

Marx on Justice: A Critique of Marxist Amoralism

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I

Robert Tucker and Allen Wood, in developing their influential and iconoclastic views on Marx and Marxism on justice, stress that many people, including doubtlessly “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 rather typical view of the matter. It might be called without exaggeration ‘the received naive view’. If we think about the system of wage labor, the generation of surplus value and of exploitation, it is impossible, if one reflects at all, not to conclude that workers are treated unjustly under capitalism. Surplus value, we should recall, comes from the additional working time over and above the time during which the worker produces beyond the amount whose monetary equivalent 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. I have, that is, produced in goods and services something which is worth what I get in a day’s wage. Yet I go on working until five p.m. My work from noon to five is surplus working time. Under the capitalist system my labor power is a commodity. My labor power, being 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 which is equivalent in monetary value to what it would take to maintain me in the socially determined necessities of life for a day. That would be an equivalent traded for an equivalent in a fair way. My employer gets the use of my labor power on a given day for a time which is equal in monetary value, labor power being a commodity, to what is necessary to maintain me in good working order for that day.

If that is how things stand, equivalents will be traded for equivalents in a fair way. But that is not how things stand, for by our labor contract, he gets my labor power

¹ Robert Tucker, *The Marxian Revolutionary Idea* (New York: Norton, 1969), p. 18; Robert Tucker, *Philosophy and the Myth of Karl Marx* (Cambridge, England: Cambridge University Press, 1961), pp. 11–27; Allen W. Wood, “The Marxian Critique of Justice,” *Philosophy and Public Affairs* 1 (1971–72), pp. 224–82; and Allen W. Wood, “Marx on Right and Justice,” *Philosophy and Public Affairs* 8 (1978–79), pp. 267–95. Tucker has not turned to a reexamination of his views but Wood has in his *Karl Marx* (London, England: Routledge & Kegan Paul, 1982), pp. 125–56, his “Marx’s Immoralism,” in Bernhard Chavance (ed.), *Marx en Perspective* (Paris, France: Editions de l’Ecole des Haute Etudes en Sciences Sociales, 1985), pp. 681–698 in his “Justice and Class Interests,” *Philosophica* 33, no. 1 (1984), pp. 9–32.

² Tucker, *Philosophy and Myth in Karl Marx*, p. 18.

³ *Ibid.*

not just until noon but for the whole day. With me working away during that surplus labor time, he is able to extract surplus value from me, get, that is, for his own use and enrichment, the value of what I produce beyond 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 labor power for which I have not been paid, for I receive no equivalent to what I have produced during the day. I am robbed of something which, at least in part, granting that the capitalist provides the machinery, the work space and the like, is rightly mine. (Even here, 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 sometimes believed, is grossly unfair and unjust and reveals that the capitalist system is an exploitative one and thus an unjust system of production and distribution.)

Tucker and Wood agree that this is a natural response to a superficial reading of Marx and that it all has a certain surface plausibility, but, they argue, that 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 I of *Capital*, as does Wood, Tucker maintains that the subsistence wage, what in my case in contracting for work I needed to keep myself going for a day, is precisely what my labor 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 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 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

⁴ *Ibid.*

⁵ Karl Marx, *Capital*, Volume I (Moscow, 1961), p. 194.

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 later in his *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 these claims of Tucker and Wood. In the end, I wish to claim that something closer to the 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. Moreover, it is important not to forget in the doing of this there are no canonical texts which can give us Marx's account of justice. We have to deal not only with the fact that they were often in rough drafts and occasional texts but we have also to deal with his profound Swiftian satire and mocking irony. It is very difficult to ascertain with any confidence what Marx's views here actually were.

It is Wood's contention that if we gain a correct understanding of historical materialism and the labor theory of value, surely parts 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 had paid the worker for the full value of his work that no surplus value would have resulted. Surplus value, on Ricardo's account, is a result, and an unavoidable one, of the capitalist process. Without it there would be no profit or capitalist accumulation. So it is the capitalist who must, Ricardo tells us, in effect cheat the worker and treat him unjustly. He cannot, if capitalism is to survive, pay the worker for the full value of his work.

Wood maintains that Marx would reject this. It contains a mistaken account of the origin of surplus value and Marx would, as well, 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 happens. We should remember that for Marx "labor is the substance and imminent measure of value, but has no value itself."⁹

We need, in trying to understand what is going on here, to clarify what is being talked about when we speak of the 'value of labor'. *First*, there is the value present in

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

⁷ *Ibid.*, p. 223.

⁸ Allen W. Wood, "The Marxian Critique of Justice," p. 261.

⁹ Marx, *Capital*, Vol. I, p. 537.

the commodity *created* by the labor. In this first sense, 'the value of labor' connotes the value present in the commodity created by labor minus the value of the means of production consumed in producing it.¹⁰ But the capitalist does not purchase this when he strikes a wage deal with the worker. He does not buy the finished commodities from the worker minus the amount of the capitalist's means of production which is consumed in the worker's creating those commodities. The commodity that the capitalist buys is not what the worker's labor creates but the worker's *labor power* (*Arbeitskraft*). It is this *power* that is sold as a commodity for wages. Then the capitalist merely makes use of the commodity he has bought in a contract struck, a purchase made, antecedent to the labor process, just as I typically would make use of a pasta-making machine I had purchased, only after I have purchased it. Once the worker has sold his labor power and his work commences, then his labor 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" (262) Moreover, the value of labor power, like the value of any other commodity, depends "on the quantity of labor necessary for its production."¹¹ The value of a worker's labor 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."¹²

However, taken just like this, that account is incomplete and misleading for Marx also talks about *socially necessary* labor 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 generally go up as productive forces develop and the concrete production relations change.¹³ Unless there is some cheating within the terms of the system itself, something that sometimes happens but does not usually happen, the wage worker usually is paid the full value of his labor power. That is to say, he is paid "what is socially necessary for the reproduction of his life-activity as a worker."¹⁴ According to the strictest rules of commodity exchange, equivalents have been exchanged for equivalents and so we have a just transaction. Wood points out significantly:

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.¹⁵

Labor, or more exactly, labor power, is the sole creator of value. The capitalist's

¹⁰ Wood, "The Marxian Critique of Justice," p. 261.

¹¹ *Ibid.*, p. 262.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*, pp. 262–63. Note the key passage from Marx, *Capital*, Vol. 1, p. 583 and see as well p. 194.

means of production do not grow in value unless they are consumed by labor.¹⁶ The surplus value comes about, on Marx's account, through the worker's labor power alone. This being so, many have thought, it is only fair that the entire increase ought to go to him once the means of production he consumes in so laboring is paid for. There may be no unequal exchange between worker and capitalist but, such people have argued, in reaping the fruits of the worker's unpaid labor the capitalist is still exploiting him and, the standard view has it, taking from him what is justly his. Again we return to the received view that the Tucker-Wood thesis is centrally set against.

This very common view, Wood argues, rests on a mistaken and ideologically distorted conception of property. In effect it assumes the idyllic *mutualite* 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 whole problem would not arise. To claim injustice arises from such exploitation assumes that all legitimate ownership is in *individual* private property. It assumes, utterly unrealistically, that each person's property rights are based on his or her own labor so that every human being has a right to appropriate the full value created by his or her own labor and anyone who deprives the person in question of what their labor has created does that person an injustice.¹⁷ Marx claims that this is a mystification and that it is only in some crude bourgeois *ideologies* where property rights are so conceptualized. It is, that is, part of bourgeois ideology, not part of bourgeois social reality. The reality of capitalist production and capitalist production relations is quite otherwise. There people engage in cooperative labor in which they use the means of production together; moreover, in such a system there is a working class who uses the means of production and a capitalist class who owns it and controls it with the result that there is a separation of labor from the means of production. Moreover, while there are individuals who can own it, it is not individual property they own but a means of production *used* cooperatively though not controlled cooperatively. We have, where capitalist property relations obtain, a society divided into a class which owns and controls productive property, e.g., the means of production, and a class which does not and indeed typically only owns its own labor 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 labor. A capitalist system would not be a capitalist system if surplus value could not be extracted. And it can only be extracted from the labor power of workers, people who sell their labor power as a commodity in a commodity market. Moreover, a commodity, which is what his labor power is, would not be a commodity unless it can be purchased to be used and unless it is typically 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."¹⁸ Indeed he would, if he received no surplus value, have no incentive to

¹⁶ Wood, "The Marxian Critique of Justice," p. 263.

