

Robert Tucker and Allen Wood, in developing their influential and iconoclastic views on Marx and Marxism on justice, stress that many people, doubtlessly including 'numerous followers of Marx,' have assumed plausibly enough 'that distributive justice is the value underlying' Marx's harsh judgment 'against existing society.'¹ As Tucker puts it, many have taken his 'indictment of capitalism' to be rooted in a 'concern for justice in the sense of a fair distribution of material goods.'² 'It seems,' he adds, 'to lurk behind his analysis of capitalism as a system of production founded on wage labor.'³

Let me sketch roughly a typical view of the matter. It might be called without exaggeration 'the received naive view.' If we think about the system of wage labour, the generation of surplus value and of exploitation, it is impossible not to conclude that workers are treated unjustly under capitalism. Surplus value is generated by the additional working time over and above the time during which the worker produces goods or services worth more than the amount he receives as his day's wages. Suppose I am hired by the day at a fixed hourly wage and that by noon I have produced for the capitalist the monetary equivalent of my entire day's wage. That is, I have produced in goods or services something that is worth what I get in a day's wage. Yet I go on working until 5:00 p.m. My work from noon to five o'clock is surplus working time. Under the capitalist system my labour power is a commodity. The value of my work – what my day's wage should be to be fair – is determined by how long it takes me to produce something for the capitalist that is equivalent in monetary value to what it would take to obtain the socially determined

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1 Tucker *The Marxian Revolutionary Idea* (1969) 18; Tucker *Philosophy and Myth in Karl Marx* (1961) 11–27; Wood, The Marxian critique of justice (1971–2) *Phil. and Pub. Affairs* 224; and Wood, Marx on right and justice (1978–9) 8 *Phil. and Pub. Affairs* 267. Tucker has not re-examined his views, but Wood has: see *Karl Marx* (1982) 125–56; Marx's immorality, in Chavance (ed.) *Marx en Perspective* (1985) 681–98; and Justice and class interests (1984) 33 *Philosophica* 9.

2 Tucker *Philosophy and Myth in Karl Marx*, supra note 1, 18

3 *Ibid.*

necessities of life for a day. That would be an equivalent traded for an equivalent in a fair way. But that is not how things stand, for by virtue of our labour contract he gets my labour power not just until noon but for the whole day. Because I am working during that surplus labour time, he is able to extract surplus value from me – to get for his own use and enrichment the value of what I produce over and above any equivalent he gives me. This extraction of surplus value, it is natural to say, is exploitation, and as such it is unfair. The capitalist robs me of something I produce with my labour power, for I do not receive the equivalent of what I have produced during the day. I am robbed of something which – granting that the capitalist provides the machinery, the work space, and the like – is rightly mine. (It should be remembered that the capitalist's ownership of machinery and land is based, in part at least, on past exploitation. This, it is believed by some, is grossly unfair and unjust and reveals that the capitalist system is an exploitative and thus an unjust system of production and distribution.)

Tucker and Wood agree that this common belief among Marxists is a natural response to a superficial reading of Marx and that it all has a certain surface plausibility; but, they argue, appearances to the contrary notwithstanding, it is not Marx's view, for Marx and Engels assert, as Tucker puts it, 'quite emphatically that no injustice whatever is involved in wage labor.'⁴ Relying heavily on the same passage from volume 1 of *Capital* as Wood, Tucker maintains that the subsistence wage, what I need to keep myself going for a day, is precisely what my labour power for the day is worth under capitalism.⁵ Tucker remarks:

The worker is receiving full value for this service despite the fact that the employer extracts surplus value at his expense. To quote Marx: 'It is true that the daily maintenance of the labor power costs only half a day's labor, and that nevertheless the labor power can work for an entire working day, with the result that the value which its use creates during a working day is twice the value of a day's labor power. So much the better for the purchaser, but it is no wise an injustice (*Unrecht*) to the seller.' It is no wise an injustice because the subsistence wage is precisely what the commodity labor power, sold by the worker to the employer, is worth according to the laws of commodity production. But is there no higher standard of justice than that implicit in these laws? Is there no abstract idea of justice in relation to which wage labor, though perfectly just on capitalist principles, could be adjudged as unjust *per se*? Marx and Engels are absolutely unequivocal in their negative answer to this question. 'Social justice or injustice' writes Engels, 'is decided by one science alone – the science which deals with the

⁴ Ibid.

⁵ Marx *Capital* vol. 1 (1961) 194

material facts of production and exchange, the science of political economy.' 'Right,' says Marx in his *Critique of the Gotha Program*, 'can never be higher than the economic structure of society and its cultural development conditioned thereby.'

The latter work, consisting of marginal notes that Marx penned in 1875 on a draft program for a united German workers' party and published posthumously, contains a furious diatribe against the whole idea that fair distribution is a socialist goal. Marx points out sarcastically that socialists cannot agree on any criterion of distributive justice: 'And have not the socialist sectarians the most varied notions about "fair" distribution?' He speaks of 'ideological nonsense about "right" and other trash so common among the democrats and French socialists.' He dismisses the notions of 'undiminished proceeds of labor,' 'equal right' and 'fair distribution' as 'obsolete verbal rubbish' which it would be a 'crime' to adopt as a party program. It is here that Marx quotes, for the only time, the old French socialist slogan, 'From each according to his ability, to each according to his needs.' But in the very next breath he declares that 'it was in general incorrect to make a fuss about so-called *distribution* and to put the principal stress upon it.' To present socialism as turning principally on distribution was characteristic of 'vulgar socialism,' Marx says, and he concludes by asking: 'Why go back again?' It should be clear in the light of all this that a fair distribution of the proceeds of labor is not the moral goal for Marx. The ideal of distributive justice is a complete stranger in the mental universe of Marxism.⁶

As Tucker puts it in *Philosophy and Myth in Karl Marx*, 'the issue for Marx was not justice but man's loss of himself under enslavement to an *unmenschliche Macht* and his recovery of himself by the total vanquishment of that force.'⁷

II

I shall query the claims of Tucker and Wood. I wish to show that something closer to a natural, untutored response more accurately reflects Marx's views. But Tucker's and Wood's views are powerfully and carefully stated with a good bit of textual basis in both Marx and Engels. To make a start we must recognize there is a not inconsiderable sorting-out to be done. It is important not to forget that there are no canonical texts that can give us Marx's account of justice. We have to deal not only with the fact that Marx's writings were often in rough drafts and occasional texts, but with his profound Swiftian satire and mocking irony. It is very difficult to ascertain with any confidence what Marx's views on this subject actually were.

6 Tucker *Philosophy and Myth in Karl Marx* 18–19

7 *Ibid.* 223

It is Wood's contention that if we gain a correct understanding of historical materialism and the labour theory of value, surely tenets canonical to Marxism if anything is, we will come to understand why Marx could not have claimed that the appropriation of surplus value and thus exploitation is unjust. Ricardo and some Ricardian socialists, Wood argues, believed that if the capitalist paid the worker for the full value of his work no surplus value would result. Surplus value, in Ricardo's view, is an unavoidable result of the capitalist process. Without it there would be no profit or capitalist accumulation. So, Ricardo tells us, it is the capitalist who must in effect cheat the worker and treat him unjustly. He cannot pay the worker for the full value of his work if capitalism is to survive.

Wood maintains that Marx would reject this thesis because it contains a mistaken account of the origin of surplus value; Marx would also reject the Ricardian view that the existence of surplus value shows that there has been an unequal exchange between worker and capitalist.⁸ No injustice is done to the worker by extracting surplus value from him. There is, in the capitalist economic system, no unequal exchange simply because that extraction occurs. We should remember that for Marx 'labor is the substance and immanent measure of value, but has no value itself.'⁹

We need to clarify what is meant when we speak of the 'value of labour.' First, there is the value present in the commodity created by the labour. In this sense, the 'value of labour' connotes the value present in the commodity created by labour minus the value of the means of production consumed in producing it.¹⁰ But the capitalist does not purchase this commodity when he strikes a wage deal with the worker. He does not buy the finished commodity from the worker minus the amount of the capitalist's means of production consumed in the creating of the commodity. The commodity the capitalist buys is not created by the worker's labour, but by the worker's *labour power* (*Arbeitskraft*). The capitalist merely makes use of the commodity he has bought in a contract struck or a purchase made antecedent to the labour process, just as I would make use of a pasta-making machine only after I had purchased it. Once the worker sells his labour power and begins his work, then his labour power, for the duration of the contract, as Marx puts it, 'has ceased to belong to him; hence it is no longer a thing he can sell.' Moreover, the value of labour power, like the value of any other commodity, depends 'on the quantity of labor necessary for its production.' The value of a worker's labour power 'depends on the quantity of labor necessary to keep the worker alive and working, or to replace him if he should die or quit.'¹¹

8 Wood, *The Marxian critique of justice*, supra note 1, 261

9 *Supra* note 5, 537

10 Wood, *The Marxian critique of justice*, supra note 1, 261

11 *Ibid.* 262

However, taken just like this, that account is incomplete and misleading, for Marx also talks about 'socially necessary' labour time. What is 'necessary' to keep the worker alive and working is historically and culturally variable. It is not always bare subsistence, and it will usually go up as productive forces develop and the concrete production relations change. Unless there is some cheating within the system itself, something that does not usually happen, the wage worker is paid the full value of his labour power. That is to say, he is paid 'what is socially necessary for the reproduction of his life-activity as a worker.'¹² According to the strictest rules of commodity exchange, equivalents have been exchanged for equivalents, and so we have a just transaction. As Wood points out,

Surplus value, to be sure, is appropriated by the capitalist without an equivalent. But there is nothing in the exchange requiring him to pay any equivalent for it. The exchange of wages for labor power is the only exchange between capitalist and worker. It is a just exchange, and it is consummated long before the question arises of selling the commodity produced and realizing its surplus value. The capitalist has bought a commodity (labor power) and paid its full value; by using, exploiting, this commodity, he now creates a greater value than he began with. This surplus belongs to him; it never belongs to anyone else, and he owes nobody a penny for it. 'This circumstance,' says Marx, 'is peculiar good fortune for the buyer (of labor power), but no injustice at all to the seller.' The appropriation of surplus value by capital, therefore, involves no unequal or unjust exchange.¹³

Labour, or more precisely labour power, is the sole creator of value. The capitalist's means of production do not grow in value unless they are consumed by labour.¹⁴ The surplus value comes about, on Marx's account, through the worker's labour power alone. This being so, many have thought it only fair that the entire increase go to the worker once the means of production he consumes in labouring is paid for. There may be no unequal exchange between worker and capitalist, but in reaping the fruits of the worker's unpaid labour the capitalist is still exploiting him and, the standard view has it, taking from him what is justly his. This view, Wood argues, rests on a mistaken and ideologically distorted conception of property. In effect, it assumes the idyllic *mutualité* of purely individual private property. It talks as if the capitalist system were a system of individual commodity production. But if such a system ever really existed, surplus value, and hence exploitation, could not exist, and the problem would not arise. To claim that injustice arises from exploitation assumes

¹² Ibid.

