sense, and that such a moral critique should be a central element in contemporary Marxist theory. Moreover, such a view, if soundly argued, exhibits a contribution philosophers can make to establishing whether or not the capitalist system itself (and not just some capitalist systems) is in our historical epoch unjust, and whether, by contrast, under socialism and eventually under communism, justice can reasonably be expected to flourish along with a more general human flourishing.

We may make a start at sorting out the issue of Marxism and morality by examining the arguments of Wood and Cohen. I focus on them because they are both distinguished interpreters of Marx and perceptive and able philosophers with, generally speaking, a similar philosophical orientation and, on most issues, rather similar views on Marx. Given their general similarity of approach, coupled with their sharp disagreement over this issue, they are instructive subjects for comparison.

II

I would like to make one initial disclaimer. I think Wood and Richard Miller (whose conception is broadly similar) are right in arguing that what

3. Allen W. Wood, *Karl Marx* (London: Routledge and Kegan Paul, 1982); G. A. Cohen, "Review of Wood's *Karl Marx*," *Mind* 92, no. 367 (July 1983): 440–45, *Karl Marx's Theory of History: A Defence* (Oxford: Oxford University Press, 1978), "Freedom, Justice and Capitalism," *New Left Review* 126 (March/April 1981): 3–16, and "The Critique of Private Property: Nozick on Appropriation," *New Left Review* 150 (March/April 1985): 89–108.

4. This is argued with particular force by Wood in two recent articles: "Marx's Immoralism," in *Marx en Perspective*, ed. Bernard Chavance (Paris: Editions de l'Ecole des Hautes Etudes en Sciences Sociales, 1985), pp. 681–98; and "Justice and Class Interests," *Philosophica* 33, no. 1 (1984): 9–32.

Wood calls Marxist immoralism ('amoralism' would have been a better word) does not entail, justify, or excuse a bloodthirsty realpolitik, the lack of common human decency, or the sorts of excesses that have sometimes been committed in the name of socialism.⁵ Such nihilistic consequences do not follow from Marxist immoralism's rejection of justice or, more generally, of the moral point of view in the assessing of institutions or in deciding, politically and socially speaking, what is to be done.

In "Justice and Class Interests" Wood confronts Marxist moralism. In particular he confronts the kind of Marxist, sympathetic to justice, who sets out to show that a case can be made for the injustice of capitalism and the justice of a properly democratic socialism, conforming to Marx's conception of a socialist society, and who also agrees with Wood that on the basis of Marx's own texts Marx himself did not so appraise capitalism and socialism and indeed regarded moral conceptions as through and through ideological. So the position Wood wishes principally to refute (a position more concessive to Wood than Cohen's) is that of the person who agrees on the Marxological point that Marx did not regard capitalism as unjust but then proceeds to argue that this Marxological point does not count for much, since Marx's "views about morality are sufficiently idiosyncratic and sufficiently far removed from the central insights of his social thought that they need not be taken seriously."⁶

Taking it that he has made the Marxological point elsewhere,⁷ Wood sets out to show that this sort of Marxist moralism rests on a mistake. To take Marx seriously, to accept some reasonable reading of the core canonical claims of Marx's social theory, he argues, would lead one to reject the moral point of view as irretrievably ideological, and with that, of course, to reject justice as a critical category for assessing institutions and to dismiss talk of justice, and talk of morality generally, as ideological instruments with a predominantly conservative social function. Moral norms are not good vehicles for "revolutionary demands and aspirations"; they are rather "expressions of a given social order, and specifically . . . expressive of the demands that order makes on individuals in order to insure its survival and smooth functioning" (JCI, p. 10).

Such a view of the essentially conservative social function of morality is

5. Wood, "Marx's Immoralism," pp. 695–98; Miller, *Analyzing Marx*, pp. 94–97.

6. Wood, "Justice and Class Interests," p. 11. This article will be referred to parenthetically in the text as "JCI."

7. See Wood, "The Marxian Critique of Justice," and *Karl Marx*, pp. 125–56.

not, Wood argues, rooted in any eccentric and possibly philosophically naive metaethical or normative ethical conceptions that Marx may have had. It is rather rooted in canonical elements of his thought: his historical materialism, his conception of ideology, and his conception of class, class interests, and class conflict.

It is not that Marx or Marxists, following Marx here, are committed to a kind of irrationalism or conceptual relativism. Marx, and Engels as well, were plainly children of the Enlightenment, and most Marxists have followed them here. Marx and Engels believed, as Wood puts it, that “rational deliberation about social institutions would be an important part of any free or truly human society” (JCI, p. 11). They would agree with John Rawls that this is one of our highest-order interests. But Marx and Engels were also concerned to expose—and here they are not typical Enlightenment figures—what they took to be the pervasive self-deception of most moral and political philosophers in their believing that what is most essential in “deliberating about how best to set up social arrangements” is to develop and utilize principles of justice to “distribute the burdens and benefits of social life” (JCI, p. 11). Wood wants to show that what seems to most philosophers and political theorists an almost self-evidently natural and reasonable way to proceed is, from the point of view of a consistently worked out Marxist social theory, a retrograde step embracing an unfortunate utopianism which blinds itself, and would if accepted blind us, to the nature of social reality.

Wood agrees that Marx did object—and indeed perfectly consistently with his overall orientation—to the way control over the means of production was distributed in capitalist societies, to the distributions in such societies of opportunities to acquire education and skills and to gain leisure, health care, decent housing, security, and the like. He further grants that it seems at least to make sense to see whether, looking at these concrete judgments of Marx, we could construct a conception of justice which might be used to explain and justify those and similar specific assessments of capitalist distributions.