¹⁷ *Ibid.*, pp. 273–64.

¹⁸ *Ibid.*, p. 265.

develop the forces of production. Capitalist property is not simply a system of individual property rights of individual producers but property rights which would conform to capitalist relations of production. The capitalist system – 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.”¹⁹ Given such a system of property rights, no entitlement of the worker has been overridden in extracting surplus value, no right of his has been violated, so no injustice could 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.”²⁰

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 only possible if labor 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.”²¹ In Marx’s language, economic relations are not ruled by juridical concepts but juridical relations arise out of economic ones.²² 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.”²³

III

However, *pace* Wood, isn’t it because of the very system’s exploitative and dehumanizing features that we want to say *of the entire system itself* that it is unjust? It is the whole system that is rotten. In reading Wood’s account of Marx, it is natural to respond: yes, given that system of property rights, given that system of relations of production, one can see that, if they are accepted and acknowledged as legitimate, as it is certainly in ruling class interests to do, then, given the acceptance of those standards and that system, 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 this whole system of property rights, with its corresponding relations of production, is unjust and ought to be overthrown. Marx himself refers to that system of property rights as something which, for the workers of his time, and by extrapolation for workers now,

¹⁹ Marx, *Capital*, Vol. I, p. 265.

²⁰ Wood, “The Marxian Critique of Justice”, p. 265.

²¹ *Ibid.*

²² Karl Marx, *Critique of the Gotha Programme* in *The Marx-Engels Reader*, Second Edition, Robert C. Tucker (ed.) (New York: W. H. Norton & Co., Inc., 1978), p. 528.

²³ Wood, “The Marxian Critique of Justice,” p. 268.

is a “social curse.”²⁴ Why cannot such judgments of the wrongness of the system — indeed the injustice of the system — be legitimately made and what reason have we to think that Marx would have regarded them as necessarily ideological or in any other way mistaken?

Wood’s response in effect is that, if it is Marx exegesis that is at issue, we have to reply that it is just a fact that Marx (rightly or wrongly) regarded such a position as an ‘ideological shuffle’. He regarded such justice-talk as “outdated verbal trivia.”²⁵ Wood puts it very 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.²⁶

In the pages just prior to that unequivocal statement, Wood provides Marx with something of a rationale for his unequivocal rejection of the legitimacy of justice-talk. I want in several ways to probe this. Perhaps here Wood has imputed more to Marx than an examination of his texts will bear.

The positions in Marx that Wood appeals to in trying to stress 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 for what it is that he, or indeed anyone else, deserves we are at a loss. We are reduced to the subjectivism of appealing to our *sense* of justice or to what our considered convictions — our intuitions if you will — inform us would be the ideal set of juridical or moral principles, rules and practices which 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.”²⁷

Even if it is conceded that such a socialist moralist need not, and indeed should not, claim to be able to so 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 or, for that matter anyone else, particularly given the facts about imposed consciousness, be so confident that his sense of what is rational, even when, and indeed particularly when, it is riding in tandem with his sense of justice, provides such criteria for assessment? Isn’t to accept anything like this in effect to adopt an unscientific, intuitionistic individualism which 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?

²⁴ *The Marx-Engels Reader*, p. 527.

²⁵ Marx, *Selected Works*, Volume II (Moscow, 1969), p. 23.

²⁶ Wood, “The Marxian Critique of Justice,” p. 272.

²⁷ *Ibid.*

Moreover, even if some appeal to some historically and culturally specific consensus will take us around that bend (something which is challengable itself) such an appeal to considerations turning on distribution is a mistake.²⁸ 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.”²⁹ 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 in any way fundamentally change the distribution without changing the production relations. But in arguing as we have above justice, we are concerning ourselves with distribution relations alone. But that means we are concerning ourselves with something which is a very derivative matter.

If this is Marx’s view, this criticism does not cut very deep, for anyone even remotely intelligent in the socialist tradition who sought to articulate socialist principles of justice would articulate a combined set of productive-distributive principles. In challenging the justice of capitalism as a whole, the challenge is to its system of production relations and the system of distribution that flows from it. In claiming that this exploitative system is unjust, the claim is that a system with such productive-distributive principles and practices is unjust.³⁰ The criticism is directed to the system as a whole, though a vivid and reasonably important way of making that criticism is by showing that distribution relations flow from that productive system. However, Marx’s previous challenge that no one is in a sufficiently Archimedean position to make such a judgment is still in place but the claim that the critic is only concerned with distribution is not. The challenge is to the justice of the system as a whole, including very fundamentally, its modes of production. It is saying that a whole mode of production is unjust and that an alternative mode of production would be fairer. That, particularly during a period when a revolution is possible, can — or so it would seem — be very much to the point. It could (a) be justified and (b) be one somewhat useful element in a revolutionary class struggle. (It surely would be unwise or at least unmarxian to claim more for it.)

Wood, however, would resist this. Marx, Wood has it, believes that such judgments of the justice of whole social systems are both futile and counterproductive 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 such that the production relations are now fettering the productive forces, and the working class has gained sufficient class consciousness to see that their interests are being systematically frustrated by their

²⁸ *Ibid.*, p. 268.

²⁹ *Ibid.*

³⁰ Jon Elster, *Making Sense of Marx* (Cambridge, England: Cambridge University Press, 1985), pp. 196–233; G. A. Cohen, “Review of Wood’s *Karl Marx*,” *Mind*, XCII, no. 367 (July 1983), pp. 442–445; Gary Young, “Justice and Capitalist Production: Marx and Bourgeois Ideology,” *Canadian Journal of Philosophy* 8 (1978), pp. 421–454; and Gary Young, “Doing Marx Justice,” *Canadian Journal of Philosophy*, Supplementary Volume VII (1981), pp. 251–268.

capitalist masters and indeed by the very nature of capitalist system itself, such moral talk is superogatory. 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.³¹ 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."³² What is vital to realize, and take to heart, is that we are not going to change society through moral theorizing and appeals.³³

IV

Again it does not seem to me that this is an effective criticism of the claim that socialists can and should critique capitalism by claiming that it is unjust. Certainly to make such a critique does not imply that it is (a) the only relevant critique, (b) the most important sort of critique, (c) that calls for revolution should be made, independently of other practical considerations, simply when these gross injustices obtain or (d) that such a moral critique can plausibly be done 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 and indeed should be no belief that moral critique, particularly by itself, will change the world or typically trigger social change. And there need be no insane or quixotic use of it to call for revolution where revolution is not in the offing, where the structural contradictions of capitalism do not manifest themselves.

There only need be a recognition in debates over the viability and the necessity of socialism, debates which will go on within bourgeois societies whether we like it or not, that such moral arguments, including arguments about the injustice of capitalism generally, can reasonably play a modest role in those debates. And, in acknowledging the legitimacy of such a role for arguments about justice and claims concerning the injustice of capitalism, there need, 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.

Such a socialist critic can and should, quite in accord with Marx, stress that it is also the case that (a) superstructures react on bases and that bases need superstructures (there is reciprocal causal interaction) and (b) that there is class conflict in society and that at times the superstructural conceptions favoring the interests of the dominated

³¹ Karl Marx, *Grundrisse*, D. McLellan (ed.) (London, 1971), p. 69. See here Richard Miller's critique of Wood's account. Richard Miller, *Analyzing Marx* (Princeton, NJ: Princeton University Press, 1985), pp. 61–95.