¹³ Ibid. 262–3. Note the key passage from *Capital*, supra note 5, 583.

¹⁴ Wood, *The Marxian critique of justice*, supra note 1, 263

that all legitimate ownership is in *individual* private property. It assumes, unrealistically, that each person's property rights are based on his own labour so that every human being has a right to appropriate the full value created by his own labour, and anyone who deprives the worker of what his labour has created does him an injustice.¹⁵ Marx claims that this is a mystification and that only in some crude bourgeois ideologies are property rights so conceptualized. The reality of capitalist production and capitalist production relations is quite otherwise. There people engage in co-operative labour in which they use the means of production together; moreover, in such a system there is a working class that uses the means of production and a capitalist class that owns and controls it, with the result that there is a separation of labour from the means of production. While individuals can own the means of production, what they own is used, though not controlled, co-operatively. Where capitalist property relations obtain, we have a society divided into a class that owns and controls productive property, and a class that (in the typical situation) owns only its own labour power. In such a society it is not the case, as the argument from exploitation to injustice requires, that every person's right to private property is based on his own labour. A capitalist system would not be a capitalist system if surplus value could not be extracted. And surplus value can be extracted only from the labour power of workers, people who sell their labour power as a commodity in a commodity market. Moreover, a commodity is not a commodity unless it can be purchased to be used and unless it is useful to its purchaser. 'If the entire value of the commodity produced by the wage laborer were expended in wages and means of production, the capitalist would have received no use from the labor power he purchased and he would have done better simply to convert the value of his means of production into commodities he could consume.'¹⁶ Indeed, if he received no surplus value, he would have no incentive to develop the forces of production. Capitalist property is not simply a system of individual property rights of individual producers, but of property rights that conform to capitalist relations of production. The capitalist mode of production is not a system of individual commodity production. Productive property rights become, as Marx put it in *Capital*, 'the right on the part of the capitalist to appropriate alien unpaid labor or its product, and on the part of the worker the impossibility of appropriating his own product.'¹⁷ Given such a system of property rights, no entitlement of the worker has been overridden in extracting surplus

¹⁵ Ibid. 263-4

¹⁶ Ibid. 265

¹⁷ Supra note 5, 265

value, no right of his has been violated, so no injustice can have been done to him. 'The justice of the transactions in capitalist production relations rest on the fact that they arise out of capitalist production relations, that they are adequate to, and correspond to, the capitalist mode of production as whole.'¹⁸

To complain in this general way about the injustice of the system of capitalist property rights is simply to complain that capitalism is capitalism. Capitalism is possible only if labour power is used as a commodity to produce surplus value and expand capital. If 'workers performed no unpaid labor and were not exploited, the capitalist mode of production would not be possible. Under a capitalist mode of production, the appropriation of surplus value is not only just, but any attempt to deprive capital of it would be a positive injustice.'¹⁹ In Marx's language, economic relations are not ruled by juridical concepts, but juridical relations arise out of economic ones.²⁰ Capitalism could not possibly function without profits. 'Capitalist exploitation,' as Wood puts it, 'belongs to the essence of capitalism, and as the capitalist mode of production progresses to later and later stages of its development, this exploitation must in Marx's view grow worse and worse as a result of the laws of this development itself. It cannot be removed by the passage or enforcement of laws regulating distribution, or by any moral or political reforms which capitalist institutions could bring about.'²¹

III

Pace Wood, isn't it because of the system's exploitative and dehumanizing features that we want to say of the entire system that it is unjust? In reading Wood's account of Marx, it is natural to answer yes. If the system of property rights and the system of relations of production are accepted and acknowledged as legitimate, as it is certainly in ruling class interests to do, then we cannot consistently say that an injustice is done to the workers. But we also want to say, when we reflect on the facts of exploitation, that the whole system of property rights, with its corresponding relations of production, is unjust and ought to be overthrown. Marx himself refers to the system of property rights as something which, for the workers of his time (and by extrapolation for workers now), is a 'social curse.'²² Why

18 Wood, *The Marxian critique of justice*, 265

19 *Ibid.*

20 Marx *Critique of the Gotha Programme*, in Tucker (ed.) *The Marx-Engels Reader* (2d ed. 1978) 528

21 Wood, *The Marxian critique of justice*, *supra* note 1, 268

22 *Supra* note 20, 527

cannot such judgments of the wrongness of the system – indeed, of the injustice of the system – be legitimately made? What reason have we to think that Marx would have regarded them as necessarily ideological or in any other way mistaken?

According to Wood, if it is Marx's exegesis that is at issue, we have to reply that it is simply a fact that Marx (rightly or wrongly) regarded such a position as an 'ideological shuffle.' He regarded such 'justice-talk' as 'outdated verbal trivia.'²³ Wood puts it unequivocally: 'It is simply not the case that Marx's condemnation of capitalism rests on some conception of justice (whether explicit or implicit), and those who attempt to reconstruct a "Marxian idea of justice" from Marx's manifold charges against capitalism are at best only translating Marx's critique of capitalism, or some aspect of it, into what Marx himself would have consistently regarded as a false ideological or "mystified" form.'²⁴ In the pages just prior to that statement, Wood provides Marx with something of a rationale for his rejection of the legitimacy of justice-talk. I want to probe this in several ways. Perhaps Wood has imputed more to Marx than an examination of his texts will bear.

The Marxian positions that Wood appeals to in asserting that such employments of justice-talk are ideological are these. If we say that capitalism itself is unjust or that capitalist exploitation is unjust, we are giving to understand that capitalism's system of distribution is unfair, perhaps even grossly unfair. The worker is not receiving the share of the collective product of society he deserves. But when we look for some criterion that will help us determine what it is that he deserves, we are at a loss. We are reduced to the subjectivity of appealing to our sense of justice or to what our considered convictions – our intuitions, if you will – inform us is the ideal set of juridical or moral principles, rules, and practices that should govern society. The moral agent, in effect, is 'treating the social whole as if he in his sublime rationality, could measure this whole against some ideal of right or justice completely external to it, and could then, standing on some Archimedean point, adjust social reality to this ideal.'²⁵

Even if it is conceded that such a socialist moralist need not and should claim not to be able to adjust social reality but only to provide a criterion for guiding social change, when it can and will come about, the core of Wood's challenge on Marx's behalf remains: How can the socialist revolutionary be so confident that his sense of what is rational (even when it is riding in tandem with his sense of justice) provides such criteria for

²³ Marx *Selected Works* vol. 2 (1969) 23

²⁴ Wood, *The Marxian critique of justice*, supra note 1, 272

²⁵ *Ibid.*

assessment? Isn't to accept anything like this in effect to adopt an unscientific, intuitionistic individualism, something that is hardly appropriate for a socialist? Can we reasonably expect to recover so much by what is in effect an appeal to our intuitions – to what, on careful reflection, just 'seems' to us as individuals right and just?

Moreover, even if an appeal to some historically and culturally specific consensus will take us around that bend, such an appeal to considerations turning on distribution is a mistake.²⁶ Marx stresses that distribution is not 'something which exists alongside production, indifferent to it, and subject to whatever modifications individuals in their collective moral and political wisdom should choose to make in it.'²⁷ We need to recognize that a mode of distribution is a functional part of a mode of production and that it is determined by the overall character of that mode of production. We cannot fundamentally change the distribution without changing the production relations. But in arguing as we have above about justice, we are concerning ourselves with distribution relations alone. That is to say, production is the central thing: the distribution we have will be extensively determined by the production relations we have.

If this is Marx's view, this criticism does not cut very deep, for anyone who sought to express socialist principles of justice would articulate a combined set of productive-distributive principles. A challenge to the justice of capitalism as a whole is a challenge to its system of production relations and the system of distribution that flows from it. To claim that this exploitative system is unjust is to claim that a system with such productive-distributive principles and practices is unjust.²⁸ The criticism is directed at the system as a whole, though a vivid and reasonably important way of making that criticism is to show what distribution relations flow from that productive system. However, Marx's previous assertion that no one is in a sufficiently Archimedean position to make such a judgment is still in place; the claim that the critic is concerned only with distribution is not. The challenge is to the justice of the system as a whole, including its modes of production: it is claimed that a mode of production is unjust, and that an alternative mode of production would be fairer. Particularly during a period in which a revolution is possible, that claim can – or so it seems – be very much to the point. It could be a justified and somewhat useful element in a revolutionary class struggle. (It would be unwise or at least un-Marxian to claim more of it.)