Wood argues that this initial plausibility evaporates, however, when we carefully reflect on three elements, two specifically Marxist—namely, Marx’s historical materialism and his conception of revolutionary practice based on it—and the third a conceptual point about what justice is. Any principle of justice, egalitarian or inegalitarian, must be a principle which is disinterested or impartial as regards the interests of those to whom the

principle is supposed to apply. Any differential treatment of those to whom it is supposed to apply “must be justified on the basis of some impartial standard, such as the special desert of individuals or the greatest common good of all concerned” (JCI, p. 14). If such differential treatment is not in some way so justified, we do not have a principle of justice. Any principle of justice, even the most elitist or aristocratic, must “be justified on the basis of disinterested or impartial considerations” (JCI, p. 15).

Next—bringing in the two Marxist elements—Wood adverts to the fact, also stressed by Miller, that “Marx refused to evaluate social institutions from an impartial or disinterested standpoint, and regarded the whole enterprise of doing so as ensnared in ideological illusions” (JCI, p. 15).⁸ Wood next seeks to establish that this is not just an eccentricity of Marx’s but is integral to central elements in his theory. If one is serious about defending socialist revolution and socialism generally, one must appeal, not disinterestedly to the interests of everyone alike, but to the class interests of the proletariat and their allies. Since on Marx’s reckoning the proletariat is the vast majority, we are appealing to what is in fact the interests of the vast majority, but, Wood claims, Marx “never confuses this with the common interest of all society” (JCI, p. 16). Indeed, Wood argues, Marx regards any conception of the common good or of universal interests in class societies as an ideological myth.⁹ There are, Marx unblinkingly recognized, large groups of people (the bourgeoisie and the landed aristocracy) “whose interests are going to be simply ignored or sacrificed by the revolution” (JCI, p. 16). Marx is perfectly explicit and straightforward about this.¹⁰ This attitude, Wood argues, is what is required if we are to make a consistent application of Marx’s account of historical materialism and his theory of classes.

8. Cf. Miller, *Analyzing Marx*, pp. 15–97. For Miller, as distinct from Wood (see Sec. IV below), the very idea of an impartial or disinterested standpoint is simply something that is not possible in class societies. But is it plausible that Marx thought the horrors he described in the first volume of *Capital* or the ones that Engels described in writing about Manchester look horrible *only* if one identifies with the proletarian standpoint? Did Marx think there could be no impartial reason for adopting that very standpoint? It would hardly seem credible to answer either question in the affirmative, yet Miller’s account seems at least in effect to do so.

9. Wood, *Karl Marx*, pp. 125–56. Wood may confuse an attempt to advance the common interests of all with defending an impartial principle of justice. But what can be impartially defended, particularly in an unjust society, need not be the same thing as what is in the common interests of the whole society.

10. See also Wood, “Marx’s Immoralism.”

Marx sees history as divided into epochs each with its distinct mode of production. In a class society, the mode of production broadly determines the position of the classes, which have different roles in the economic relations which are a part of that mode of production. These classes, with their distinctive socioeconomic roles, do not all have the same effective control over the means, process, and fruits of production of that society. Throughout history, viewing human society now as a whole, the forces of production tend to develop, and this development invariably leads in determinate historical circumstances to situations where the relations of production come to make a bad fit with the forces of production, and this in turn tends to sharpen class conflict.¹¹ But even when the forces and relations of production are for a time in harmony, the very existence of classes with their relations of domination and subordination implies class interests which are irreducibly antagonistic. This will be true in any class society. As the productive forces develop and the extant relations of production become obsolete in the face of that development, class struggle is the mechanism, according to historical materialism, by which the adjustment of social relations to forces of production is carried out. This struggle will culminate, where the changes are extensive, in a social revolution which will bring into being new relations of production more consonant with the new forces of production. Together they will come to constitute a new and distinct mode of production for a new epoch.

On Marx's conception, there is no reality, except in the mystifying lens of ideology, to the contention that there are society-wide interests which constitute a common good which might, in good Durkheimian fashion, bind a class society together. What we actually have instead are the conflicting class interests of the various antagonistic and contending classes, based on the common situation of the members of each class. This situation may be called their distinctive class situation.

In our society, the two main classes are the capitalists, who own and have control over the means of production and have a perfectly rational interest in maintaining that ownership and control, and the workers, who are excluded from control over the means of production and who have a perfectly rational interest in wresting it away from those who do have control over it. Where we are talking not just about the individual interests of the members of a class but about the interests of the class as a whole, or

11. See Kai Nielsen, "On Taking Historical Materialism Seriously," *Dialogue* 22 (1983): 319-38.

class interests (the long-term goals of a class movement), we are in effect talking about “the establishment and defense of a certain set of production relations in society” (JCI, p. 18). This is how we identify class interests. It is these class interests, moreover, which are the proximate driving forces of history. They are the central triggers in epochal social change, the underlying and more fundamental causes being the developing productive forces, which, when they come in conflict with the relations of production, give rise to class struggle. Still, as Wood puts it, it is through class struggle that we as historical agents relate effectively to history. “Our historical role depends on the relation of our actions to class interests and the struggle between them” (JCI, p. 19).