³² Karl Marx, *Writings of the Young Marx on Philosophy and Society* (New York, 1967), p. 426.

³³ Richard 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 causal relations just go from base to superstructure. Is it plausible to believe, even granted a fairly Orthodox Cohenist reading of historical materialism, that moral critique will never have *any* effect concerning what happens in the world? I do not think that it is. And I do not think that it is at all an implication of Cohen's views.

class (working class ideology if you will) can effect production relations.³⁴ Moral beliefs can sometimes have some emancipatory use in such class struggles.

Marx did indeed believe that capitalism was a system of slavery. Indeed, as Wood well 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.”³⁵ On Wood’s understanding of Marx, and on Tucker’s as well, “although this servitude is a source of misery, degradation, and discontent to the worker it is not a form of *injustice*.”³⁶ It is, on their view, a form of ideological mystification to think that it is. It is not injustice on their view of Marx’s view, 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.”³⁷ If we have a firm grasp of the labor theory of value and historical materialism, we will recognize, *bitter* though this recognition will be, that this servitude is sometimes of considerable instrumental value and, as such, not an “unqualified wrong, an evil to be abolished at all cost with an attitude of *fiat, justitia, pereat mundi*.”³⁸ There is the harsh and bitter historical lesson that “the servitude of capitalism . . . even the direct slavery involved in capitalist colonies have been necessary conditions for the development of modern productive forces.”³⁹ This particular claim seems to me probably too strong a claim. To show that capitalist forces could not have developed without slavery in the colonies needs some showing. Still, Marx’s general point, stressed here by Wood, is well taken, namely that to condemn the servitude involved in capitalism unqualifiedly would be to condemn all the productive advances of modern society and that would be tantamount to condemning socialism too, for socialism is impossible without such productive advances and to will the end, as we know from Kant, is to will the necessary means to the end.⁴⁰ 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.”⁴¹

However, again 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 such injustices are necessary. Not infrequently in 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, if one thinks about it carefully, a morally sensitive reaction. But this does not mean that we have to throw up our hands about arguments about the justice or the lack thereof of whole social

³⁴ Joe McCarney, *The Real World of Ideology* (Sussex, England: Harvester Press, 1980).

³⁵ Wood, “Marx on Right and Justice,” p. 278.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*, pp. 276–78.

⁴⁰ *Ibid.*, p. 279.

⁴¹ *Ibid.*

systems or regard all such talk as the ideological twaddle of confused ideologues. And these remarks can be, and I think should be, made quite consistently from within Marx's point of view.

Wood also contends that a Marxist concerned 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."⁴² This cannot be done because such a response would be an emotional or ideological reaction without any rational grounding. Since such post-capitalist standards of justice, Wood remarks, "would not be rationally applicable to capitalism at all, any such condemnation would be mistaken, confused and without foundation."⁴³ 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."⁴⁴ Marx, Wood claims, repudiates any vision of this kind.⁴⁵

During periods of socialist transition, as Marx's *Critique of the Gotha Programme* makes clear, there will be various phases of development with different standards of right. When a fully classless society of extensive abundance will be attained, we will be beyond conflicts of interest and the circumstances of justice that Hume and Rawls speak of and we will, in such a society, have no need for principles and theories of justice.⁴⁶ 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."⁴⁷ In a fully developed communist society, there will be no need for principles of justice or even the concept of justice. People, without being unjust, will be beyond the circumstances of justice and will have no need for this conception or its principles. We will, in such a circumstance, have no more need for justice than humanists have for God.

V

Perhaps this is Marx's view. Certainly he at times talks like this, though it is not at all clear to me that 'To each according to his needs' is either not meant to be taken as a principle of justice or is meant, like the state, to wither away.⁴⁸ But whatever Marx's own view is here, I see no reason why someone with even a thorough Marxist orientation must, or even should, follow Marx here. It is quite possible, indeed perhaps probable, given our resources and what will be our world population, that we will never be so beyond scarcity that there will not be some conflicts of interests for which we would require principles of adjudication and that some of these principles would or at least should plainly be principles of justice.⁴⁹ There would, in such a society,

⁴² *Ibid.*, p. 276.

⁴³ *Ibid.*, p. 270.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Jon Elster, *op. cit.*, argues that such a claim comes close to being self-contradictory.

⁴⁷ Wood, "The Marxian Critique of Justice," p. 271.

⁴⁸ Jon Elster, *op. cit.*

⁴⁹ Charles Taylor, "The Politics of the Steady State," *New Universities Quarterly* 32 (1979).

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 such conflicts, we need not assume that we will either have or need some kind of eternal juridical structure. Even if the appropriate concept of justice is a juridical one, it need not follow that it is eternal.⁵⁰ A Marxist could accept a developmental but nonrelativistic account of principles of justice in which the post-capitalist ones would or at least could be higher than the capitalist ones without assuming at all that we even can 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 and thus requiring the existence of the state and legal institutions. There can, as in primitive stateless societies such as the Tiv and the Nuer, be 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. More concessively, it has, at the very least, not been shown that it must be juridical.

Wood asserts, on one of the few places where he differs in detail from Tucker, 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."⁵¹ But Wood gives no textual basis in Marx which would justify the claim that all ascriptions of justice or even all coherent ascriptions of justice are juridical, so that 'legal justice' for Marx is pleonastic. But 'legal justice' is not pleonastic for us and, whatever it actually was for Marx, I see nothing essential to his account or, for that matter, anything which is canonical to Marxism which commits us to so reading it. That is to say, such a conception could be abandoned and the central structures of his account would be quite uneffected.⁵²

My arguments in the last several paragraphs have been designed to show that if Wood has got Marx right, then Marx on several points we have discussed was mistaken or at least his arguments were anything but conclusive.⁵³ But my remarks were not designed to show that Wood has got Marx wrong, though they were designed to show that in some places they were inconclusive and that he has overgeneralized from his evidential base. However, in some places my reading of Marx squares with his and in other places I just don't know what to say. But what I am principally concerned to stress is this: even if Wood has got Marx roughly right here or indeed even exactly right, there is still not enough in his account to show that a Marxist, who accepted the labor theory of value, the dialectical method, historical materialism, Marx's theory of ideology, his account of the state and class — in short for a Marxist who accepted the essentials of Marxism — that he need reject, what might very well be his untutored conviction and what might have turned him toward socialism in the first place, namely,

⁵⁰ I do not mean to suggest that the appropriate concept of justice here is a juridical one. Ziyad I. Husami, in his "Marx on Distributive Justice," *Philosophy and Public Affairs* 8 (1978–79), pp. 27–64, has powerful arguments against Wood's views here.

⁵¹ Wood, "The Marxian Critique of Justice," p. 275.

⁵² See here Husami's arguments for not sticking with an exclusively juridical understanding of justice. Husami, *op. cit.*

⁵³ See Elster on justice here and Cohen's review of Wood's *Karl Marx*.

to not put too fine a face on it, 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 in parting company with Marx here he still need not reject anything that is essential to Marxism or reject 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 reconstruction of Marx and still believe that it does not show that someone working within Marx's general framework could not continue to believe that capitalism is an exploitative, enslaving system which is, among the other things wrong with it, through and through unjust.⁵⁴ That that is a rather too mild criticism, given what on Marx's political sociology would be the social curse of capitalism, does not make the term 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. Though here, it is important to recognize, 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 the other side of the coin is that 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*?⁵⁵

VI

The above criticisms of Wood have been piecemeal and rather internal. I now want to turn to some more full bodied criticisms of the claim made by Wood and Tucker that Marx can and does stress 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 in place to claim that exploitation is just in a capitalist society.