26 Ibid. 268

27 Ibid.

28 Elster *Making Sense of Marx* (1985) 196–233; Cohen, Review of Wood's *Karl Marx* (1983) 92 *Mind* 442; Young, Justice and capitalist production: Marx and bourgeois ideology (1978) 8 *Can. J. of Philosophy* 421–54; and Young, Doing Marx justice (1981) supp. vol. 7 *Can. J. of Philosophy* 251–68

Wood, however, would resist this. Marx, Wood has it, believes that such judgments of the justice of whole social systems are both futile and counter-productive from the point of view of revolutionary practice. Moreover, they have no rational basis. If the forces of production are not sufficiently developed to be in conflict with the relations of production, 'moral-talk' will have little effect in changing anything. If the forces of production are in sufficient movement that the production relations fetter the productive forces, and if the working class has gained sufficient class-consciousness to see that their interests are being systematically frustrated by their capitalist masters and indeed by the very nature of capitalist system itself, such 'moral-talk' is supererogatory. When that situation does not obtain, it is useless. If such a fundamental change is not in the offing, calls to revolutionary activity on the basis of cries of injustice are, on Marx's view, irrational, irresponsible, and futile.²⁹ As was asserted in the *German Ideology*, 'Communism is for us not a *state of affairs* to be brought about, an ideal to which reality must somehow adjust itself. We call communism the actual movement which is transcending (*aufhebt*) the present state of affairs. The conditions of this movement result from presuppositions already existing.'³⁰ It is vital to realize that we are not going to change society through moral theorizing and appeals.³¹

IV

It does not seem to me that the argument expressed in the preceding paragraph is an effective criticism of the claim that socialists can and should critique capitalism by claiming that it is unjust. To undertake such a critique does not imply (1) that it is the only relevant critique, (2) that it is the most important sort of critique, (3) that calls for revolution should be made, independently of other practical considerations, simply when these gross injustices obtain, or (4) that such a moral critique can plausibly be made without a good understanding of the mechanisms at work in capitalism and the underlying forces for change in the historical epoch in which the critique is made. There need be no belief that a moral critique, particularly by itself, will change the world or typically trigger social

29 Marx *Grundrisse* (ed. D. McLellan 1971) 69. See Miller's critique of Wood's account in *Analyzing Marx* (1985) 61–95.

30 Euston and Guddat (eds) *Writings of the Young Marx on Philosophy and Society* (1967) 426 (emphasis in original)

31 Miller criticizes this account for being too functionalist. Historical materialism is not a mechanical determinism, though it may be a determinism. There is no reason to believe that all causal relations go from base to superstructure. Is it plausible to believe, even granted a fairly orthodox Cohenist reading of historical materialism, that a moral critique will never have *any* effect on what happens in the world? I do not think that it is, and I do not think that that is an implication of Cohen's views.

change. And there need be no quixotic use of it to call for revolution when revolution is not in the offing, when the structural contradictions of capitalism do not manifest themselves. There need be only a recognition that such moral arguments, including arguments about the injustice of capitalism generally, can reasonably play a modest role in the debates about the viability of socialism. And, in acknowledging the legitimacy of such a role for arguments about justice and claims concerning the injustice of capitalism, there need not be, and indeed should not be, the slightest retraction of the claim of historical materialism that the actual juridical structure of society is a dependent moment of the prevailing productive mode.

A socialist critic can and should, in accord with Marx, stress that it is also the case (1) that superstructures react on bases and bases need superstructures (there is reciprocal causal interaction), and (2) that because there is class conflict in society the superstructural conceptions favouring the interests of the dominated class can at times affect production relations.³² Moral beliefs can sometimes have some emancipatory use in class struggles.

Marx believed that capitalism was a system of wage slavery. Indeed, as Wood puts it, he thought of it as 'a slavery the more insidious because the relations of domination and servitude are *experienced* as such without being *understood* as such.'³³ On Wood's understanding of Marx (and on Tucker's), 'although this servitude is a source of misery, degradation, and discontent to the worker it is not a form of *injustice*,' and it is, on their view, a form of ideological mystification to think that it is. Servitude is not injustice because the 'servitude of the wage laborer to capital is an essential and indispensable part of the capitalist mode of production, which neither the passage of liberal legislation nor the sincere resolve by bourgeois society to respect the "human rights of all its members" can do anything to remove.' If we have a firm grasp of the labour theory of value and historical materialism, we recognize that servitude is sometimes of considerable instrumental value and, as such, is not an 'unqualified wrong, an evil to be abolished at all cost with an attitude of *fiat justitia, pereant mundi* ... the servitude of capitalism ... and even the direct slavery involved in capitalist colonies have been necessary conditions for the development of modern productive forces.'³⁴ This claim seems to me too strong. That capitalist forces could not have developed without slavery in the colonies needs some showing. Still, Marx's general point, stressed here

³² McCarney *The Real World of Ideology* (1980)

³³ Wood, Marx on right and justice, *supra* note 1, 278

³⁴ *Ibid.* 276–8

by Wood, is well taken: to condemn the servitude involved in capitalism would be to condemn all the productive advances of modern society; but that would be tantamount to condemning socialism, for socialism is impossible without such productive advances. To will the end, as we know from Kant, is to will the necessary means to the end.³⁵ In this connection Wood remarks: 'Condemning a relation of servitude when it results from historical limitations on productive forces is for Marx about as rational as condemning medical science because there are some diseases it cannot cure.'³⁶

The socialist who wished to condemn capitalism as an unjust system because it systematically treated some human beings, in their conditions of servitude, as means only, could still recognize that sometimes such evils and injustices are necessary. Not infrequently in questions of morality we have to choose the lesser evil. Such socialists could grant, as Rawls would not, that sometimes, in some grim circumstances, utility outweighs justice and that we must sometimes just accept injustice as morally necessary. This seems to me both a realistic and a morally sensitive reaction. But this does not mean that we have to throw up our hands about arguments about the justice of social systems or regard all such talk as the ideological twaddle of confused ideologues.

Wood also contends that a Marxist who wishes to follow in Marx's footsteps cannot argue that 'capitalism could be condemned as unjust by applying to it standards of justice and rights which would be appropriate to some post-capitalist mode of production.'³⁷ Such a response would be an emotional or ideological reaction without any rational grounding. Since such post-capitalist standards of justice 'would not be rationally applicable to capitalism at all, any such condemnation would be mistaken, confused and without foundation.'³⁸ The person who thinks he can do such a thing is operating 'from the vision of the post-capitalist society as a kind of eternal juridical structure against which the present state of affairs is to be measured and found wanting.' Marx, Wood claims, repudiates any vision of this kind.³⁹

During periods of socialist transition, as Marx's *Critique of the Gotha Programme* makes clear, various phases of development will be accompanied by different standards of right. When a fully classless society of considerable abundance is attained, we will be beyond conflicts of interest and the circumstances of justice that Hume and Rawls speak of; in such a

35 Ibid. 279

36 Ibid.

37 Ibid. 276

38 Ibid. 270

39 Ibid.

society there will be no need for principles and theories of justice.⁴⁰ Marx believes, as Wood puts it, 'that the end of class society will mean the end of the social need for the state mechanism and the juridical institutions within which concepts like "right" and "justice" have their place.'⁴¹ In a fully developed communist society there will be no need for principles of justice, or even for the concept of justice. People, without being unjust, will be 'beyond' justice and will have no more need of justice than humanists have of God.

v

Perhaps this is Marx's view. Certainly, at times he talks like this, though it is not at all clear to me that 'to each according to his needs' is not meant to be taken as a principle of justice or is meant, like the state, to wither away.⁴² But regardless of Marx's own view, I see no reason why someone with even a thorough Marxist orientation must, or even should, follow Marx here. It is quite possible, and perhaps probable, that, given our resources and the growing world population, that we will never be so free from scarcity that there will be no conflicts of interests that would require principles of adjudication, and that some of those principles would or at least should plainly be principles of justice.⁴³ There would, in such a society, be no class conflicts, because there would be no classes, but there would still be some conflicts of interest such that we would not be altogether beyond the circumstances of justice. Moreover, to hold that there can be post-capitalist principles of justice for assessing conflicts of interests, we need not assume that some kind of 'eternal' juridical structure is necessary. Even if the appropriate concept of justice is a juridical one, it does not follow that it is eternal.⁴⁴ A Marxist could accept a developmental but non-relativistic account of principles of justice in which the post-capitalist principles could be higher than the capitalist principles without assuming that we have any coherent picture of eternal principles of justice. Furthermore, a Marxist need not accept the restriction that all principles of justice must be juridical and coercive, thus requiring the existence of the state and of legal institutions. As in primitive stateless societies such as the Tiv and the Nuer, there can be

40 Elster, *supra* note 28, argues that such a claim comes close to being self-contradictory.

41 Wood, *The Marxian critique of justice*, 271

42 Elster, *supra* note 28, 229-33

43 Taylor, *The politics of the steady state* (1979) 32 *New Universities Quarterly* (1979)

44 I do not mean to suggest that the appropriate concept of justice here is a juridical one. Husami, in *Marx on distributive justice* (1978-9) 8 *Phil. and Pub. Affairs* 27, has powerful arguments against Wood's views.

conceptions of justice as a 'right balance' between sometimes conflicting interests without justice being treated as a juridical concept. Similarly, the standard of justice in a post-capitalist society need not be a juridical one. At the very least, it has not been shown that it must be juridical.

In one of the few instances where he differs in detail from Tucker, Wood asserts that Marx did not think of 'justice' as connoting a rightful balance between conflicting interests, but as 'the rational measure of social acts and institutions from the *juridical* point of view.'⁴⁵ But Wood gives no textual basis in Marx that would justify the claim that *all* ascriptions of justice are juridical, so that 'legal justice' for Marx is pleonastic. But 'legal justice' is not pleonastic for us, and nothing requires us to so read it. Such a conception could be abandoned without affecting Marx's central structures.⁴⁶

My arguments in the last several paragraphs have been designed to show that if Wood has got Marx right, then Marx was mistaken or unpersuasive on several points we have discussed.⁴⁷ My remarks were designed not to show that Wood has got Marx wrong, but to show that in some places Marx was inconclusive and that Wood has overgeneralized from his evidential base. In other places my reading of Marx squares with Wood's. What I am principally concerned to stress is this: even if Wood has got Marx roughly or even exactly right, there is still not enough in his account to show that a Marxist who accepted the labour theory of value, the dialectical method, historical materialism, Marx's theory of ideology, and his account of the state and class – in short, the essentials of Marxism – need reject what might well be his untutored conviction and what turned him toward socialism in the first place: namely, his conviction that capitalism is a rotten, unjust social system. If Wood's Marx on justice is indeed genuine Marx, a Marxist could, and I believe should, part company with Marx here. But he still need not reject anything that is essential to Marxism or what is distinctive and important in Marx's own contributions.

If my replies to Wood have been on the mark, one could even accept most of Wood's explication of Marx and still believe that it does not show that someone working within Marx's general framework cannot continue to believe that capitalism is an exploitative, enslaving system which is, among the other things wrong with it, through and through unjust.⁴⁸

⁴⁵ Wood, *The Marxian critique of justice*, supra note 1, 275

⁴⁶ See Husami's arguments for not sticking with an exclusively juridical understanding of justice: supra note 44.