III

This account of historical materialism and revolutionary class struggle enables us to understand and appreciate the force of what Wood calls the *class interests thesis*. It in turn is an essential premise for what he calls the *class interests argument*. That argument is designed to show that Marxists can neither have an account of justice in which justice is a critically normative concept nor coherently maintain that, in some transhistorical, critical sense not relative to modes of production, capitalism is unjust and socialism just. (The latter conclusion is surely a consequence of the former.) The *class interests thesis*, a vital element in this claim, is stated by Wood as follows:

To understand ourselves as historical agents is to understand these interests [class interests] and the bearing of our actions on them. Whatever the aims or conscious intentions of our actions may be, Marx believes that our actions are historically effective only insofar as they involve the pursuit of class interests, and that the historical meaning of our actions consists in their functional role in the struggle between such interests. (JCI, p. 19)

Wood’s key point is that when we think through carefully and nonevasively the implications of the class interests thesis, we will come to see that we cannot be historically effective by moralizing. We cannot in any fundamental way change the world by making a case for the injustice of capitalism. But, given our conception of the unity of theory and practice, his-

torical effectiveness is one of our deepest interests. This means that in thinking about what is to be done we should not have much interest in considerations of justice and injustice. Our “accomplishments as historical agents are basically going to consist in the way we further the interests of certain classes” (JCI, p. 19). In struggling to be historically effective, we should look at the existing historical movements and, particularly if we are in the anomalous class position of most intellectuals, side and identify (albeit critically) with a movement, choosing and seeking to realize its goals as our goals. If we wish to be historically effective, we will not go about “setting our goals according to abstract values or standards and then trying to find some means for achieving them” (JCI, p. 19). Instead the reasonable thing to do is to take up a class position and fight for it in the various ways intellectuals can. If we are workers the reasonable thing to do is to become Marxist immoralists and struggle to protect and further our class interests. Sometimes, however, like Puntila’s chauffeur Matti, we had better not be too obvious about it. The class interests argument concludes that having justice as a practical goal and accepting the class interests thesis are incompatible. There are, Wood believes, not infrequent circumstances where we cannot both serve justice and act in accordance with our class interests or the interests of the class with which we have identified. But to be effective agents we must act in accordance with our class interests no matter what our moral convictions may be. In Wood’s view, on a consistent Marxist account there are in class societies no trans-historical principles of justice, which transcend class and modes of production. But even if there were, Marxists should ignore them and attend to proletarian class interests. They should (to put it somewhat paradoxically) be Marxist immoralists.

IV

The previous sections have set out the basic structure of Wood’s argument. But Wood is aware that it is tendentious, and he makes some qualifications. It is here, however, that his case against Marxist moralism is most clearly vulnerable. Wood remarks, bringing up a point that Miller has also laid great stress on, that “sometimes Marx appears to think that the class interests thesis, perhaps together with the fact that society is torn by deep class conflict, entails that the very idea of a common interest, or of

what is impartially and disinterestedly good, is a mere chimaera, that there is no such thing" (JCI, p. 21).¹² As we have seen, Wood maintains that Marx believes and Marxists should believe that there are no transhistorical principles of justice. But, Wood also points out, nothing in the canonical core of Marxism, nothing in Marx's historical materialism or conception of revolutionary practice, entails that the very idea of a common good rests on a mistake. Although there is no such good actually available to us in class societies, it does not follow that the very idea of such a good is incoherent.

As Miller shows, Marx points to the fact that while in each class society there is generally a wide agreement about many goods, there is no general consensus about all specific goods or about the weighting of conflicting goods. There is plainly an overlap in people's interests, but there is conflict as well, and there is no consensus on a unified picture of the good life with reference to which such conflicts might be resolved. Concerning this Wood remarks: "the idea of what is impartially or disinterestedly good is not the idea of an empirical agreement or overlap between people's interests. Instead, it is the idea of something which is good from a standpoint independent of any particular interest, though perhaps not independent of all human interests whatever" (JCI, p. 21).

Wood argues (as does Miller as well), though without reference to the canonical corpus of Marxism, that in our bourgeois societies sharp conflicts of interests do exist and that there is in fact no agreement about any general human interests that might constitute a common good. But, Wood adds, this does not show that there could not possibly be such an agreement, that careful deliberations, using Rawlsian wide reflective equilibrium, could not reasonably be expected to establish such a consensus if conditions of undistorted discourse were ever to come to prevail. In class societies there is, Wood maintains, no agreement about what, if any, general interests there are, and no determinate weighting of interests where they conflict. But he does not rule out the possibility that in a classless society it might be discovered that there are such general human interests,

12. Cf. Miller, *Analyzing Marx*, pp. 15–50. Cohen thinks that in a way Marx believes the very reverse. According to Cohen, Marx believes that no large-scale historical action ever takes place except under the banner of the general interest of society, and that in the socialist case what the banner proclaims is nonevanescingly true. See G. A. Cohen, "Peter Mew on Justice and Capitalism," *Inquiry* 29, no. 3 (September 1986): 315–24. I am indebted to Cohen here and for the substantive remarks in notes 8 and 9.

interests that could provide the basis for a nonideological claim to a common good: we have no such standard independent of particular interests now, but a Marxist need not rule out the possibility that in more enlightened circumstances we could discover such interests, interests rooted in our very human nature as social beings. Moreover, if there is anything to Marxist empirical theory, Marxist theoreticians, sensitive to the way ideology functions and the like, may be in a good position to have a shrewd idea of what those general interests are.

However—and this is the vital point—Wood’s class interests argument does not rest on a belief that there is “no such thing as a universal interest or a disinterested standpoint” (JCI, p. 21). What it requires, instead, is what Wood calls the weaker claim “that practical recognition of the class interests thesis excludes self-conscious historical agents from taking justice (or what is impartially good) as their primary object of concern” (JCI, p. 21). But now the narrative begins to have another look, a look which is not so favorable to Marxist immoralism. This comes out in an argument of Wood’s meant to establish just the opposite.