Ziyad Husami and Gary Young vigorously oppose the Tucker/Wood reading of Marx: Wood has replied and Derek Allen has defended Wood in an even more extended way.⁵⁶ Since the issue is well-joined, 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.

The reading of Marx that Husami is out to refute is that, since in Marx the "standards of right and justice appropriate to a given society are those which in fact fulfill

⁵⁴ 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."

⁵⁵ For a discussion of wide reflective equilibrium see John Rawls, "The Independence of Moral Theory," *Proceedings and Addresses of the American Philosophical Association* 47 (1974-75), pp. 5-22, Norman Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *The Journal of Philosophy* 76 (1979), Norman Daniels, "Reflective Equilibrium and Archimedean Points," *Canadian Journal of Philosophy* 10, no. 1 (March 1980), and Kai Nielsen, *Equality and Liberty: A Defense of Radical Egalitarianism* (Totowa: NJ: Rowman and Allanheld, 1985), Chapter 2.

⁵⁶ Derek Allen, "Marx and Engels on the Distributive Justice of Capitalism," *Canadian Journal of Philosophy*, Supplementary Volume VII (1981), pp. 221-250.

a function in social production,” and since Marx also believes – and indeed his theory requires him to believe – “that the exploitation of wage labor by capital is essential to the capitalist mode of production” that he then must further 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.”⁵⁷ Centrally at issue is whether it must be the case that exploitation is unjust.⁵⁸ 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.”⁵⁹

There is no disagreement at all between Husami and Young, on the one hand, and Tucker, Wood and Derek Allen on the other, that Marx firmly believed that capitalism exploits and “that one essential feature of all economic exploitation for Marx is *coercion*.”⁶⁰ 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 *ficto juris* of the voluntary contract between individual capitalists and workers.”⁶¹ 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 about this are few and far between, the most plausible reading of many texts is one which concludes that Marx does think that capitalism is unjust.⁶² That is, *pace* Tucker and Wood, and indeed Richard Miller as well, our first impressions, our naive impressions if you will, are the correct ones.⁶³

Husami draws our attention to the tolerably evident fact – a fact, significantly enough, that 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 how through wage labor the proletariat class “is forced into creating wealth for others and misery for itself,” to how the proletariat “has to bear all the burdens of society without enjoying its advantages,” to how the capitalist has an ever increasing control over social development (a control which he employs principally for capitalist class interests and at the expense of the proletariat) and to how the media and the control of intellectual life (the consciousness industry) are principally in the hands of the capitalist class. In passage after passage, Marx will not let us forget that there are in the capitalist world extreme inequalities of wealth, power, education, access to meaningful work and even to conditions of security and health. A reading of Marx and Engels yields readily enough, as Husami puts it:

⁵⁷ Wood, “The Marxian Critique of Justice,” p. 269.

⁵⁸ *Ibid.*, p. 273.

⁵⁹ *Ibid.*, p. 272.

⁶⁰ *Ibid.*, p. 279. For a dissenting view on exploitation see G. A. Cohen, “The Labor Theory of Value and the Concept of Exploitation” in Marshall Cohen, *et al.* (eds.), *Marx, Justice and History* (Princeton, NJ: Princeton University Press, 1979), pp. 135–57.

⁶¹ Wood, “The Marxian Critique of Justice,” p. 280. But see Allen here on the idea of its being rhetorical. Allen, *op. cit.*

⁶² Husami, *op. cit.*

⁶³ Richard Miller, *Analyzing Marx*, pp. 15–97.

... the picture of a society with extreme inequalities of wealth. This wealth is 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.⁶⁴

If this description is accepted in its essentials as an accurate rendering of how Marx tells it, something all parties to the dispute accept, it is very natural to respond that in this very description we have a clear and vivid picture of social injustice. If what is pictured there isn't social injustice, it is natural to ask, what is? If there are any paradigm cases aren't these paradigm cases?

Given the above social description, there are many other grounds on which we should condemn capitalism as well but it surely licenses our saying, most emphatically, that if these things are true of capitalism, capitalist society is a through and through unjust society. This is Husami's view of Marx's view as well as that of Gary Young, G. A. Cohen, and Jon Elster. Husami thinks that Marx viewed capitalist society as an unjust society, but he is aware that Tucker and Wood will resist this and indeed Wood has. They will remark (a) that Marx does not explicitly say capitalism is unjust, indeed he says on one occasion that capitalist transactions are typically just and (b) that we cannot rightly infer that Marx, given his account of society, regards capitalist as unjust.⁶⁵ Exploitative, dehumanizing, enslaving and radically inegalitarian yes, but unjust or unfair or in violation of rights, no.

At this point, it is perfectly natural to react in the following way: This must be a tempest in a teapot. If Tucker and Wood accept the above social descriptions 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 be showing is that, if their own readings are correct, in a specialized, quasi-technical use of the term 'justice', or more accurately '*Gerechtigkeit*', that Marx and Engels did not, in that *special sense*, claim that capitalism is unjust but, quite to the contrary, Marx and Engels, again in this very special sense, give to understand that capitalism is just or at least not unjust.⁶⁶ But no serious substantive issues actually divide the contestants, for, given Tucker and Wood's acceptance of the above descriptions as accurate renderings of Marx's beliefs, they must agree with Husami and Young that capitalism is indeed, in the plain untechnical sense of the term, a plainly unjust social system and, after all, that is the genuinely 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 but grant 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 description of Marx's views of capitalism, it looks like nothing of a substantive importance vis-a-

⁶⁴ Husami, *op. cit.*, p. 29.

⁶⁵ See Wood and his citation from Marx in his "Justice and Class Interests," pp. 9–10. Still, there is Cohen's puzzle about how Marx could say that given other things he says.

⁶⁶ Miller, *Analyzing Marx*, pp. 60–96. See also Steven Lukes's chapter on justice in his *Marx and Morality* (London, England: Routledge & Kegan Paul, 1985).

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, in the ordinary sense of that term, must have regarded capitalism as plainly unjust. They only differ 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, again in that specialized way, as 'just' or at least as 'not unjust'. But, if this way of putting the matter is accepted, that trivializes the Tucker-Wood thesis and 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.⁶⁷

Wood is perfectly aware that this charge is natural to level at him and he responds to it even in his first essay. He first characterizes the issue thus:

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 the point we might suppose, is only that his application of the term "justice" is somewhat narrower than ours.⁶⁸

He then responds:

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 with those who hold that capitalism is unjust is a substantive one, founded on his conception of society and having important practical consequences.⁶⁹

It remains unclear to me how either in his first essay, in his reply to Husami, or in his *Karl Marx* Wood has shown that, after all, there is a substantive issue here. He hasn't shown that the term 'justice' hasn't a plain use in our stream of life where such ascriptions of injustice would naturally be made, given an acceptance of Marx's description of capitalism. He admits that this is a natural way to talk, 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.⁷⁰ Still such talk, in the ordinary way, 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 would seem not unreasonable to believe that historical materialism could be read in such a way so as not to conflict with such natural remarks about justice.

⁶⁷ 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.

⁶⁸ Wood, "A Marxian Critique of Justice," p. 267.

⁶⁹ *Ibid.*

⁷⁰ Wood, "Marx's Immoralism," pp. 681–698 and his "Justice and Class Interests," pp. 9–32.