⁴⁷ See Elster, supra note 28, on justice, and see Cohen's review of Wood's *Karl Marx*, *ibid.*

⁴⁸ At the very end of Wood's response to Husami there seems to be some recognition of this possibility. See Wood, *Marx on right and justice*, supra note 1, 130–4.

That that is too mild a criticism, given what on Marx's political sociology is the social curse of capitalism, does not make the term 'unjust' inapplicable. If Hans is a swindler he is also dishonest.

What does still stick in the craw is Wood's claim, on Marx's behalf, that the belief that capitalism is unjust must be without a rational basis. Wood imputes this view to Marx without an adequate textual basis, and perhaps his very claim reveals more about Wood's own historicist assumptions and moral positivism than it does about Marx. But it would be nice to know what it would be like to have a rational grounding for such a belief. Perhaps it would be sufficient to appeal to our considered judgments in what Norman Daniels has called (developing a conception from Rawls) *wide reflective equilibrium*.⁴⁹

VI

My criticisms of Wood have been piecemeal and rather internal. I now want to turn to some more substantive criticisms of the claim made by Wood and Tucker that Marx stresses that the capitalist system is exploitative, dehumanizing, alienating, and enslaving while still, quite consistently, claiming that it is not unjust. They contend that Marx believes that it is perfectly appropriate to claim that exploitation is just in a capitalist society.

Ziyad Husami and Gary Young vigorously oppose the Tucker–Wood reading of Marx; Derek Allen has defended Wood.⁵⁰ I shall try to sort out what is at issue and try to go some way towards ascertaining who is telling it like it is.

Husami attempts to refute Wood's assertion that according to Marx the 'standards of right and justice appropriate to a given society are those which in fact fulfill a function in social production,' and that, since Marx also believes 'that the exploitation of wage labor by capital is essential to the capitalist mode of production,' he then must also believe 'that there is nothing unjust about the transactions through which capital exploits labor, and that the workers' rights are not violated by capital's appropriation of their surplus value or by the capitalist system of distribution generally.'⁵¹ At issue is whether it must be the case that exploitation is

49 For a discussion of wide reflective equilibrium, see Rawls, *The independence of moral theory* (1974–5) 47 *Proceedings and Addresses of the American Philosophical Association* 5–22; Daniels, *Wide reflective equilibrium and theory acceptance in ethics* (1979) 76 *The Journal of Philosophy*, Daniels, *Reflective equilibrium and Archimedean points* (1980) 10 *Can. J. of Philosophy*, and Nielsen *Equality and Liberty: A Defense of Radical Egalitarianism* (1985) ch. 2.

50 Allen, *Marx and Engels on the distributive justice of capitalism* (1981) *supp. vol. 7 Can. J. of Philosophy* 221

51 Wood, *The Marxian critique of justice*, *supra* note 1, 269

unjust.⁵² Wood's central claim, as we have seen, is that close attention to Marx's texts will show that 'he does not regard capitalism as distributively unjust or as violating the rights of workers.'⁵³

Husami and Young on the one hand and Tucker, Wood, and Allen on the other agree that Marx firmly believed that capitalism exploits and 'that one essential feature of all economic exploitation for Marx is *coercion*.'⁵⁴ They further agree that Marx believes that capitalists coerce through their control over the means of production. It is their common view that 'Marx's frequent insinuations that capital not only robs but also cheats or defrauds the worker are due to Marx's belief that capital's coercion is disguised by the *factio juris* of the voluntary contract between individual capitalists and workers.'⁵⁵ They differ over whether this shows that Marx believes that capitalism is unjust. Against the Tucker–Wood thesis, Husami argues that, though Marx's explicit statements are few, the most plausible reading is one that concludes that Marx does think that capitalism is unjust.⁵⁶ That is, *pace* Tucker and Wood, and indeed Richard Miller, our first impressions are the correct ones.⁵⁷

Husami draws our attention to the fact – which Tucker and Wood do not overlook – that in passage after passage Marx points to the concentration of wealth under capitalism into a few hands, to the misery of the proletariat, to their condition of servitude, alienation, and dehumanization, to the way in which, through wage labour, the proletariat 'is forced into creating wealth for others and misery for itself,' to the way in which the proletariat 'has to bear all the burdens of society without enjoying its advantages,' to the capitalist's ever-increasing control over social development (a control he employs principally for capitalist class interests and at the expense of the proletariat) and to the way in which the media and the control of intellectual life (the consciousness industry) are principally in the hands of the capitalist class. Marx will not let us forget that there are in the capitalist world inequalities of wealth, power, education, access to meaningful work, and even access to security and health care. A reading of Marx and Engels yields readily enough, as Husami puts it,

the picture of a society with extreme inequalities of wealth. This wealth is

⁵² Ibid. 273

⁵³ Ibid. 272

⁵⁴ Ibid. 279 (emphasis in original). For a dissenting view on exploitation, see Cohen, The labor theory of value and the concept of exploitation, in Cohen, Nagel, and Scanlon (eds) *Marx, Justice, and History* (1979) 135–57.

⁵⁵ Wood, The Marxian critique of justice, *supra* note 1, 280. But see Allen on the idea of its being rhetorical: *supra* note 50, 221–50.

⁵⁶ *Supra* note 44, 47–79

⁵⁷ Miller *Analyzing Marx*, *supra* note 29, 15–97

produced by one class and enjoyed by another which is indifferent to the poverty, suffering, and misery of the producers. One class monopolizes material and intellectual advantages such as access to education and culture at the expense of another class which is coerced into shouldering all the burdens of society. The capitalists do not amass their wealth and its attendant material and cultural enjoyments from their own labor but by exploiting the labor power of the workers.⁵⁸

If this description is accepted in its essentials as an accurate rendering of Marx, something all parties to the dispute do accept, it is natural to conclude that this description paints a clear and vivid picture of social injustice.

There are many other grounds on which we should condemn capitalism, but the description set out above justifies our saying, most emphatically, that if these things are true of capitalism, capitalist society is through and through an unjust society. This is Husami's view of Marx's position, as well as that of Gary Young, G.A. Cohen, and Jon Elster. Husami thinks that Marx saw capitalist society as an unjust society, but he is aware that Tucker and Wood resist this interpretation. They maintain, first, that Marx does not explicitly say capitalism is unjust – indeed, he says on one occasion that capitalist transactions are typically just – and, second, that we cannot rightly infer that Marx, given his account of society, regards capitalism as unjust.⁵⁹ Exploitative or dehumanizing or enslaving or radically inequalitarian, yes; unjust or unfair or in violation of rights, no.

At this point, it is natural to respond that this dispute must be a tempest in a teapot. If Tucker and Wood accept the social description set out above as genuine Marx, then they must conclude that, as the term 'justice' is plainly and unequivocally used in everyday life, Marx and Engels are condemning capitalism as unjust. All that Tucker and Wood can show is that, if their own readings are correct, in a specialized, quasi-technical sense of the term 'justice' (or, more accurately, *Gerechtigkeit*) Marx and Engels did not claim that capitalism is unjust. On the contrary, Marx and Engels give us to understand that capitalism is just (again in this very special sense) or at least not unjust.⁶⁰ But no substantive issues actually divide the contestants, for, given Tucker and Wood's acceptance of the above description as an accurate rendering of Marx's beliefs, they must

58 *Supra* note 44, 29

59 See Wood and his quotation from Marx in *Justice and class interests*, *supra* note 1, 9–10. Still, there is Cohen's puzzle about how Marx could say that given the other things he says.

60 Miller *Analyzing Marx*, *supra* note 29, 60–95. See also Lukes's chapter on justice in *Marx and Morality* (1985).

agree with Husami and Young that capitalism is indeed, in the plain, untechnical sense of the term, an unjust social system; and, after all, that is the important consideration we need to get clear about. If I say, 'Tomatoes are a good vegetable to mix with corn' and you deny this on the grounds that tomatoes are a fruit while granting that tomatoes do go well with corn, nothing important, relevant to the issue at hand, divides us.

Given a common acceptance that the above description is an accurate portrayal of Marx's views of capitalism, it seems that nothing of a substantive importance vis-à-vis the injustice of capitalism can divide Tucker, Wood, and Allen on the one hand and Husami, Young, and Cohen on the other. They agree on the following issue. Marx described capitalism in a certain way, and if that description is for the most part accurate, then Marx must have regarded capitalism as plainly unjust in the ordinary sense of that term. They differ only about whether it is true, as Wood and Tucker believe, that Marx (perhaps following Hegel) used the term *Gerechtigkeit*, which we would render in English as 'justice,' in a specialized way such that in *that specialized way* he would not speak of capitalism as unjust, but as just or at least as not unjust. But if this way of putting the matter is accepted, it trivializes the Tucker–Wood thesis, renders it normatively and substantially innocuous, and does nothing to show that Marx was a critic of morality who did not appraise capitalism in terms of justice or even of morality.⁶¹

Wood is perfectly aware that it is natural to level this charge at him and he responds to it even in his first essay:

We might be tempted at this point to think that whether capitalism should be called 'unjust' or not is merely a verbal issue. Marx did, after all, condemn capitalism, and he condemned it at least in part because it was a system of exploitation, involving the appropriation of the worker's unpaid labor by capital. If Marx chose to call these evils of capitalism not 'injustices' but something else, they still sound to most of us like injustices, and it seems that we should be free to apply this term to them if we like. The difference between Marx and ourselves at that point we might suppose, is only that his application of the term 'justice' is somewhat narrower than ours ... It is extremely important to see why such an attitude would be mistaken. When Marx limits the concept of justice in the way he does, he is not by any means making a terminological stipulation. He is basing his claim on the actual role played in social life by the concept of justice, and the institutional context in which this term has its proper function. His disagreement

61 That Marx was a critic of morality is perfectly unproblematic. But the claim that he made no moral judgments himself or that he rejected all morality as irrational is another matter.

with those who hold that capitalism is unjust is a substantive one, founded on his conception of society and having important practical consequences.⁶²

It remains unclear to me how, in his first essay, in his reply to Husami, or in his *Karl Marx*, Wood has shown that there is a substantive issue here. He has not shown that the term 'justice' hasn't a plain use in our stream of life where such ascriptions of justice would naturally be made, given an acceptance of Marx's description of capitalism. He admits that a moralizing reading of Marx is natural, but he argues powerfully that that is not the way Marx conceptualizes justice and that it is not the way someone who accepts historical materialism and believes in the reality and human importance of class interests and class struggle should talk.⁶³ Still, such moralizing talk of justice seems perfectly reasonable in the light of Marx's social descriptions of life in capitalist society and his conceptions of feasible alternatives. Indeed, it is not unreasonable to believe that historical materialism can be read so as to not conflict with such moralizing about justice.