Wood contends that in pursuing the interests of a class we may well also be “pursuing what is in fact just or disinterestedly good” (JCI, p. 20). The class interests argument claims only that we cannot take moral reasons as the primary reasons for supporting the working class. Given the truth of the class interests thesis, a historical agent with a sense of her vocation must value proletarian class interests above what, if anything, is disinterestedly good (JCI, p. 21). Where Marxist immoralism most decisively comes in, Wood claims, is in the belief (resulting in a commitment) that if there is ever a conflict between proletarian class interests and what is disinterestedly good the proletarian interests trump the moral interests. They have, somewhat paradoxically, greater normative force than moral interests—that is, it is rational for proletarians to put them ahead of moral considerations. This reverses the usual belief that moral considerations always override any such conflicting considerations. The reasonable thing for the proletarian to do is to put his class interests ahead of what the moral point of view requires. The implicit ‘should’ here cannot have a moral status; rather it adverts to what in the circumstances, all things considered, is the most reasonable thing to do, and advises proletarians to do it.

The Marxist moralist should reply that this is an unreal, hypothetical situation. Given a realistic understanding of what proletarian class interests are, they are unlikely, as a matter of fact, to conflict with what is dis-

interestedly good so that a historical agent could be faced with a situation where she must choose between proletarian class interests and what is disinterestedly good. The Marxist, rightly or wrongly, conceives the matter in such a way that the class interests of proletarians will also, as a matter of fact (though surely not as a matter of definition), be the interests of the vast majority of humankind. What is in the class interests of the proletariat will go against only the interests of the capitalist class. But the latter comprises only a minuscule part of the total population. Moreover, it would not go against all of the interests of capitalists as individuals but only against those interests closely linked to their continuing to engage in capitalist acts. Their vital interests centering around what are usually called our civil liberties need not in most situations be affected.

In morality, when push comes to shove, numbers count. If you are a strong swimmer standing by a lake shore in rough weather and you see two boats equidistant from you capsize, one to your right and the other to your left, with three small children in the one and one child in the other, *ceteris paribus*, you should first try to help the one on the right. Though moral issues are not vote issues, numbers do count in morality. Where interests of the same type and of the same order of importance intractably conflict and both interests cannot be satisfied, morality requires that we satisfy the greater or more extensive interests where this can be ascertained. Thus where proletarian interests conflict with capitalist interests of the same order, the proletarian interests trump them: the interests of the proletariat are in fact the interests of the vast majority, while the interests of the capitalist are those of a very small minority. (There are other, purely conceptual possibilities, but they can safely be ignored here.)

The defender of the class interests thesis, if she is well informed, knows that in siding with socialism she does not, at least in most real circumstances, have to choose between the pursuit of proletarian class interests and a pursuit of what is disinterestedly good, for if there is such a thing as the disinterestedly good, it will in most circumstances best be achieved, if it can be achieved at all, by pursuing proletarian class interests. On the Marxist account—and this is part of its canonical core—proletarian emancipation, which is a key to the creation of a classless society, will provide the conditions for a general human emancipation. The defender of the class interests thesis does not have to choose between pursuing class interests and pursuing what is disinterestedly good, for *by* pursuing class interests she *thereby* in fact in most circumstances also pursues what is dis-

interestedly good. And if, contrary to what is implied in this claim, the disinterestedly good is an ideological illusion—something that Wood, as distinct from Miller, does not believe that Marxists *must* assume—then it cannot be coherently contrasted with proletarian interests so that we have to choose between them. If, on the other hand, there is a coherent concept of the disinterestedly good, as we have assumed, then the realization of proletarian interests is the means by which we achieve a situation in which what is disinterestedly good can prevail. In practical political action, by placing proletarian interests first, we probably achieve a treatment of interests that can be impartially defended from the vantage point of what is disinterestedly good both at the point of choice—where hard choices must sometimes be made and the lesser evil chosen—and in the future.¹³ There is no well-grounded reason for claiming that someone who accepts the class interests thesis must reject the moral point of view or the possibility of assessing capitalism and socialism in terms of justice.

V

It is important to reemphasize at this juncture that I agree with Wood that it is vital for a moral agent to attend to the historical effects of actions. I would further contend that if the Marxist picture of the world is approximately correct, what this requires in our historical situation is a proletarian class affiliation for someone who has a good grasp of the facts, is clear-headed, and is impartially caring. It requires, that is, siding with the working class, taking the standpoint of labor. I also agree with Wood that for such a person—indeed for any consistent Marxist—it would, as things stand, be irrational, and, I would add, immoral, to place any interests above proletarian class interests. But, *pace* Wood, I am claiming that the moral agent will never in fact have to pit class interests against morality.

13. I have argued that Marx believes rightly that what furthers the cause of the proletariat also in fact furthers the cause of justice. It could be responded that it is not so obvious that the two could not conflict in real situations. If, for example, Stalin was generally correct in identifying proletarian interests and acted effectively in those interests, it would seem that morality and proletarianism have conflicted over and over again in history. But although it is a conceptual possibility that the starving of the Ukrainian kulaks was in the long-term interests of the proletariat, it is thoroughly evident that nothing like this is remotely plausible. It is political fiction. What is needed to undermine my claim is a plausible case where long-term proletarian interests conflict with the good of humankind. If I am mistaken about that empirical issue, then things are more difficult than I have supposed.

In fine, I agree with Wood that “what the class interests thesis tells us is that those who strive for justice in human history are, objectively speaking, always striving on behalf of the interests of some class or other, and that their striving must, from a historical point of view, be regarded in this light, whatever their private aims and intentions in the matter may be” (JCI, p. 25).¹⁴ He is also right, I believe, in recognizing that we “cannot accept this thesis and still pretend to view our own aims and intentions in the same light we did before” (JCI, p. 25). Indeed, as I have tried to make evident, I accept the class interests thesis, as I think all Marxists must, but accepting it does not commit one to Marxist immoralism or to a rejection of the assessment of socialism or capitalism by canons of justice. There is no sound reason for saying with Wood that “objectively speaking the pursuit of justice is *only* a vehicle or mask for the pursuit of class interest” (JCI, p. 27; emphasis added). It is perfectly possible, and indeed desirable, to engage in a moral critique of capitalism while adhering firmly to the class interests thesis and to a Marxist conception of revolutionary practice (*pace* Wood, JCI, pp. 30–31).