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 mystificatory we could only coherently maintain that there is an important issue of substance between him and the person who claims that Marx condemns capitalism for being unjust. But that is indeed just what Wood claims. But in doing that 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 claims that it is a system destructive of any true community or truly human life.⁷¹ Wood believes, as his essay in response to Husami makes reasonably evident, as does his *Karl Marx*, that Marx regards all distinctively moral notions as ideological. But, oddly and indeed quixotically, Wood does not regard talk of exploitation, dehumanization and enslavement as being talk of distinctively moral notions. Here again we seem at least to have a purely verbal issue with Wood pointlessly making what are in effect verbal stipulations about the range of 'the moral'.⁷²

It continues to seem 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 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, if, it is true, on their account, that we can reasonably make any normative judgments at all. We can, given Marx's understanding of the facts, only resist the claim that capitalism is an unjust system (given our ordinary use of 'unjust'), if it is claimed, either, on the one hand, that all moral reasoning and all moral standards and indeed all normative judgments are through and through ideological and thus are not rationally based or, on the other hand, if we take the line, taken by Richard Miller in his *Analyzing Marx*, that Marx believes, and rightly so, 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 claim for saying that capitalism is an unjust social system or that, morally speaking, socialism is superior to capitalism.⁷³

If the former claim is so, i.e., that 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 are just so much emotive effusion with no cognitive standing. But this turns into propaganda, or at least into a nonrational expression of attitude, more in *Capital* and elsewhere than it would be plausible to believe Marx would accept or anyone with a good understanding of his texts would accept. Moreover, it 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 just doing that. Alternatively, Wood might shift to Miller's position and

⁷¹ George Brenkert, *Marx's Ethics of Freedom* (London, England: Routledge & Kegan Paul, 1983) and Norman Geras, "On Marx and Justice," *New Left Review* no. 150 (March/April 1985), pp. 47–89. For sceptical remarks about such talk see John Anderson's essays on Marx in his *Studies in Empirical Philosophical* (Sydney: Angus & Robertson, 1962) pp. 292–327.

⁷² Wood, it should be noted, does make a spirited defense of himself here in the last part of his "Marx on Right and Justice." But it has been just this part of his account that seemed the most unconvincing to most of the people with whom I have discussed it.

⁷³ Miller, *Analyzing Marx*, pp. 15–97.

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 have undermined Marx's condemnation of capitalism.

Neither of these directions are directions that Wood would like to take but it seems to me that he must take one or the other to avoid my above 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 in the real world is the case. It is just not very plausible to claim that *all* moral beliefs must be ideological beliefs which undermine or at least work against our understanding or social reality or that all such moral assessments are so radically indeterminate.⁷⁴

VII

However, let us now assume, what I have just questioned, namely that there is a substantive issue, as Wood believes, dividing Tucker and Wood, on the one hand, and Husami and Young on the other. Accepting for the sake of argument that assumption, let us see if Husami or Young can undermine the Tucker/Wood arguments that, in spite of their resolute condemnation of capitalism, that Marx and Engels regard capitalism as just — or at least as not unjust.

Husami begins by claiming that Wood and Tucker largely conduct 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 they have accused each other of misreading it. Interestingly enough they also all warn against lifting passages like this out of their immediate context, textual and theoretical. They all think, not unsurprisingly, that they in their own analysis have not done that, but believe their adversaries have.⁷⁵ The key passage in question 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, labor, 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 circumstances, 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.⁷⁶

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 take proper note of the context of this passage and fail to note in that passage that it is in a context in which Marx is plainly satirizing capitalism. Marx speaks imme-

⁷⁴ Kai Nielsen, "Marx and Moral Ideology," *African Philosophical Inquiry*, Vol. 1 (January, 1987), pp. 71–86.

⁷⁵ Husami, *op. cit.*, p. 29. Wood, "A Marxian Critique of Justice." Both Wood and Allen give other instances but it is far from clear whether they improve their case substantially.

⁷⁶ Marx, *Capital*, Vol. I, pp. 193–94.

diately 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.⁷⁷ Tucker and Wood have failed to note, Husami claims, the irony of the passage they quote or its context in satirizing capitalism. The trick played on the worker is that of exploiting his labor power. Husami goes on to remark that “Marx elsewhere uses identical and far more explicit language when he characterizes exploitation as ‘robbery’, ‘usurpation’, ‘embezzlement’, ‘plunder’, ‘booty’, ‘theft’, ‘snatching’, and ‘swindling’.”⁷⁸ Husami cites a passage from the *Grundrisse* where Marx speaks of “the theft (*Diebstahl*) of labour time (that is, of surplus value or surplus labour) on which the present wealth is based.”⁷⁹ Husami then moves to what he takes to be his clinching point about the contested passage cited above. Tucker and Wood fail, he claims, to take note of the trick in extracting surplus value and how Marx regards that trick. Missing this, they are 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 from which the above quotation from *Capital* was taken clearly shows, as do many other passages as well, that Marx believes that in exploiting the worker the capitalist robs him. Husami then goes on to make the solid conceptual-cum-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.⁸⁰ Thus there is no meaningful sense in which the capitalist can simultaneously rob the worker and treat him justly.”⁸¹

Wood in his response sticks with his reading and tries to give grounds for rejecting Husami’s reading. He agrees that “Marx finds it ironic that capital’s appropriation of surplus value is just”⁸² 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 which are apologetically worthless. They are claims which can have no transhistorical or transmode of production validity and they are claims which 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.”⁸³ But he thinks (*pace* Husami) that when in that passage Marx says that capital’s appropriation of surplus value is “by no means an injustice” to the worker that 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 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’

⁷⁷ *Ibid.*, p. 194.

⁷⁸ Husami, *op. cit.*, p. 30. See also G. A. Cohen, “Freedom, Justice and Capitalism,” *New Left Review* 5, no. 126 (1981), pp. 3–16.

⁷⁹ Karl Marx, *Grundrisse* (Harmondsworth, England: Penguin Books, 1973), p. 705.

⁸⁰ This point is also made by Cohen in “Freedom, Justice and Capitalism” and in his review of Wood’s *Karl Marx*.

⁸¹ Husami, *op. cit.*, p. 30. Again, Cohen as well.

⁸² Husami, *op. cit.*, p. 31.

⁸³ *Ibid.*, p. 31. See Wood, “Marx on Right and Justice,” pp. 273–74.

'trick' succeeds."⁸⁴ The capitalist, as a practical man of business, where he knows what he is about, proceeds actually (though unwittingly) in accordance with Marx's account, though this is not, of course, to say that in his ideological thinking he has a picture of surplus value. There is *knowing how* and *knowing that*. The practical business man has the former. We must distinguish the picture he has of his activity from his purposive business activity. It is in the former where he is a victim of ideology. Perhaps, most crucially here, there is Wood's parting remark that if we do not take this passage straightforwardly as an endorsement of Marx's own explanation of surplus value, it is difficult to see what his theory of surplus value could be.

I think that Wood is right in his claim about how to read that passage.⁸⁵ As I think the context makes reasonably clear, Marx is *not* being ironical in claiming that it is "by no means an injustice to the seller," though surely it is difficult to be sure. Moreover, this does look like a straightforward statement of how the labor theory of value applies here.

However, things do not always go Wood's way. Wood does not respond to Husami's key part about Marx's use of 'trick' in the passage that follows the one from Marx 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.⁸⁶ That is the key point that Wood needs to meet, and he does not meet it in that passage where he is responding to Husami's direct criticism on this point or indeed, 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 remark on another reading of that crucial passage from Marx's *Capital* made by Gary Young.⁸⁷ Young first remarks that it appears to be the case that we must choose between (a) asserting that for Marx extraction of surplus value is unjust and (b) asserting "that Marx's condemnation of capitalist exploitation has nothing whatever to do with justice or injustice." It looks like we must either say Marx was blatantly inconsistent or that we must abandon one of these claims. Concerning this Young remarks significantly,

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 passa-

⁸⁴ Wood, "Marx on Right and Justice," p. 274.