Only – or so it seems, at least – if we make on Wood's behalf a 'sociology of morals' point and insist that *all* talk of justice is through and through ideological and mystifying can we coherently maintain that there is an important issue of substance in dispute between him and the person who claims that Marx condemns capitalism for being unjust. And that is indeed just what Wood claims. But in doing so he transforms the issue, and we would also, I believe, have to claim, as Wood does not, that Marx regarded as ideological his own talk of the exploitative, enslaving and dehumanizing nature of capitalism as well as his powerful assertion that it is a system destructive of any true community or truly human life.⁶⁴ Wood believes, as his essay in response to Husami makes reasonably evident (as does *Karl Marx*), that Marx regards all distinctively moral notions as ideological. But oddly, Wood does not regard talk of exploitation, dehumanization, and enslavement as talk of distinctively moral notions. Here again Wood appears to be making what are in effect verbal stipulations about the range of 'the moral.'⁶⁵

It seems to me that the trivializing reading I gave above to the Tucker–Wood thesis remains in place, and that they have not been able to

62 Wood, A Marxian critique of justice, *supra* note 1, 267

63 Wood, Marx's immoralism, *supra* note 1, 681–98, and Justice and class interests, *ibid.*, 9–32

64 Brenkert *Marx's Ethics of Freedom* (1983) and Geras, On Marx and justice (March–April 1985) *New Left Review* 47. For sceptical remarks about such talk, see Anderson's essays on Marx in *Studies in Empirical Philosophy* (1962) 292–327.

65 Wood, it should be noted, does make a spirited defence of himself in the last part of his article Marx on right and justice. But it is this part of his account that has seemed the most unconvincing to most of the people with whom I have discussed it.

show in any substantively significant way how Marx or Engels could deny, given their social science and their descriptions of capitalism, that capitalism is thoroughly unjust. Given Marx's understanding of the facts, we can only resist the claim that capitalism is an unjust system (in the ordinary use of 'unjust') if it is claimed on the one hand that all moral reasoning, all moral standards, and indeed all normative judgments are ideological and thus not rationally based, or, on the other hand, if we take the line taken by Richard Miller in his *Analyzing Marx* that Marx believes that the central moral claims vitally relevant to the moral appraisal of capitalism versus socialism are so rationally indeterminate that we cannot make a cogent case for saying that capitalism is an unjust social system or that, morally speaking, socialism is superior to capitalism.⁶⁶

If all 'moral-talk' is ideological, then the line must be that, except when Marx and Engels were engaging in propagandistic rhetoric, they made no normative or evaluative claims at all. All their moral or other evaluative utterances were just so much emotive effusion with no cognitive standing. But this reading of Marx turns into propaganda, or at least into a more non-rational expression of attitude (more in *Capital* and elsewhere) than it would be plausible to believe Marx or anyone with a good understanding of his texts would accept. Moreover, such a reading trivializes Marx's critique and condemnation of capitalism. We would have to say that Marx and Engels were just emoting when they made normative remarks and that they knew they were doing so. Alternatively, Wood might shift to Miller's position and claim that the key evaluative claims here (whether or not we regard them as moral claims) are all rationally indeterminate. But then again, if those claims could be sustained, we would undermine Marx's condemnation of capitalism.

Neither of these is a direction that Wood would like to take, but it seems that he must take one or the other to avoid my argument about the issue being a trivial verbal one. But then to escape trivia he would have to embrace implausibility both in the reading of the texts and in claims about what is the case in the real world. It is not plausible to claim that *all* moral beliefs must be ideological beliefs that undermine or at least work against our understanding of social reality or that all such moral assessments are so radically indeterminate.⁶⁷

VII

To continue the argument, let us now assume that there is a substantive issue, as Wood believes, dividing Tucker and Wood on the one hand and

66 Miller *Analyzing Marx*, supra note 29, 15–97

67 Nielsen, Marx and moral ideology (1987) 1 *African Philosophical Inquiry* 71

Husami and Young on the other. Let us then see if Husami or Young can undermine the Tucker–Wood argument that Marx and Engels would not appraise capitalism in terms of justice or injustice.

Husami begins by claiming that Wood and Tucker construct their case on the strength of one passage in *Capital*, which he believes they misread. All the parties to the dispute have fastened on this passage and have accused each other of misreading it. Interestingly enough, they all warn against lifting passages out of their immediate textual and theoretical context. They all think not unsurprisingly that in their own analyses they have not done that, and that their adversaries have.⁶⁸ The passage in question here is from the first volume of *Capital*.

The seller of labour power, like the seller of any other commodity, realizes the exchange value, and parts with its use value. He cannot take the one without giving the other. The use-value of labour-power, or, in other words, labour, belongs just as little to its seller, as the value of oil after it has been sold belongs to the dealer that has sold it. The owner of the money has paid the value of a day's labour-power; his, therefore, is the use of it for a day, a day's labour belongs to him. The circumstance, that on the one hand the daily sustenance of labour-power costs only half a day's labour, while on the other hand the very same labour-power can work during the whole day, that consequently the value which its use during one day creates, is double what he pays for that use, this circumstance is, without doubt, a piece of good luck for the buyer, but by no means an injury to the seller.⁶⁹

The standard English translation cited above renders the German *unrecht* as 'injury.' Wood renders it, more accurately, as 'injustice.'

Husami does not challenge this translation, but claims that both Tucker and Wood fail to note that the passage appears in a context in which Marx is plainly satirizing capitalism. Marx speaks immediately afterwards of the trick of the capitalist and of his laughter. The capitalist has ideologically bamboozled the worker and appropriated surplus value from him. His trick has worked, and money has been converted into capital.⁷⁰ The trick played on the worker is that of exploiting his labour power. Husami remarks that 'Marx elsewhere uses identical and far more explicit language when he characterizes exploitation as "robbery," "usurpation," "embezzlement," "plunder," "booty," "theft," "snatching," and "swindling."' ⁷¹ Husami cites a passage from the *Grundrisse* wherein Marx

68 Husami, *supra* note 44, 29; Wood, A Marxian critique of justice, *supra* note 1, 26. Both Wood and Allen give other instances, but it is far from clear whether they improve their case substantially.

69 *Supra* note 5, 193–4

70 *Ibid.* 194

71 Husami, *supra* note 44, 30. See also Cohen, Freedom, justice, and capitalism (1981) 5 *New Left Review* 3–16.

speaks of 'the theft [*Diebstahl*] of labour time (that is, of surplus value or surplus labour) on which the present wealth is based.'⁷² Tucker and Wood fail, he claims, to take note of the 'trick' in extracting surplus value and the way in which Marx regards that trick. They are thus led falsely to assert that Marx gives us to understand in that passage that the worker, though exploited, is not cheated or robbed or treated unjustly. Husami says that the context of the passage clearly shows, as do many other passages, that Marx believes that in exploiting the worker the capitalist robs him. Husami then goes on to make the solid conceptual and moral point that 'if the capitalist robs the worker, then he appropriates what is not rightfully his own or he appropriates what rightfully belongs to the worker. Thus there is no meaningful sense in which the capitalist can simultaneously rob the worker and treat him justly.'⁷³

In his response Wood agrees that 'Marx finds it ironic that capital's appropriation of surplus value is just.'⁷⁴ But he interprets the irony differently, and indeed plausibly, in accord with his own claim that Marx regards all ascriptions of justice and injustice as mode-of-production dependent and thus – for anyone who properly understands them as bits of moral ideology – as claims that are apologetically worthless. They can have no trans-historical or trans-mode-of-production validity, and they can have no critical force. Marx's irony, Wood claims, is in the recognition that 'the defenders of capitalism have been hoodwinked by ideological nonsense about right and justice.'⁷⁵ But he thinks (*pace* Husami) that when Marx says that capital's appropriation of surplus value is 'by no means an injustice' to the worker he is 'speaking in his own person,' and that he is not being ironical and means exactly what he says. Wood argues (correctly, I believe) that while Marx has indeed been engaged in a satirizing dialogue with the vulgar economists, by the time he comes to the paragraph from which the quotation is taken he is giving his 'own theory of the origin of surplus value, his own account of why the capitalist's "trick" succeeds.'⁷⁶ The capitalist, as a practical man of business, where he knows what he is about, proceeds (though unwittingly) in accordance with Marx's account (although this is not to say that in his ideological thinking he has a picture of surplus value). There is *knowing how* and *knowing that*. The practical businessman has the former. We must distinguish the picture he has of his activity from his purposive business activity; it is in the former that he is a victim of ideology. Wood remarks that if we do not

72 Marx *Grundrisse* (1973) 705.

73 *Supra* note 44, 30. This point is also made by Cohen in *Freedom, justice, and capitalism*, *supra* note 71, and in his review of Wood's *Karl Marx*, *supra* note 28.

74 Wood, 31

75 *Ibid.* See also Wood, *Marx on right and justice*, *supra* note 1, 273–4.

76 Wood, *Marx on right and justice*, *supra* note 1, 274 (emphasis in original)

take the quoted passage as a straightforward endorsement of Marx's own explanation of surplus value, it is difficult to see what his theory of surplus value could be.

I think Wood is right in his claim about how to read that passage.⁷⁷ As I think the context of the passage makes reasonably clear, Marx is *not* being ironical in stating that such treatment is 'by no means an injustice to the seller,' though it is difficult to be sure. Moreover, the passage does look like a straightforward statement of how the labour theory of value applies in such a context.

However, things do not always go Wood's way. Wood does not respond to Husami's key point about Marx's use of the term 'trick' in the passage that follows the one previously cited. He does not give us reasons for believing that this, set alongside other parallel remarks by Marx, does not, as it surely at least appears to do, give us grounds for believing that Marx thought that such a productive mode, with such production relations, both constituted a robbing of the worker and that with such robbery something was taken from the worker which in a more just system would be rightfully his such that, with this capitalist mode of production prevailing, an injustice is done to the worker.⁷⁸ That is the key point that Wood needs to meet, and he does not meet it when he responds to Husami's direct criticism on this matter or, as far as I can see, elsewhere.