VI

I have tried in previous sections, after bringing out its not inconsiderable force, to set aside Marxist immoralism. I now wish to consider some forms of Marxist moralism as well, and in particular a strange yet powerful form of it. It is a form which contends, much against the grain of what most Marxists think, that Marxists should argue for the injustice of the capitalist system and for the wrongness of the institution of private productive property on the grounds that such institutions violate *natural rights*.

This strange thesis comes from G. A. Cohen, a Marxist with impeccable credentials, whose *Karl Marx's Theory of History: A Defence* is the most distinguished rational reconstruction and defense of historical materialism to have come along in many years.¹⁵ In “Freedom, Justice and Capitalism” Cohen urges Marxists not to be knee-jerk and luddite in their rejection of natural rights. He enjoins them to reconsider whether they are not in effect appealing to natural rights when, giving expression to what is surely one of their deepest convictions, they maintain that private pro-

14. This, of course, applies only to class societies.

15. Cohen defends his account of historical materialism from a variety of criticisms in “Reply to Four Critics,” *Analyse & Kritik* 5, no. 3 (December 1983): 195–222.

ductive property is to be abolished. They should consider as well whether it is not just bad theories about the nature of morality that stand in the way of their acknowledging a belief in natural rights and some objective conception of justice.

Cohen's reasoning is, at the very least, challenging, jarring those of us who like to think of ourselves as working in the Marxist tradition out of our more accustomed ways of thinking about morality. Suppose it could be shown¹⁶ that "socializing the principal means of production would enhance freedom, because the extra freedom gained by the less well off would be greater than the amount lost by the rich."¹⁷ Even if this is so, Cohen remarks, it might still be unjust to expropriate and socialize any private productive property. While it is a good thing to bring more freedom into the world, it is not right to do so if rights are violated in the process. Considerations of justice tend to override considerations of freedom "because justice is a matter of rights, and rights are especially potent weapons in moral debate" (FJC, p. 11).

Many defenders of capitalism defend the right to private productive property on the grounds that people have a natural right legitimately to acquire private property and that to deprive them of such legitimately acquired private property is to violate their natural rights—which, the defenders of capitalism claim, is about as deep a form of injustice as you can get. Many philosophers, among them almost all Marxists, will, as Cohen is well aware, reject any such appeal, believing with Bentham that talk of natural rights is nonsense on stilts. Cohen thinks that this is plain unreflective dogmatism. There is nothing problematic at all, he believes, about a suitably sanitized conception of natural rights. "Natural rights," Cohen tells us, "are rights which are not merely legal ones. We say that we have them on moral, not legal, grounds" (FJC, p. 11). He thinks there is no good reason to think that this notion is nonsense or even particularly problematic. He offers the following paradigm case which he thinks Marxists and other left-wingers should be sympathetically inclined toward in spite of their distaste for talk of natural rights. Suppose a government, using constitutional means, forbids plainly peaceful protests against its nuclear defense policy, claiming that these protests will endanger national security.

16. As I think I have shown in my *Equality and Liberty: A Defense of Radical Egalitarianism* (Totowa, N.J.: Rowman and Allanheld, 1985).

17. Cohen, "Freedom, Justice and Capitalism," p. 11. This article will be referred to parenthetically in the text as "FJC."

Suppose people outraged at such a patent maneuver—national security is hardly genuinely threatened—express their outrage by asserting that people have a right to protest peacefully against any part of government policy. When they so respond, they are, says Cohen, whether they know it or not, appealing to natural rights, since *ex hypothesi* what they claim is not true at the level of legal rights. They must be claiming a natural right, Cohen argues, since they are “claiming to possess a right which is not merely a legal one” (FJC, p. 12). There is, Cohen believes (*pace* Bentham), nothing problematic here. As he sums it up, “the language of natural (or moral) rights is the language of justice, and whoever takes justice seriously must accept that there are natural rights” (FJC, p. 12).

Marxists often deny that they believe in natural rights or in justice, Cohen claims, because they have a bad theory about their own moral beliefs. They have, that is, a deficient self-understanding, which leads them to misdescribe their own beliefs about justice and rights. Cohen puts it thus:

Now Marxists do not often talk about justice, and when they do they tend to deny its relevance, or they say that the idea of justice is an illusion. But I think that justice occupies a central place in revolutionary Marxist belief. Its presence is betrayed by particular judgements Marxists make, and by the strength of feeling with which they make them. Revolutionary Marxist belief often misdescribes itself, out of lack of clear awareness of its own nature, and Marxist disparagement of the idea of justice is a good example of that deficient self-understanding. I shall try to persuade you that Marxists, whatever they may say about themselves, do have strong beliefs about justice. (FJC, p. 12)

To illustrate his claim, Cohen tries to show that in practice Marxists typically make a strong moral judgment where social democrats typically engage in evasion.