⁸⁵ See also Allen, *op. cit.*

⁸⁶ Cohen, "Review of Wood's *Karl Marx*," *Mind* XCII, no. 367 (July 1983), pp. 442–45. But for complications see Elster's and Lukes's response to that argument of Cohen's. Elster, *op. cit.* and Lukes, *op. cit.*

⁸⁷ Marx, *Capital*, Vol. I, pp. 193–94. See Gary Young, "Justice and Capitalist Production: Marx and Bourgeois Ideology," pp. 421–54.

ges such as the one just quoted, however, he is speaking of what is just to persons in their roles as buyers and sellers, as parties to exchange transactions. The exchange between each capitalist and worker, taken by itself, is just. . . . The capitalist purchases labour 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.⁸⁸

Generally in considering whether in Marx there actually is a critique of *capitalist production* as unjust, as distinct from his critique of the falseness and the ideological distortion of bourgeois pictures of capitalist production, we should recognize that issues about the justice of capitalist production should be divided as follows: (a) Is the process of circulation and especially the wage exchange internal to capitalism just and (b) Is the extraction of surplus value from the workers in direct production just?⁸⁹ In the passage from *Capital* that we have been discussing, Marx is saying that in the wage-exchange there is no injustice. But how then are we to understand Marx’s remarks, 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.⁹⁰ But this involves the exploitation of workers and now what is at issue is whether it is correct to assert that the production system is just and not whether 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.”⁹¹ The picture Husami gives draws on a distinction like the one we have just seen Young making, only Husami stresses that the two aspects of justice are closely related and he further maintains that they cannot be adequately understood in isolation one from the other. Husami puts his point as follows:

. . . every 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. And, reciprocally, the distribution of income reacts upon and reinforces the prevailing 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”.⁹²

Husami believes that in Marx’s *Critique of the Gotha Programme* we have the “*locus classicus* of Marx’s treatment of distributive justice,” a conception Wood fierce-

⁸⁸ Young, “Justice and Capitalist Production: Marx and Bourgeois Ideology,” p. 434.

⁸⁹ *Ibid.*, p. 431.

⁹⁰ Marx, *Capital*, Vol. I, p. 194.

⁹¹ Young refers here especially to the introduction to the *Grundrisse* and to *Capital*, Vol. III, Chapter 51. See also G. A. Cohen’s final long substantial footnote (footnote 7) of his “Freedom, Justice and Capitalism.”

⁹² Husami, *op. cit.*, p. 31. See Marx, *Grundrisse*, p. 96.

ly criticizes.⁹³ In speaking of distributive justice Husami refers to the distribution of the annual product among the population. And he concentrates particularly on the distribution of income between workers and capitalists. "Distributive justice is concerned with the moral evaluation of particularly distributions."⁹⁴ The standards of distributive justice "define *inter alia* how wealth and income ought to be distributed in measuring the moral desirability of actual distributions."⁹⁵ He thinks that Marx advances a theory which specifies such standards in the *Critique of the Gotha Programme*. In talking about what could constitute a just distribution of the products of labor, Marx articulates two principles of *distributive justice*: "distribution according to labor contribution and distribution according to need."⁹⁶ They are not principles *sub specie aeternitatis*, not 'eternal principles of justice', but they are principles "to be realized in post capitalist society" and they are principles which are taken as "suitable for adoption by a proletarian party."⁹⁷ Moreover, we can say, Husami contends as does Young as well, of whole social formations that they 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 in such social formations.⁹⁸

Husami argues, as I have just remarked, 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," i.e., the standards of the *Critique of the Gotha Programme*.

However, we have here to 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 morality, including thinking about the rationality of moral claims or moral reasoning, is through and through 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."⁹⁹

We need, in probing this, first to ask whether or not 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. Could he consistently, and did he in fact, either explicitly or implicitly, use what, begging some questions for

⁹³ Wood believes, mistakenly I believe, that Husami has radically misread Marx's *Critique of the Gotha Programme*. See Wood, "Marx on Right and Justice." For extended further remarks on how Wood believes the *Critique of the Gotha Programme* should be read, see his "Marx on Equality" in *Issues in Marxist Philosophy*, Volume IV, John Mepham and David Hillel-Ruben (eds.) (Sussex, England: Harvester Press, 1982). I have criticized Wood's account in my "Marx, Morality and Egalitarianism," in *Ratio*, (1986), pp. 56–68.

⁹⁴ Husami, *op. cit.*, p. 31.

⁹⁵ *Ibid.*

⁹⁶ Husami, *op. cit.*, p. 31.

⁹⁷ *Ibid.*

⁹⁸ See also Jon Elster, *op. cit.* and his "Exploitation, Freedom and Justice" in J. R. Pennock and J. W. Chapman (eds.), *Marxism* (New York: New York University press, 1982), pp. 277–304.

⁹⁹ Husami, *op. cit.*, p. 32. Note that this claim is independent of the claim that all moral propositions are ideological.

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 (a) he did and (b) in doing so he was not being inconsistent. I shall follow out the central portions of his 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 Marx's principle of distributive justice for the first phase of communist society. The pattern of distribution being: "to each according to his labor contribution."¹⁰⁰ 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 social consumption such as the meeting of social needs such as health and education and for caring for those unable to work, the very young, the old, and the infirm. But, after such deductions are made, the remainder of the social product is to be allocated on the basis of labor 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."¹⁰¹ 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."¹⁰² There will indeed be differential income rewards associated with different labor contributions, but they will not solidify into new class differentiations or even into social strata because (a) this differential income cannot be passed on from generation to generation and (b) because deductions for *social* needs precedes individual income distribution. These social needs for education, health care and culture will grow as the new society develops, making it the case that there will not be sufficient left of the total product to make for great differentials in individual income for individual consumption. There will not be the basis here for this existence of inequalities, including the reemergence of inequalities in 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."¹⁰³ There will no longer be any way of extracting surplus value. The deductions are made by "the associated producers in the interests of the associated producers for the common satisfaction of their needs."¹⁰⁴

With a different rationale for production – production for needs rather than production for capital accumulation – we will come to have distributive principles which

¹⁰⁰ *Ibid.*, p. 42.

¹⁰¹ *Ibid.*, p. 41.

¹⁰² *Ibid.* p. 43.

¹⁰³ There are, however, other forms of exploitation. See Andrew Levine, *Arguing for Socialism* (London, England: Routledge & Kegan Paul, 1984), pp. 65–77 and 85–98.

¹⁰⁴ Husami, *op. cit.*, p. 43.

serve to meet the needs of the associated producers rather than principles of justice designed as a system of entitlements to protect capitalist productive property rights. This different productive system will afford us the basis for a different distributive system. There will be no appropriating of the products of anyone's labor by a non-working class for their own benefit. That cannot happen under socialism and thus 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. Marx 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 progresses, it will be replaced, in a second higher phase of communism, with a different and still more adequate leading principle of distributive justice. The defects of the principles of socialist justice for the first phase of communist society are (a) that "human beings are treated one-sidedly as workers" and "their individuality is ignored," (b) for utilitarian reasons, but for otherwise morally irrelevant reasons, different individuals are still differentially rewarded, not because their needs are different but because of their unequal productive contributions, rooted in their unequal physical and mental endowments, (c) that there is still material inequality and a failure to take into consideration in social distribution under the first phase of communism the fact that equal labor contributors, as well as unequal ones, will still not infrequently 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 a still more just society where 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 favored over those who are not, as they still are in a lower phase of communism, which treats natural entitlements to relative social advantages as something which is morally acceptable in a society which still has scarcities and still bears the birthmarks 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 ever come into existence and to be sustained.

The distributive principle of justice of such a developed communist society reads: 'From each according to their ability, to each according to their needs'. It makes "the satisfaction of a person's needs – hence the full development of individuality – its guiding principle."¹⁰⁵ 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 her distinctive needs and her ultimate need for self-realization (*Selbstverwirklichung*) being fully answered to in the distributive arrangements of society.

¹⁰⁵ *Ibid.*, p. 45.