VIII

Husami goes on to develop an alternative account of Marx on justice, but before I turn to that, and as a way of helping to give it added force, I want to comment on another reading of that crucial passage from Marx's *Capital*, that of Gary Young.⁷⁹ Young says that it appears to be the case that we must choose between (1) asserting that for Marx the extraction of surplus value is unjust and (2) asserting 'that Marx's condemnation of capitalist exploitation has nothing whatever to do with justice or injustice.' It looks as though we must either say Marx was blatantly inconsistent or abandon one of these claims:

The key to this apparent contradiction lies in the fact that when he says that capitalists rob workers, Marx is evaluating the direct production process with its extraction of surplus value. In passages such as the one just quoted, however, he is speaking of what is just or unjust to persons in their roles as buyers and sellers, as

⁷⁷ See also Allen, *supra* note 50, 241.

⁷⁸ Cohen, *supra* note 28, 442–5. But for complications see Elster's (*supra* note 28) and Lukes's (*supra* note 60) responses to that argument of Cohen's.

⁷⁹ Young, *Justice and capitalist production*, *supra* note 28, 421–54

parties to exchange transactions. The exchange between each capitalist and worker, taken by itself, is just ... The capitalist purchases labor power 'at its full price, so that equivalent is exchanged for equivalent.' Yet nonetheless, and contrary to Tucker's interpretation, the process of direct production involves theft, because 'there is not a single atom of' surplus value 'that does not owe its existence to unpaid labor' of workers.⁸⁰

In considering whether there is in Marx a critique of capitalist production as unjust, as distinct from a critique of the falseness and ideological distortion of bourgeois pictures of capitalist production, we should recognize that the issue should be divided as follows: (1) Is the process of circulation and especially the wage exchange internal to capitalism just? (2) Is the extraction of surplus value from the workers in direct production just?⁸¹ In the passage from *Capital* that we have been discussing, Marx says that there is no injustice in the wage exchange. How then are we to understand Marx's statement in the next paragraph, that the 'trick has at last succeeded: money has been converted into capital'? We do so by seeing how it is that a capitalist relation of production has come into place so that surplus value can be extracted.⁸² But this involves the exploitation of workers, and what is at issue is whether it is correct to assert that the production system is just, not whether it is correct to assert the system of circulation is just.

With this vital distinction in mind, we should turn to Husami's own account of Marx on justice. Husami maintains that 'in his mature works' Marx developed 'at length his empirical theory of the distribution of wealth and income under capitalism.'⁸³ Husami draws on a distinction like the one we have just seen Young making, but stresses that the two aspects of justice are closely related. He further maintains that they cannot be adequately understood in isolation:

[E]very mode of production involves a corresponding mode of distribution. Actually every mode of production involves two basic types of distribution: (1) the distribution of the means of production (or of productive wealth) and (2) the distribution of the annual product of society (or of the annual income) among the population. Marx holds that the distribution of wealth and of income are related by the dialectical category of reciprocal action (*Wechselwirkung*) or bilateral causation. Given a certain distribution of productive wealth in, for example, class society, there results a certain distribution of income among the various classes.

80 Ibid. 434

81 Ibid. 431

82 Supra note 5, 194

83 Husami refers here especially to the introduction to the *Grundrisse* and to *Capital* vol. 3, ch. 51. See also Cohen, Freedom, justice, and capitalism, supra note 71, at footnote 7.

And, reciprocally, the distribution of wealth. It should be emphasized that the distribution of income cannot be considered separately from the distribution of wealth – except ‘in the shallowest conception.’⁸⁴

Husami believes that in Marx’s *Critique of the Gotha Programme* we have the ‘locus classicus of Marx’s treatment of distributive justice,’ a claim Wood strongly criticizes.⁸⁵ In speaking of distributive justice, Husami refers to the distribution of the annual product among the population, and concentrates particularly on the distribution of income between workers and capitalists. ‘Distributive justice is concerned with the moral evaluation of particular distributions.’ The standards of distributive justice ‘define *inter alia* how wealth and income ought to be distributed in measuring the moral desirability of actual distributions.’ He thinks that Marx advances a theory that specifies such standards in the *Critique of the Gotha Programme*. In talking about what might constitute a just distribution of the products of labour, Marx articulates two principles of distributive justice: ‘distribution according to labor contribution and distribution according to need.’ They are not principles *sub specie aeternitatis*, but they are principles ‘to be realized in post-capitalist society’ and they are taken as ‘suitable for adoption by a proletarian party.’⁸⁶ Husami contends, as does Young, that whole social formations are higher or lower, more fully human and more just societies, depending on which principles of justice their modes of production make applicable to the lives of human beings generally.⁸⁷

Husami argues that these maxims are taken by Marx to be principles of justice for a post-capitalist society. The question whether we can, on Marx’s grounds, ask if the capitalist system is just or unjust, may well come, in part, to asking whether we can justifiably and intelligently evaluate capitalist distributions of wealth and income ‘in terms of these distributive standards’ – that is, the standards of the *Critique of the Gotha Programme*.

However, we must contend with the Tucker–Wood thesis, and more generally with the considerations of a Marxian sociology of morals which, on some readings, sides with the Tucker–Wood thesis in suggesting that

84 Supra note 44, 31. See Marx *Grundrisse*, supra note 72, 96.

85 Wood believes, in my opinion mistakenly, that Husami has radically misread Marx’s *Critique of the Gotha Programme*: see Wood, Marx on right and justice, supra note 1, 129–34. For further remarks on how Wood believes the *Critique of the Gotha Programme* should be read, see Wood, Marx on equality, in Mepham and Hillel-Ruben (eds) *Issues in Marxist Philosophy* vol. 4 (1982) 195. I have criticized Wood’s account in Marx, morality and egalitarianism in (1986) 28 *Ratio* 56.

86 Supra note 44, 31

87 See also Elster, supra note 28, and Elster, Exploitation, freedom, and justice, in Pennock and Chapman (eds) *Marxism* (1982) 277–304.

morality, including our thinking about the rationality of moral claims or moral reasoning, is specific to its social context. If this is so, we cannot, as Husami believes Marx believes, legitimately 'evaluate capitalist practices by post-capitalist or proletarian standards.'⁸⁸

We must first ask whether Marx could consistently make such trans-epochal evaluations in accordance with the conceptions of ideology and the sociology of morals contained in his historical materialism. Did he, either explicitly or implicitly, use what, begging some questions for the moment, we will call the standards of justice articulated in his *Critique of the Gotha Programme*, or any other post-capitalist standards, to evaluate the justice of capitalism? Husami argues that he did, and that in doing so he was not being inconsistent. I shall set out the central portions of Husami's arguments here and attempt to show that Wood has not succeeded in undermining them.

In the *Critique of the Gotha Programme*, Marx discusses in some detail the workings and qualifications of what Husami takes to be his principles of distributive justice for the first phase of communist society. The pattern of distribution is expressed as being 'to each according to his labor contribution.'⁸⁹ Husami points out that on Marx's account not all of the total social product is to be so distributed. Deductions must be made for future generations, for keeping up productive capacity, for insurance against emergencies and disasters, for the meeting of social needs such as health and education, and for caring for the young, the old, and the infirm. After such deductions are made, the remainder of the social product is to be allocated on the basis of labour contribution.

Husami takes Marx to be saying that these socialist principles of justice, for all their defects, mark an advance 'over the capitalist distribution of wealth and income.'⁹⁰ By abolishing private ownership and control of the means of production, and by stressing social ownership and control in a world in which everyone is a worker like everyone else and no class differences are recognized, 'socialism establishes the principle of equal right by removing asymmetrical power relations or irregularities associated with social classes and their attendant privileges.'⁹¹ There will be differential income rewards associated with different labour contributions, but they will not solidify into new class differentiations or even into social strata because the differential income cannot be passed on from generation to generation, and because deductions for social needs

88 Husami, *supra* note 44, 32. Note that this claim is independent of the claim that all moral propositions are ideological.

89 *Ibid.* 42

90 *Ibid.* 41

91 *Ibid.* 43

precedes individual income distribution. Social needs will grow as the new society develops, so there will not be enough left of the total product to make for great differentials in individual income for individual consumption. There will be no basis here for the existence of inequalities, including the re-emergence of inequalities of social and political power. All these features mark a clear advance over capitalist principles of justice.

Another ground for claiming that socialist principles of justice are an advance over capitalist ones lies in the simple fact that socialism will 'end class exploitation.'⁹² There will no longer be any way of extracting surplus value; the deductions will be made by 'the associated producers in the interests of the associated producers for the common satisfaction of their needs.'⁹³

With a different rationale for production – production for needs rather than production for capital accumulation – we will come to have distributive principles that serve to meet the needs of the associated producers rather than principles of justice designed so as to protect capitalist productive-property rights. There will be no appropriation of the product of labour by a non-working class for its own benefit. That cannot happen under socialism, and there can be no such exploitation under socialism. That again marks an advance towards a more just social order than we have under capitalism. Husami claims that such considerations show that in the *Critique of the Gotha Programme* Marx accepts the legitimacy of morally assessing capitalist society, shows the defects of capitalism, and indicates the direction in which a society must go in order to become a more just society.

This leading principle of justice for the first phase of communism (sometimes called the socialist phase) still leaves much to be desired, and, as the social wealth of the society increases, it will be replaced, in a second higher phase of communism, with a different and still better leading principle of distributive justice. The principles of socialist justice for the first phase of communist society are not without defects. First, 'human beings are treated one-sidedly as workers' and 'their individuality is ignored.' Second, for utilitarian but otherwise morally irrelevant reasons, different individuals are still differentially rewarded, not because their needs are different but because of their unequal productive contributions resulting from their unequal physical and mental endowments. Third, material inequality still exists, and there is a failure to take into consideration the fact that equal labour contributors as well as unequal

92 There are, however, other forms of exploitation. See Levine *Arguing for Socialism* (1984) 65–77, 85–98.

93 *Supra* note 44, 43

ones will often have different needs. There are, in short, defects in this society that will lead one, when the productive forces are sufficiently developed, to seek to form an even more equitable society wherein everyone's needs, different as they are, will (as far as possible) be equally met, where those who are more gifted and more energetic by nature will no longer be favoured over those who are not, as they still are in the lower phase of communism, which treats natural entitlements to relative social advantages as something that is morally acceptable in a society that still has scarcities and still bears the marks of its emergence from the capitalist womb. A new kind of human being and a radically different society cannot come about in a day. But Marx, as much as Rousseau, recognized that it is a new kind of human being that we must have if such a just society is to come into existence and be sustained.