Social democrats object to an unmixed capitalist market economy. They complain rightly that *laissez-faire* capitalism sends the weak to the wall. We must, they argue, have welfare cushions to protect the weak—the unemployable, the temporarily unemployed, the underemployed, or those whose salaries are so low that they cannot maintain themselves in anything like a decent manner. A just society, they argue, will be a *caring* society. But, Cohen claims, they will have a hard time meeting the conservative counter that while an unregulated free market in an unmixed

capitalist economy does indeed hurt a lot of people, still we cannot justly and rightly move to the mixed economy of the liberal welfare state, for with its taxation powers to sustain welfare payments it would violate the rights of people to do what they will with their private property, to which they have a natural right. It is better that people get hurt than that their rights be violated. Where rights and harms that do not violate rights conflict, rights trump. Capitalists should become charitable persons and give philanthropic aid, but they cannot, rightly, be forced to do so, as the state can rightly force someone to desist from a violation of rights. It would be a far greater evil to override considerations of justice and violate people's rights than to be uncharitable and not help people in need. The social democrat, as Cohen sees it, will lose out to the conservative here.

The revolutionary socialist (the Marxist), in contrast to the social democrat, has a principled reply, but it requires an appeal to justice and natural rights. Instead of bemoaning the unfortunate effects on human well-being of the absence of transfer payments by the welfare state, the Marxist, according to Cohen, should reply "that the socializing state is not violating rights, or even overriding them in the interest of something more important, but righting wrong: it is rectifying violations of rights, violations inherent in the structure of private property" (FJC, p. 13). The very existence of the institution of private productive property, he should argue, is unjust. As Cohen puts it, "the socialist objection of justice to the market economy is that it allows private ownership of the means of existence which no one has the right to own privately, and therefore rests upon an unjust foundation" (FJC, p. 13). Marxists should set aside their traditional aversion to moral talk and argue on a natural rights basis here. Here we have, to understate it, a basic contrast with Wood.

VII

Marx was not scathingly contemptuous of talk of natural rights and natural justice for nothing. Robert Nozick tells us that we have a natural right to private property, including private productive property, and that no one can override that right without violating our rights. Cohen, by contrast, tells us that we have no such natural right and that instead private ownership of productive property is theft, and morally speaking the right to productive property belongs to all of us in common. He believes, that is, that we have a moral right to hold such property in common. He believes

that this obtains whatever the law of a given society may say, and that as a moral right it is our natural right. This is just something we somehow discover by moral reflection to be true, just as Nozick thinks he has discovered (though Cohen would have it mistakenly) the opposite to be true.

As far as I can see, however, all the old problems about natural rights as well as all the old problems with what Rawls calls 'rational intuitionism' remain—problems that seem at least to apply to Cohen and Nozick alike with equal force. For instance, how are we to determine with any objectivity what is and what is not a natural right? We know historically and sociologically that very different and not infrequently incompatible things have been claimed as human rights or natural rights. Some claimants, such as H.L.A. Hart at one time, have been very strict about what, *if anything*, could count as a natural right, while others have been very latitudinarian in talking of welfare rights as natural rights, and there have been all sorts of positions in between.¹⁸ As Miller has argued, we seem to have too many rights, many of which conflict, with no apparent way of making a further appeal to natural rights to tell us which rights override when they conflict.¹⁹

Such scruples about a rights-based ethics are reinforced by reflecting on Marx's assertions that rights claims are ideological and that what is standardly taken to be a right, either juridically or morally, in a given society during a given epoch, will be determined or strongly conditioned by the mode of production at the time and that our very understanding of ourselves, including our moral self-understanding, is deeply conditioned by the dominant ideology of our time. That sort of awareness inclines us to be very wary indeed of talk about what in our heart of hearts we recognize to be a natural right or even what we recognize to be fair or unfair.

VIII

There is, moreover, something problematic about Cohen's initially attractive streamlined way of talking about what it is for something to be a nat-

18. See H.L.A. Hart, "Are There Any Natural Rights?" *Philosophical Review* 64 (1955), and Rodney Peffer, "A Defense of Rights to Well-Being," *Philosophy & Public Affairs* 8, no. 1 (Fall 1978).

19. Miller, *Analyzing Marx*, pp. 22–30. See also his "Rights or Consequences," in *Midwest Studies in Philosophy*, vol. 7, ed. Peter French et al. (Minneapolis: University of Minnesota Press, 1982), pp. 151–74, and "Rights and Reality," *Philosophical Review* 90 (1981): 383–407.

ural right. Recall Cohen's minimalist conception of what a natural right is: "Natural rights are rights which are not merely legal ones. We say that we have them on moral, not legal, grounds" (FJC, p. 11). But suppose J. L. Mackie is right and moral beliefs, including beliefs in rights, merely represent social demands, a conception with which some Marxists at least would sympathize. Moral rights will then be social demands that are not merely legal. But although such rights fit Cohen's description of natural rights as rights which are not merely legal, surely Cohen wants to say something more than this; at least those who have sought to defend natural rights have wanted to assert something more robust.

The point of asserting natural rights is to assert something that people just have in virtue of being human beings, something that allegedly does not depend on legal codes, conventions, customary conceptions of what is right or morally required, or social demands, no matter how strongly or pervasively expressed. Natural rights were meant to be something that moral agents could assert not only in the face of social demands that are legal but in the face of any social demands at all, no matter how much social pressure there might be behind them. But Cohen's characterization of a natural right, as a moral right which is not merely legal, does not entitle us to set natural rights against such social demands. It does not, as the natural rights tradition thought it was doing, give us a higher tribunal to assess our social demands whether legal or nonlegal.

Cohen might respond that it really does give us such a tribunal, because natural rights are rights we have on moral grounds. For such a counter to be persuasive, however, Cohen would have to show that antirealists in morality, such as Mackie or Westermarck, are mistaken in identifying morality with social demands. But to show this he would have to do a considerable amount of arguing, particularly in the face of Marxist claims about ideology, the class bias of moral conceptions, and historical materialism. Marxist sociology of morals and Mackian-Westermarckean moral anti-realism seem at least to fit like hand and glove, mutually supporting and explaining each other. No one who has a firm sense—a sense we get from Marx and the Marxist tradition—of how susceptible to ideology we are in such domains should have such confidence in our capacities to capture in intuition and moral reflection what is right and morally required of us. Marxist immoralism jettisons too much, but natural rights Marxist moralism is far too rationalistically confident about our unschooled moral capacities.