To be able to implement the distributive principle (alleged distributive principle) ‘From each according to his ability, to each according to his needs’ requires, Marx is perfectly aware, a very considerable material abundance. In such a society of abundance, there will remain, and properly so Marx argues, in a way liberals such as Isaiah Berlin and Ralf Dahrendorf should applaud, different people taking different things because they have different needs and there will be no attempt at all to mold them into a grey sameness.¹⁰⁶ Marx rejects the inequality “which creates privilege and accepts only that inequality which allows for the development of individuality.”¹⁰⁷ 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” that Marx advocates.¹⁰⁸ Marx’s very concern for *equal* concern for 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.

We can see here from looking at the program of 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 nonequivalence and injustice in the distribution of income and wealth between workers and owners all along the line in capitalist societies. In the first place, Husami argues, that worker does not even get the value of his labor power, but, even if we could assume that he did, there is, under capitalism, the injustice of a system in which there is a “despoliation or exploitation of labor power.”¹⁰⁹ Moreover, there is a nonequivalence in capitalism between contribution and reward. It is in such things that capitalist injustice consists. A socialist model of society, by contrast, gives us a model of society, achievable with the appropriate development of the productive forces, in which such injustices do not obtain. The above give us grounds for assessing the capitalist system so we cannot say we have no grounds for assessing the capitalist system as a whole.

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.”¹¹⁰ Husami, Wood claims, misses 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 of the whole mode of production itself whether it is just or unjust.¹¹¹ Wood significantly 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 (*Rechtsverhältnisse*) or do not, on the contrary, juridical relations (*Rechtsverhältnisse*) arise out of economic ones?

¹⁰⁶ Kai Nielsen, *Equality and Liberty*.

¹⁰⁷ Husami, *op. cit.*, p. 46.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*, p. 47.

¹¹⁰ Wood, “Marx on Right and Justice,” p. 292. See also pp. 274–75 and 291–92.

¹¹¹ William McBride, “The Concept of Justice in Marx, Engels and Others,” *Ethics* 85 (1974–75).

He then interprets that passage as follows:

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*.¹¹³

Wood speculates that Husami, faced with this argument, might try to respond that here '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.'¹¹⁴ But this, if it were true of Marx, Wood argues, would muddy his critique of the moralizing socialists, e.g., the Lassalleans, who drew up the Gotha Programme. Where, Wood asks, if that is what Marx is claiming, would he disagree with them? They do not deny that the present distribution is commonly *considered* to be just. What the Lassalleans do is say that whether or not it is considered just, the distribution must *really* be just according to a *correct conception of justice*. But then, Wood argues, it looks like Marx is in reality agreeing with the Gotha Programme in its demand for a just distribution. He disagrees, on this reading, with the details of it, but agrees with its *utopian* aims and manner of conceptualizing the situation. What Husami doesn't see, Wood claims, is that Marx is here functioning as a *critic of morality*, much in the general manner of Nietzsche, and 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. He is, rather, Wood would have it, rejecting the Lassallean claim that there are rational principles of just distribution for determining the justice of whole societies.¹¹⁵ We cannot coherently assert or deny that capitalism is just or 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 only hopefully a little better.

However, not everything is so neatly open and shut. Husami could reply – and I believe should reply – that in the light of how Marx developed his own account of historical materialism, the passage cited above by Wood from the *Critique of the Gotha Programme* is, taken it is out of context, seriously misleading and Wood's use of it reflects that. Of course, a historical materialist is going to say that juridical concepts arise out of and are determined by or at least strongly conditioned by economic relations. And of course Marx, as a historical materialist, is going to deny that economic relations are ruled by juridical ones, but he will also realize that bases need superstructures, that juridical relations can and do influence economic relations and that, though the economic relations are primary, there is a dialectical category of reciprocal

¹¹² Karl Marx, *Marx Engels Werke*, Volume 19 (Berlin 1959), p. 18. Wood, "Marx on Right and Justice," pp. 274–75.

¹¹³ Wood, "Marx on Right and Justice," pp. 274–75.

¹¹⁴ *Ibid.*, p. 275.

¹¹⁵ Wood, "Marx's Immoralism."

action (*Wechselwirkung*) or bilateral causation between base and superstructure. So there is no reason to think that Marx should believe that principles of justice are causally ineffectual. Only if we have reason to believe that *all* the principles of distributive justice are through and through ideological and distort our understanding of ourselves and our society, have we reason to reject, what appears to be the case, namely that here Marx was (a) articulating, as Lenin took him to be articulating, principles of justice which could and would be acted on in the various phases of communist society and, (b) 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.¹¹⁶

It need not be the case – and indeed should not be the case – that questions of distribution are being considered independently of questions of production. Indeed Husami actually fastens on questions of distribution in his discussion, but it is clear from his reading of Marx here that he thinks these questions are closely intertwined. And Marx himself makes it very clear in his *Critique of the Gotha Programme*, in passages immediately following his discussion of the principles of justice, or, so as to not beg any questions, the putative principles of justice, that he thinks these questions are closely intertwined, though he does stress, and indeed I believe rightly, that the structure of the “distribution of the conditions of production” is the more central consideration.¹¹⁷

Perhaps we can establish on the basis of other passages that Marx believed, as Wood believes Marx believed, that (a) *all* morality is moral ideology and as such distorts our self-understanding of ourselves as well as our understanding of social reality and (b) that consequently all commitment 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.¹¹⁸ And it is also at least arguably the case that that holds as well for much that moral philosophers say. Ideological thinking and reaction is a very pervasive feature of our lives. But that does not show that it all is or that moral conceptions are, as Wood believes, necessarily ideological.

It is, I believe, important to realize that there is no claim in the *Critique of the Gotha Programme* itself that *all* morality is moral ideology. That is just something that Wood reads into the text, though there are indeed earlier texts of Marx’s that do say things that certainly give that impression. (Here it is very important to give them 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 as Husami reads them, namely as articulations of principles of justice.¹¹⁹

Marx’s critique of the Lassalleans about justice was directed at their treating distribution independently of production, at their lack of stress on class struggle and at

¹¹⁶ N. Lenin, *On State and Revolution*. For documentation of this, see my “Marx, Engels and Lenin on Justice,” *Studies in Soviet Thought* 30 (1986), pp. 23–63.

¹¹⁷ *The Marx-Engels Reader*, pp. 531–32.

¹¹⁸ Wood, “Marx’s Immoralism” and “Justice and Class Interests.”

¹¹⁹ Kai Nielsen, “Marx and Moral Ideology,” for a critique of such moral ideology readings.

their naive assumptions about the extent of the efficacy of moralizing. But all of this could be accepted without rejecting the ideas, which the text seems at last 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 appropriate and reasonable principles of justice appropriate to different phases of communism and that a capitalist society, in comparison to a society governed by such principles of justice, could be seen to be a thoroughly unjust society.

Wood believes, contrary to Husami, that in the *Critique of the Gotha Programme* Marx introduces the principles 'To each according to his labor 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."¹²⁰ He thinks there is no textual evidence for either Husami's claim that these principles are (a) presented as principles suitable for adoption by a proletarian party or (b) that "these principles are intended as 'proletarian' principles of justice against which Marx is measuring capitalist distribution and (implicitly) declaring it to be unjust."¹²¹ We have already discussed (b) and, if we do answer (b) as Wood does, it would indeed be difficult to believe Marx could have intended (a). However, if we answer (b) as Husami does and as I am inclined to, (a) (*pace* Wood) becomes something which it is plausible to believe Marx intended in setting out these distributional principles in the *Critique of the Gotha Programme*. So a lot rides on (b).

Without returning to my earlier arguments about (b), what should be noted here is the implausibility of Wood's claim that Marx is *only* predicting here what the future will be like. He is indeed making such a prediction, but the context also makes clear that with '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 which should govern the relations between human beings in a fully communist society. It is surely not *only* a prediction, though it is indeed that.