The distributive principle of justice of a developed communist society can be expressed as follows: 'From each according to his ability, to each according to his needs.' 'The satisfaction of a person's needs – hence the full development of individuality – [is the] guiding principle.'⁹⁴ This is an advance over the distributive arrangements of the earlier phase of communist society. Now the individuality of workers, in a world in which everyone is a worker, can, for the first time in history, be fully taken into consideration. The whole person (*totaler Mensch*) is taken into consideration, with all of his distinctive needs including his ultimate need for self-realization (*Selbstverwirklichung*), being met in the distributive arrangements.

To be able to implement the (alleged) distributive principle 'From each according to his ability, to each according to his needs' requires, as Marx is perfectly aware, considerable material abundance. In a society of abundance, different people will acquire different things because they have different needs, and there will be no attempt to mould them into a grey sameness.⁹⁵ Marx rejects the inequality 'which creates privilege, and accepts only that inequality which allows for the development of individuality.' Furthermore, Marx will not accept any 'arithmetic equality of rewards' because, under such a system, 'some people would receive less than they need for the free, all-round development of individuality' Marx advocates.⁹⁶ Marx's concern for the *equal* worth of the lives of all humans, and for their free and full development, leads him to reject a strict equality of reward. The thing to recognize, on such a conception, is that everyone's life matters, and everyone's life matters equally.

94 Ibid. 45

95 Nielsen, *Equality and Liberty*, supra note 49

96 Husami, supra note 44, 46

We can see from looking at the *Critique of the Gotha Programme* that, *pace* Wood, Marx sets out socialist principles of justice for evaluating capitalist institutions and, indeed, for evaluating the whole capitalist system. There is a non-equivalence and an injustice in the distribution of income and wealth between workers and owners throughout capitalist societies. In the first place, Husami argues, the worker does not even get the value of his labour power; but even if he did, there is still the injustice of a system in which there is a 'despoliation or exploitation of labor power.'⁹⁷ Moreover, there is a non-equivalence in capitalism between contribution and reward. A socialist model, by contrast, gives us a society, achievable with the appropriate development of the productive forces, in which such injustices do not obtain.

Wood will have none of this. He thinks Husami has 'seriously misread the entire section of the *Critique of the Gotha Programme* from which he draws his cherished proletarian principles of justice.'⁹⁸ Wood claims that Husami overlooks Marx's recognition that demands for justice, where they are intelligible, are tied to particular modes of production. We can say, given a particular mode of production, what is or is not just, relative to that mode of production. But we cannot coherently say whether the *whole* mode of production is just or unjust.⁹⁹ Wood cites the following passage from the *Critique of the Gotha Programme*: 'Do not the bourgeois assert that the present distribution is just? And isn't it in fact the only just distribution on the basis of the present mode of production? Are economic relations (*ökonomische Verhältnisse*) ruled by juridical concepts (*Rechtverhältnisse*) or do not, on the contrary, juridical relations (*Rechtsverhältnisse*) arise out of economic ones?'¹⁰⁰

He then interprets that passage:

I take it that the second and third questions are to be answered affirmatively. The bourgeois do assert that the present distribution is just, and it is in fact the only just distribution on the basis of the present mode of production. Lest we think that the justice or injustice of a system of distribution might be judged on some other basis, the implied answer to the further rhetorical question reminds us that juridical concepts do not rule economic relations but, on the contrary, juridical relations (the actual justice or injustice of transactions between agents of production) do arise out of economic ones. All this accords perfectly with Marx's account of the justice of transactions as presented in *Capital*.¹⁰¹

97 *Ibid.* 47

98 Wood, Marx on right and justice, *supra* note 1, 292; see also 274–5 and 291–2 generally

99 McBride, The concept of justice in Marx, Engels, and others (1974–5) 85 *Ethics* 204

100 *Marx Engels Werke* vol. 19 (1959) 18, quoted in Wood, Marx on right and justice, *supra* note 1, 274–5

101 Wood, Marx on right and justice, 275

Wood speculates that Husami, faced with this argument, might try to respond that 'Marx is not talking about what is really just or unjust but about what is "considered just" on the basis of the present mode of production or about the "dominant conceptions" of justice.'¹⁰² But if this were true, it would muddy Marx's critique of the moralizing socialists – for example, the Lassalleans – who drew up the Gotha Programme. Where, Wood asks, if that is what Marx is claiming, would he disagree with them? The Lassalleans do not deny that the present distribution is commonly considered to be just. What they do say is that whether or not it is considered just, the distribution must *be* just according to a correct conception of justice. But, Wood argues, it looks as if Marx is in reality agreeing with the Gotha Programme in the demand for a just distribution. Marx disagrees, on this reading, with the details of it, but agrees with its Utopian aims and its manner of conceptualizing the situation. Wood claims that Husami does not see that Marx is here functioning as a critic of morality, much in the general manner of Nietzsche, not as an articulator of a socialist normative ethic or socialist principles of justice. He is not setting out a morality at all, not even an iconoclastic one. Rather, according to Wood, he is rejecting the Lassallean claim that there are rational principles of just distribution for determining the justice of whole societies.¹⁰³ We cannot coherently assert or deny that capitalism is just, that socialism is just, or that any whole social orientation or way of life is just or unjust. Husami, Wood claims, makes Marx sound *not* like a trenchant critic of the Gotha Programme, but like someone who is trying to do much the same thing as the Lassalleans, a little better.

Husami could – and I believe should – reply that in the light of Marx's development of his own account of historical materialism, the passage cited by Wood is taken out of context and is seriously misleading, and that Wood's use of it reflects that. Of course, a historical materialist would say that juridical concepts arise out of and are determined by (or at least strongly conditioned by) economic relations. Marx, as a historical materialist, would deny that economic relations are ruled by juridical ones, but would also realize that bases need superstructures, that juridical relations can and do influence economic relations, and that, though economic relations are primary, there is a dialectical category of reciprocal action (*Wechselwirkung*) or bilateral causation between base and superstructure. So there is no reason to think that Marx would believe that principles of justice are causally inefficacious. Only if we have reason to believe that *all* the principles of distributive justice are through and

¹⁰² Ibid.

¹⁰³ Wood, Marx's immoralism, *supra* note 1, 681–96

through ideological and that they distort our understanding of ourselves and our society have we reason to deny that Marx was (1) articulating principles of justice that could and would be acted on in the various phases of communist society, and (2) indicating to us ways in which a capitalist society would have to be transformed – indeed, transformed right out of capitalism – in order to become a thoroughly just society.¹⁰⁴

Questions of distribution need not be considered independently of questions of production. Indeed, Husami actually focuses on questions of distribution in his discussion, but it is clear from his reading of Marx that he thinks the questions are closely intertwined. And Marx himself makes it clear in the *Critique of the Gotha Programme*, in passages immediately following his discussion of the (putative) principles of justice, that he also thinks the questions are intertwined, though he does stress that the structure of the ‘distribution of the conditions of production’ is the central consideration.¹⁰⁵

Perhaps we can establish on the basis of other passages that Marx believed, as Wood believes he did, that (1) all morality is moral ideology and as such distorts our understanding of ourselves as well as our understanding of social reality, and (2) that consequently all commitments to principles of justice, no matter what their form and content and no matter with what background beliefs they are associated, are ‘ideological shuffles.’ Certainly, much of our common morality is indeed moral ideology, and for the reasons that Wood persuasively draws to our attention.¹⁰⁶ And it is also at least arguably the case that this holds as well for much that moral philosophers say. Ideological thinking and reaction is a pervasive feature of our lives. But that does not show that all political thinking or moral conceptions are, as Wood believes, necessarily ideological.

It is important to realize that there is no claim in *Critique of the Gotha Programme* itself that *all* morality is moral ideology, though there are earlier texts of Marx’s that do give that impression. (Here it is very important to give those texts a careful reading.) Until the ideological-through-and-through reading is established, if indeed it can be established, I do not see why we cannot and indeed should not read those passages from the *Critique of the Gotha Programme* as Husami reads them, namely as articulations of principles of justice.¹⁰⁷

104 Lenin *On State and Revolution*. For documentation of this, see Nielsen, Marx, Engels, and Lenin on justice (1986) 30 *Studies in Soviet Thought* 23, at 30

105 *The Marx-Engels Reader*, supra note 20, 531–2

106 Wood, Marx’s immoralism, supra note 1, 684, and Justice and class interests, *ibid.* 9–32

107 Nielsen, Marx and moral ideology, supra note 67, 71–86

Marx's critique of the Lassalleans was directed at their treatment of distribution as independent of production, at their lack of stress on class struggle, and at their naive assumptions about the efficacy of moralizing. But all of this could be accepted without rejecting the idea, which the text seems to bear out, that those principles of just distribution that Husami isolates from the *Critique of the Gotha Programme* were regarded by Marx as morally acceptable and reasonable principles of justice appropriate to different phases of communism, and that a capitalist society, in comparison with a society governed by such principles of justice, was a thoroughly unjust society.

Wood believes, contrary to Husami, that in the *Critique of the Gotha Programme* Marx introduces the principles expressed as 'to each according to his labour time' and 'from each according to his ability, to each according to his needs' in 'the context of *predicting* what distribution will be like once the workers have taken control.'¹⁰⁸ He thinks there is no textual evidence for Husami's claims that these principles are (1) presented as principles suitable for adoption by a proletarian party or (2) that 'these principles are intended as "proletarian" principles of justice against which Marx is measuring capitalist distribution and (implicitly) declaring it to be unjust.'¹⁰⁹ We have already discussed point 2, and, if we do answer it as Wood does, it is difficult to believe Marx could have intended point 1. However, if we answer point 2 as Husami does, then (*pace* Wood) it is plausible to believe that Marx intended point 1 in setting out these distributional principles in the *Critique of the Gotha Programme*.