IX

These criticisms of a Marxist moralism taking a natural rights turn may be too attentive to the guise and not probing enough of the substance of a rights-based Marxist moralism.²⁰ The confident assertiveness of Cohen's account could be dropped and the tentativeness befitting any philosophical claim assumed without anything of its content being changed. What looks like an appeal to rational intuitionism or received opinion could be firmly set aside and the method of wide reflective equilibrium utilized.²¹ *Perhaps* the natural rights Cohen appeals to could be sustained by such a procedure while the natural rights claims about private productive property made by Nozick and other right-wing libertarians are rejected.²² Perhaps my criticisms reflect more a metaethical suspicion of talk of natural rights than anything substantive.

To illustrate, consider a possible response of Cohen's. He could say that given his definition of 'natural rights' or any plausible emendation of it, natural rights could have any foundation you like. Natural rights might be founded on a utilitarian basis or on some egalitarian principle. Moreover, why should this metaethical suspicion not be extended as much to talk of justice and of things being good or bad as to talk of natural rights? Why be more skeptical about natural rights than about any other moral norm, deontological or teleological? If a metaethical suspicion of rights is in part at least rooted in beliefs about how susceptible to ideology we are and in

20. In what follows, I address among other things a host of queries and criticisms made by Cohen and the Editors of *Philosophy & Public Affairs*. I am grateful for their perceptive criticisms and hope I have gone some way toward meeting them.

21. See John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 19–21, 48–51, 577–87, and "The Independence of Moral Theory," *Proceedings and Addresses of the American Philosophical Association* 47 (1974/75): 7–10; Norman Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *Journal of Philosophy* 76 (1979), "Moral Theory and Plasticity of Persons," *Monist* 62 (July 1979), "Some Methods of Ethics and Linguistics," *Philosophical Studies* 37 (1980), "Reflective Equilibrium and Archimedean Points," *Canadian Journal of Philosophy* 10 (March 1980), "Two Approaches to Theory Acceptance in Ethics," in *Morality, Reason and Truth*, ed. David Copp and David Zimmerman (Totowa, N.J.: Rowman and Allanheld, 1985), and "An Argument about the Relativity of Justice," *Revue Internationale de Philosophie*, in press; Jane English, "Ethics and Science," *Proceedings of the XVI Congress of Philosophy*; Kai Nielsen, "On Needing a Moral Theory: Rationality, Considered Judgments and the Grounding of Morality," *Metaphilosophy* 13, no. 12 (April 1982), "Considered Judgments Again," *Human Studies* 6 (April–June 1982), and *Equality and Liberty*, chap. 2.

22. See Cohen, "The Critique of Private Property: Nozick on Appropriation," and "Robert Nozick and Wilt Chamberlain: How Patterns Preserve Liberty," *Erkenntnis* 2 (1977): 5–23.

beliefs about how much of our moralizing is ideological, we need to temper this suspicion with the recognition that if any moral belief is to be ideological, not every moral belief can be; if 'ideological' is to qualify 'moral belief', it must make a nonvacuous contrast. Cohen could well ask what normative belief pertinent to socialist action one could be more confident of than the belief that we have a natural right to hold productive property in common.

While granting the point about the need for a nonvacuous contrast, I would respond that the belief mentioned is not one of the normative beliefs relevant to socialist action I am most confident of, and that I do not think other socialists should be either. I am far more confident that capitalism at least in its present forms gives rise to unnecessary suffering, a needless denial of opportunities, alienated labor, the degradation of people, an undermining of human autonomy, and an unfair division of benefits, burdens, and life chances, and that these are evils,²³ than I am confident of the belief that we have a *natural right* to productive property which is to be held in common rather than owned privately, as in a capitalist society. It could be a good thing that we hold such property in common, but it still might not be something to which we have a natural right. And even if we think we just might have such a right, we are, or at least should be, much more confident that it is good that we hold such property in common. If more autonomy, more equality of condition and of opportunity, and less misery were to emerge from a social system in which productive property is privately owned than could arise from feasible socialist alternative possibilities, I would be for such capitalist institutions. However, I think, perhaps mistakenly, that there is little chance that capitalist property relations could have such a result. As is almost always the case where live moral issues are involved, a lot turns on what the facts are. In almost all cases it is to the facts, theory-dependent though they be, that we should principally direct our attention.

23. I am, of course, more confident that these are evils than I am that they, or at least some of them, are *unnecessary* evils. What level and type of productive advance we need in order to be able to meet needs equitably is not easy to ascertain. There is a whole cluster of factual-cum-theoretical questions that make a developed Marxist sociology and political economy something we very much need in such contexts if moral theorizing is to have much practical point. See Andrew Collier, "Scientific Socialism and the Question of Socialist Values," *Canadian Journal of Philosophy*, supp. vol. 7 (1981): 121–54; and Kai Nielsen, "Coming to Grips with Marxist Anti-Moralism," *Philosophical Forum* 19 (1987): 1–23, and "On the Poverty of Moral Philosophy," *Studies in Soviet Thought* 33 (1987): 39–56.

In seeking to make a moral critique of capitalism and a defense of socialism, Marxists as well as others would do well to focus on the harm capitalism does to people, the misery it creates and sustains, the way it dehumanizes labor, undermines autonomy, and militates against a world where people could at least be *moral* equals. Such a view does not suffer from the criticisms I made of natural rights accounts, for these harms and the inequalities capitalism sustains are *comparatively* easy to ascertain, and it is easier to establish that they are unnecessary than it is to establish what we do or do not have natural rights to. Even considerations of justice, linked with conceptions of fairness rather than considerations about the violations of natural rights, may well be more amenable to rational assessment than claims about natural rights. Marxists should focus their attention on considerations about needless suffering, inequality, the denial of autonomy, and the like rather than on the comparatively problematic conception of natural rights.