It is true that Marx, as well as Engels in his *Anti-Dühring*, attacks what he takes to be a radical egalitarianism which would urge a *strict equality* in which everyone would be literally treated identically.¹²² It is doubtful if any egalitarian, radical or otherwise, ever held such a view, but if they did their views would surely be mistaken for reasons that Marx brings to the fore, namely that such 'strict egalitarian' principles do not treat people as individuals with differing needs. They would, if instantiated, undermine a quite legitimate individuality, an individuality which has nothing to do with bourgeois individualism. The stress on 'To each according to his needs' is again an important advance over earlier conceptions of justice. It acknowledges and gives conceptual and moral space for 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

¹²⁰ Wood, "Marx on Right and Justice," p. 291.

¹²¹ *Ibid.*

¹²² Frederick Engels, *Anti-Dühring*, Emile Burns (translator) (New York: International Publishers, 1939), Chapters IX–XI and Kai Nielsen, "Engels on Morality and Moral Theorizing," *Studies in Soviet Thought* 28 (1983), pp. 229–248.

and justice should not be included in a working class program at all.”¹²³ The passage I think Wood is referring to reads as follows and 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 which seems to me, though not to Wood, 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 as follows:

I have dealt more at length with the “undiminished process 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.¹²⁴

Wood’s reading certainly is a possible reading. Marx was indeed contemptuous of the moralizing of the ‘true Socialists’ and, as well, regarded it as dangerous nonsense that might confuse the proletariat. But I am still 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 labor time’ and ‘To each according to his needs’ is “ideological nonsense about rights.”¹²⁵ Rather the ideological nonsense about rights is the unwittingly ideological talk about rights and fair distribution found in propositions 1 and 3 of the Gotha Programme – propositions which Marx first criticizes and then contrasts with the above principles, i.e., his own principles. It is the Lassallean’s sloppy and confused moral-talk that it would be a crime for the party to adopt. He need not and would not naturally be read as also asserting that about his own principles. (Note, by the way, the confident, straightforward moral judgment about it 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 ideological or simply ideological?)

In addition to the Lassallean’s remarks about justice being sloppy, Marx’s previous analysis has shown the moral arguments of the Lassallean to be atavistic as well. 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 Rousseauian conceptions of morality, applicable to older forms of society, but hardly applicable 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 mental rubbish. . . .”¹²⁶ But that they at one time had meaning, which I take it means here significance, suggests at least that they, in that context, had some point or validity. But, if this is true, exactly the same thing could be true of Marx’s maxims, maxims

¹²³ Wood, “Marx on Right and Justice,” p. 292.

¹²⁴ *The Marx-Engels Reader*, p. 531.

¹²⁵ *Ibid.*, pp. 528–532.

¹²⁶ *Ibid.* This also fits in well with Engel’s line of reasoning about morality in his *Anti-Dühring*.

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 Rousseauian principles had some point, significance and validity at an earlier time and for a society differently situated, so, for such communist or socialist societies, such proletarian principles could serve as legitimate norms. At least that passage mentioning 'ideological nonsense' does not show that they are not so viewed, and, if they indeed were so viewed by Marx, as seems at least plausible, it would make Wood's argument here utterly mystifying.

It should also be remarked that the stress on the importance for the Party of a "realistic outlook" should not be taken to mean that Marx was here 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.¹²⁷ The realistic outlook that Marx refers to is an outlook well grounded in a proper economic understanding of the situation and with a good understanding of historical materialism, class antagonisms and the dialectical method. Such a sociologically realistic position need not at all be a position, as Wood suggests it is, which has no principles of justice and denies that there can be proletarian ones. It is indeed true, as Marx remarked earlier in his *Critique of the Gotha Programme*, that "socialist sectarians" have "the most varied notions about 'fair' distribution."¹²⁸ But it doesn't follow from this that Marxists, at least some of whom are surely not regarded by him as socialist sectarians, must have such varied notions. Egalitarian conceptions of justice, as Marx puts it, are "constantly stigmatized by a bourgeois limitation."¹²⁹ But his argument is that we should transcend such *bourgeois* conceptions of right. Yet this 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."¹³⁰ 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."¹³¹ Indeed, that is not only a mistake, it is also an ideologically distorting mistake. But that does not mean that he does not think that the distributive principles he has just articulated are not, as principles which are closely related to questions about production, the correct ones for two different phases of a future communist society. Marx was, and I think quite properly, too much of a Hegelian, and particularly a Hegelian about morality, to talk of eternal principles or principles *sub speciae aeternitatis*.¹³² But this does not mean that he thought that

¹²⁷ Wood, it should be said, does not take Marx to be a normatively neutral social scientist. See his "Marx's Immoralism."

¹²⁸ *The Marx-Engels Reader*, p. 528.

¹²⁹ *Ibid.*, p. 530.

¹³⁰ Wood, "Marx on Right and Justice," p. 292.

¹³¹ *The Marx-Engels Reader*, p. 531.

¹³² Wood, "Marx's Immoralism."

the working class would not need principles of justice in the future communist society and that he did not think 'To each according to his needs' did not apply as far down the road as he could envision.¹³³

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 there some "cherished proletarian principles of justice" which are not viewed by Marx as ideological nonsense.¹³⁴

After discussing the role of 'To each according to his labor time' in earlier phases of communism, and after pointing out both its limitations, reflecting its bourgeois origins, and its appropriateness for a "communist society" which has not "developed on its own foundations but, on the contrary, just . . . (emerged) from capitalist society" and "thus in every respect, economically, morally and intellectually, is still stamped with birth marks of the old society," Marx, several passages later, remarks:

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 never be higher than the economic structure of society and its cultural development conditioned thereby.¹³⁵

The last sentence in that last quotation reveals his 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, to understand Marx properly, avoid a *historicist* reading of it.¹³⁶ If that last sentence of the above quotation were quoted in isolation, out of its paragraph and out of its context, it would surely suggest such a reading. But its context makes it clear that that is not how it is to be taken. 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 which will be dominant in a given society will be those of the dominant relations of production of the society in which such principles are articulated. He is making the sociology of morals point that those distinctly moral notions – moral notions which also happen to be ideological notions – are ones that will call the tune in mass culture and will be utilized by the consciousness industry.¹³⁷ But this is not to say anything about what an individual's moral understanding must be. It is not to say anything about what moral understanding must be in a classless society where there is a clarity about social relations. It is not to say anything about what his own moral understanding or that of Engels must have been. It is not to claim that anyone's moral understanding, no matter what self-understanding she has, must be so ideologically distorted. That morality is ideology *prone* does not mean that morality is *necessarily* ideological.

¹³³ See here Wood's and as well Allen Buchanan's remarks about being beyond the circumstances of justice. See Allen Buchanan, "The Marxian Critique of Justice and Rights," *Canadian Journal of Philosophy*, Supplementary Volume VII (1981), pp. 269–306.

¹³⁴ This is also how Engels and Lenin understood them. For documentation of this see my "Marx, Engels and Lenin on Justice: The *Critique of the Gotha Programme*," *Studies in Soviet Thought* 30 (1986), pp. 33–50.

¹³⁵ *The Marx-Engels Reader*, pp. 528 and 531.

¹³⁶ Alan Gilbert, "Marx's Moral Realism: Eudaemonism and Moral Progress," in T. Ball and J. Farr (eds.), *After Marx* (Cambridge, England: Cambridge University Press, 1984), pp. 154–183.

¹³⁷ Nielsen, "Marx and Moral Ideology."

Marx cannot be giving 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” which are “inevitable in the first phase of communist society” in their understanding of right and justice, 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 developed conditioned thereby’, Marx, if he really was such a through and through historicist, could not have understood that either. But he feels no embarrassment about his ability to articulate these things and to make judgments about them. He does not write as if he were trying to hint at or show the unsayable, so it cannot be the case that it is the relativist historicist reading of that claim that Marx intended. We must not confuse Karl Marx with Karl Mannheim.

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