Without returning to my earlier arguments about point 2, what should be noted here is the implausibility of Wood's claim that Marx is *only* predicting what the future will be like. He is indeed making such a prediction, but the context also makes clear that 'from each according to his ability to each according to his need' is also a ringing declaration of what Marx takes to be a central principle that should govern the relations between human beings in a fully communist society. It is surely not *only* a prediction.

It is true that Marx, as well as Engels in *Anti-Duhring*, attacks what he takes to be a radical egalitarianism that would urge a strict equality in which everyone would be literally treated identically.¹¹⁰ It is doubtful if egalitarians, radical or otherwise, ever held such a view, but if they did their views would surely be erroneous for reasons that Marx brings to the

¹⁰⁸ Wood, Marx on right and justice, *supra* note 1, 291

¹⁰⁹ *Ibid.*

¹¹⁰ Engels *Anti-Duhring* (trans. Burns 1939) ch. 9–11, and Nielsen, Engels on morality and moral theorizing (1983) 28 *Studies in Soviet Thought* 1

fore: namely, such strict egalitarian principles do not treat people as individuals with differing needs. They would, if instantiated, undermine a quite legitimate individuality that has nothing to do with bourgeois individualism. The emphasis on 'according to his needs' is an important advance over earlier conceptions of justice. It acknowledges autonomy, individuality, and equality – all key ideals of progressive thinking.

Wood returns to the question of moral ideology. He takes it that Marx's basic criticism of section 3 of the Gotha Programme 'is that demands phrased in terms of right and justice should not be included in a working class program at all.'¹¹¹ The passage Wood seems to be referring to does give some support to his reading. It follows immediately after the famous paragraph concluding with the dictum 'from each according to his ability, to each according to his needs' – a paragraph that seems to me (though not to Woods) a ringing affirmation of a principle of justice for a higher phase of communist society. The passage following that, which supposedly shows that 'justice-talk' and 'rights-talk' is there being viewed as so much ideological twaddle reads:

I have dealt more at length with the 'undiminished proceeds of labour,' on the one hand, and with 'equal right' and 'fair distribution' on the other, in order to show what a crime it is to attempt, on the one hand, to force on our Party again, as dogmas, ideas which in a certain period had some meaning but have now become obsolete verbal rubbish, while again perverting, on the other, the realistic outlook, which it cost so much effort to instill into the Party but which has now taken root in it, by means of ideological nonsense about right and other trash so common among the democrats and French Socialists.¹¹²

Wood's is certainly a possible reading. Marx was contemptuous of the moralizing of the 'true Socialists,' and he regarded it as dangerous nonsense that might confuse the proletariat. But I am inclined to think that Husami's is closer to the truth here. I would take it, setting the paragraph in the light of the whole discussion of section 3 of the *Critique of the Gotha Programme*, that Marx is *not* saying that 'to each according to his labour time' and 'to each according to his needs' is 'ideological nonsense about rights.' Rather, the nonsense is the unwittingly ideological talk about rights and fair distribution found in propositions 1 and 3 of the Gotha Programme – propositions that Marx first criticizes and then contrasts with his own principles. It is the Lassalleian's sloppy and confused 'moral-talk' that it would be a crime for the party to adopt, not Marx's own principles. (Note, by the way, the confident, straightforward

¹¹¹ Wood, Marx on right and justice, *supra* note 1, 292

¹¹² *The Marx-Engels Reader*, *supra* note 20, 531

moral judgment about its being 'a crime.' Marx feels perfectly free to make that judgment without a trace of hesitation, embarrassment, or irony. How then could he believe that *all* 'moral-talk' is simply ideological?)

Marx's previous analysis has shown the moral arguments of the Lassalleans to be atavistic as well as sloppy. The Lassalleans are in effect trying to get a revolutionary party – a party engaged in a class struggle to revolutionize the existing relations of production – to adopt essentially Rousseauist conceptions of morality, applicable to older forms of society but not to the new post-capitalist society struggling to come into being. They are ideas which 'in a certain period had some meaning but have now become obsolete verbal rubbish.'¹¹³ But that they at one time had meaning, which I take it means here significance, suggests at least that they had some point or validity. If this is true, exactly the same thing could be true of Marx's maxims, maxims Husami believes to be proletarian principles of justice. Moreover, these two communist principles clearly apply to different phases of communist society, and, just as the Rousseauist principles had some significance at an earlier time for a society differently situated, proletarian principles could serve as legitimate norms for communist or socialist societies. At least that passage mentioning 'ideological nonsense' does not show that these norms are not so viewed; and, if they indeed were not so viewed by Marx, as seems at least plausible, then Wood's argument here is utterly mystifying.

The emphasis on the importance for the party of a 'realistic outlook' should not be taken to mean that Marx was advocating what later bourgeois theoreticians have characterized as a *Wertfrei* end-of-ideology outlook, which, in its posture of normative neutrality, will neither avow nor defend any normative claims.¹¹⁴ The realistic outlook that Marx refers to is an outlook grounded in a proper economic understanding of the situation and with an understanding of historical materialism, class antagonisms, and the dialectical method. Such a sociologically realistic position need not at all be one, as Wood suggests it is, that has no principles of justice and denies that there can be proletarian ones. It is indeed true, as Marx remarked earlier in the *Critique of the Gotha Programme*, that 'socialist sectarians' have 'the most varied notions about "fair" distribution.'¹¹⁵ But it does not follow from this that Marxists, at least some of whom surely would not be regarded by him as socialist

113 This description fits in well with Engel's line of reasoning about morality in his *Anti-Duhring*.

114 Wood, it should be said, does not take Marx to be a normatively neutral social scientist: see Marx's immoralism, *supra* note 1, 682–4.

115 *The Marx-Engels Reader*, *supra* note 20, 528

sectarians, *must* have such varied notions. Egalitarian conceptions of justice, as Marx puts it, are 'constantly stigmatized by a bourgeois limitation.'¹¹⁶ His argument should not be understood to mean that he is advocating that we transcend thinking in terms of moral notions altogether, including conceptions of justice.

Wood remarks that 'Marx emphasizes that there will be different (progressively higher) systems of distribution in post-capitalist society in order to drive home the point that no demands based on specific principles of distribution can really represent long-term goals of the working class.'¹¹⁷ Surely Marx, as the last two paragraphs of his discussion of section 3 of the Gotha Programme make plain, believes that it is a mistake to turn our attention to distribution without recognizing that 'any distribution whatever of the means of consumption is only a consequence of the distribution of the conditions of production themselves.'¹¹⁸ Indeed, to do so is an ideologically distorting mistake. But that does not mean that the distributive principles he has just articulated are, as principles that are closely related to questions about production, not the correct ones for two different phases of a future communist society. Marx was too much of a Hegelian, particularly about morality, to talk of principles *sub specie aeternitatis*.¹¹⁹ But this does not mean that he thought that the working class had no need for principles of justice in the future communist society, or that he did not think 'To each according to his needs' did not apply as far down the road as he could envision.¹²⁰

It seems to me that it is Wood, not Husami, who has misread part I of the *Critique of the Gotha Programme*. There are articulated therein some 'cherished proletarian principles of justice' that are not viewed by Marx as ideological nonsense.¹²¹ After discussing the role of the principle of 'to each according to his labour time' in earlier phases of communism, and after pointing out both its limitations reflecting its bourgeois origins and its appropriateness for a communist society that has not '*developed* on its own foundations but, on the contrary, just ... [emerged] from capitalist society,' Marx remarks, several paragraphs later: 'But these defects are inevitable in the first phase of communist society as it is when it has just emerged after prolonged birth pangs from capitalist society. Right can

116 *Ibid.* 530

117 Wood, Marx on right and justice, *supra* note 1, 292

118 *The Marx-Engels Reader*, *supra* note 20, 531

119 Wood, Marx's immoralism, *supra* note 1, 685

120 See here Wood, The Marxian critique of justice, *supra* note 1, 230, and Allen Buchanan's remarks about being beyond the circumstances of justice: Buchanan, The Marxian critique of justice and rights (1981) *supp. vol. 7 Can. J. of Philosophy* 269.

121 This is also how Engels and Lenin understood them. For documentation of this, see Nielsen, *supra* note 104.

never be higher than the economic structure of society and its cultural development conditioned thereby.¹²² The last sentence reveals Marx's historical materialist foundations, and Wood is entirely right in stressing that we must thoroughly take to heart such claims if we would understand Marx on justice. But we must also avoid a historicist reading of Marx.¹²³ If that last sentence was quoted out of context, it would surely suggest such a reading. But the context makes it clear that Marx is not telling us that our moral understanding, our understanding of right and wrong, can never transcend the relations or production we are immersed in; rather, he is telling us that the principles of right that will be dominant in a given society will be those of the dominant relations of production of the society. He was making the sociology-of-morals point that those distinctly moral notions which also happen to be ideological notions, are the ones that will call the tune in mass culture and will be utilized by the 'consciousness industry.'¹²⁴ But this says nothing about what an individual's moral understanding must be. It says nothing about what his own moral understanding or that of Engels must have been. It does not claim that anyone's moral understanding, no matter what self-understanding he has, must be so ideologically distorted. That morality is ideology-prone does not mean that morality is necessarily ideological.

Marx does not give a thoroughly historicist reading of moral understanding, for then he, who was himself immersed in the economic structure of capitalist society, could not have coherently claimed that he understood the 'defects' that are 'inevitable in the first phase of communist society,' nor could he have understood the alternative principles to be appealed to in a higher phase of communism.

Finally, since the bourgeois view of right is *not* the historical materialist conception that 'right can never be higher than the economic structure of society, and its cultural development conditioned thereby,' Marx, if he really was a historicist, could not have understood that either. But he feels no embarrassment about his ability to articulate such claims and to make judgments about them. Marx shows no angst about conceptual imprisonment. He does not speak as if everything is relative, or as if he can make no assessment of whole social formations. The relativist historicist reading of the famous quotation from the *Critique of the Gotha Programme* is hardly a plausible reading. Karl Marx is not Karl Mannheim.

122 *The Marx-Engels Reader*, supra note 20, 528, 531

123 Gilbert, Marx's moral realism: Eudaemonism and moral progress, in Ball and Farr (eds) *After Marx* (1984) 154–83

124 Nielsen, Marx and moral ideology, supra note 67, 74–81