Cohen's account, as I have remarked, sounds like a form of rational intuitionism. He has remarked about views like those of Westermarck or Mackie that if moral antirealism is true, then rights are nonsense.²⁴ Natural rights for him appear to be not something we construct but something that reflection reveals—we just discover on reflection that there are natural rights. But that is a very mystifying notion. Let me approach this indirectly. I have criticized Cohen's way of defining a natural right. He could amend his definition to avoid my criticism by saying that what makes a right natural is that its existence does not depend on its being in any sense recognized or established by law, custom, or whatever. And plainly we would want to say, to use his example, that when the last Jew, in a society now consisting otherwise entirely of Nazis, is dragged off, he can correctly say that his rights are being violated. Certainly we must say and mean that. Still, the 'we' of this 'we must' is the 'we' not of humankind at large but of a certain sort of people, with certain traditions, socialized in certain ways, with certain socially acquired beliefs, with a certain understanding of the world, and the like. The very same 'we' will respond that *recognition* of this natural right may depend on our being a certain people, but not its *justification*. We—this particular 'we'—hope that anyone with a reasonable understanding of the world who reflects and takes the matter to heart

24. Mackie himself, by contrast, does not think moral antirealism requires the repudiation of a rights-based theory. See his *Persons and Values* (Oxford: Clarendon Press, 1985), pp. 105–19.

would so respond. *Perhaps* by implicit *persuasive* definition we are making that true by definition. But if that is so, then we have not accomplished much. Cohen seems to think that any rational being can simply see or come to appreciate that such moral beliefs are true. But if when pressed we have to rely on our intuitions or considered judgments *alone*, then we have something which is very historically and culturally variable, something which is too much like received opinion. Yet Cohen, like Nozick, seems at least to rely very heavily on intuitions.

Cohen does indeed deny that in speaking of natural rights he means to appeal to something self-evident. He is not a kind of Marxist Sidgwick or C. D. Broad. Still, he does take certain moral beliefs to be something that on reflection we appreciate to be just obviously true, and he is confident as well that they require moral realism as a philosophical foundation. But both of these claims, to understate it, are very problematic philosophically. Cohen, like Nozick, and unlike Rawls or Norman Daniels (both of whom are wary of such claims), is quick to appeal to intuition.

To such an appeal, my routine arguments against natural rights, for all of their routineness, do apply. Perhaps if Cohen utilized the coherentist methodology of wide reflective equilibrium²⁵ he could show that an account of natural rights with the content he gives it would be the most adequate account of morality presently available. He indeed might be able to show that it would rationalize convictions about natural rights in a way that would yield a rationally justified Marxist moralism. I do not deny that possibility, but I have argued that it is something Marxists have good reasons to be wary of, that it requires considerable elucidation and justification if it is to overcome such scruples, and that there might be a far simpler way to defend a Marxist moralism which eschews giving natural rights a central place, or perhaps even any place, in moral deliberation and stresses instead harms, unnecessary suffering, inequalities, and the undermining of autonomy and fraternity, and with them the impeding of human flourishing.

Such an approach fits better with the naturalism of Marxism than any appeal to natural rights. There is indeed in our society a motley of goods and rather divergent conceptions of what is fair and what is not (something that Marxist antimoralists have rightly stressed, as did Marx himself). Nevertheless, the goods tie in more straightforwardly with natural-

25. See the references in note 21.

istic notions of needs and wants than do rights.²⁶ And conceptions of fairness, which can be uncoupled from a stress on rights, are clearly linked with a central moral belief held across the political and moral spectrum by people touched by modernity, namely, a belief in *moral equality*—the deep-seated conviction that the life of everyone matters and matters equally. Modern defenders of natural rights believe that, but so do people who will have neither truck nor trade with natural rights. It is a part of modern moral sensibility, but that is not to say that it must simply be taken as an intuition and cannot be placed in a wide reflective equilibrium with other beliefs, moral and otherwise, that are part of a modern *Sittlichkeit*.²⁷ This gives us a kind of objectivity (a rationalized and informed intersubjectivity), but hardly the objectivity the rational intuitionist seeks or the kind that would require moral realism. Moral objectivity of the latter kind, however, is not unproblematic and may well be unnecessary to make sense of our moral lives. There are reasons—perhaps compelling reasons, as Bertrand Russell believed—for regarding it as a deeply entrenched philosophical myth. A Marxist moralism requiring such foundations and a Marxist antimoralism may be taking in each other's laundry. Marxists may be able to manage quite well without taking sides on such arcane matters as moral realism or moral antirealism, and that without lapsing into Marxist antimoralism.²⁸

26. The extensive relevance of needs here is powerfully argued by David Braybrooke, *Meeting Needs* (Princeton: Princeton University Press, 1987).

27. See Kai Nielsen, "Marxism and the Moral Point of View," *American Philosophical Quarterly* 24, no. 4 (October 1987): 295–306.

28. My criticisms of Cohen are not meant to show that a sound rights-based defense of Marxist moralism could not be articulated. I have sought to show only that an account so freely appealing to intuitions and so ready to invoke moral realism requires extensive supplementary argument. It is very questionable, however, whether such supplementary argument can be successfully carried out. Similar arguments could, of course, be deployed against an appeal to intuitions concerning what is good and what is just; but my criticisms of Marxist immoralism do not rely on such an appeal.