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THE MARXIAN IDEAL OF FREEDOM AND THE PROBLEM OF JUSTICE

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1. Introduction

1. Whatever the outcome of the continuing debate on 'Marx and Justice'[1] may finally be, I believe that thinking about a Marxian theory of distributive justice is of interest, for reasons of comparison with contemporary political philosophy and for straightforwardly political reasons. Also, there is an empty space in Marx's work, between his theory of capitalist exploitation, which seems so strongly inspired by a sense of injustice, and his freedom-oriented reflections on the nature and development of the communist society. Elaboration of a Marxian conception of the just society may help to fill in this empty space in a different way than has been done usually via theories of class struggle and revolution.

The *Communist Manifesto* enjoins the working class to unite, in order to replace "the old bourgeois society with its classes and class antagonisms" by an "association in which the free development of each is the condition for the free development of all. " (Marx, 1848, 238) Instead of considering the replacement question, I wish to concentrate in this paper on the defining conditions of the new "association". And this poses the problem of distributive justice.

2. In the debate on Marx and justice three main issues have been dicussed in a definite sequence. The preliminary issue is perhaps the decisive one: is it at all fruitful to look for a substantive conception of distributive justice in Marx? Or should one admit that all there is to justice in Marx's work is the explanation of ruling ideologies in history, in terms of their legitimating functions? If this issue is settled (however provisionally) in favor of the position suggested in the first question, we move on to the second issue. Here, the problem

is to determine the scope and the content of distributive principles for a just society that may be fitted in with certain of Marx's ideas.

Those who have reached the second stage of the debate are seeking to formulate what one may call a *Marxian* theory of justice and inevitably face the third issue, which concerns the exact relation between justice and freedom in the communist association that Marx envisaged. In the following two sections, I shall sketch some of my ideas on these last two issues, having already responded to the preliminary issue above. Still, it may be wise to remove a possible misunderstanding arising from my use of the adjective "Marxian". It merely signals an intention to work constructively on problems generated by the work of Marx. It does not rule out the considered rejection of some of Marx's ideas and therefore does not wish to invoke Marx's authority as a reason for accepting the results. Such work takes at least some important Marxian texts – in our case the *Critique of the Gotha Programme* — as its source of inspiration, and tries to arrive at results which are not inconsistent with Marx's overall theory of history. Undertakings such as these need not be avowedly *Marxist* in political orientation. Given the topic of my paper, this qualification seems important. For there undeniably exists an orthodox, but well-established position which asserts that a defining property of Marxism is its definitive rejection of the ethical perspective of justice. That perspective, with its concern for an impartial balancing of individual interests, is rejected in favor of a "dialectical" perspective, in which human emancipation, transcending all individual interests, will ultimately emerge from the clash between definitely one-sided historical choices to act in the interests of the working class, or to oppose them[2]. While I do not think that these two perspectives are necessarily incompatible, the orthodox position at least has the merit of identifying two different orientations to long-term political choices. Since the key orientation of this paper is 'justice' rather than 'class interest', one could, if one wished, classify it as Marxian, but non-Marxist.

II. A Marxian theory of justice

3. The Marxian theory of justice proposed here consists of distributive principles for the evaluation of the basic institutions of society.[3] A society is said to satisfy the principles of justice if from people's permissible interactions under the society's basic institutions, distributive outcomes arise which conform to the pres-

criptions laid down by the principles. Thus, to verify whether the principles are satisfied, one must observe whether the society's basic institutions generate the right kinds of outcomes with respect to things specified by the principles. If this is the case, then the society is just. If it is not the case, but would be, if the basic institutions were changed and people acted under different constraints, the society is unjust (injustice may be present in different respects and to different degrees, depending on which principles of justice are violated, and to what extent.) Our theory of justice has three main features, to be presented in this section. The theory's *historical scope of application* is dealt with in §§ 4—5, its *egalitarian* and *procedural* nature is discussed in §§ 6—12 and finally, some of its evaluative implications for capitalism are stated in §§ 13—14.

4. To fix ideas, we shall define *communism* as the future society of free individuals. And we provisionally assume the following:

(1) Communism requires Marxian justice as one of its necessary conditions.

(2) The principles of justice can be durably satisfied only at a sufficiently high level of economic advancement, which is defined in terms of labour productivity, capital stock per capita and rate of innovation (or productivity growth).

Both of these assumptions can be justified only after the content of our theory has been presented. This also holds for the third assumption:

(3) After the emergence of capitalism on a world scale, some societies have reached sufficiently high levels of economic advancement for the principles to be satisfied, but this has not actually happened in any of them.

Now our theory of justice is limited to these 'advanced' societies, but its scope is even more restricted. The theory applies only to advanced societies in which it is, in some sense, objectively possible to satisfy the principles of justice *durably*, i.e. to sustain the development of resources and productivity within the just institutions at the required levels. This involves a notion of 'objective possibility' which can be explained by reference to Marx's general theory of historical change. In that theory, the productive forces are said to develop

within economic structures (supported by society's basic legal and political institutions) that are among the most suitable for the development of these forces at the then existing state of technology and resource availability. Over time, as resources and technology evolve qualitatively, the prevailing economic structures become less and less adequate for further productive development, and, after some indefinite time-lag, they will be replaced by different economic structures (requiring different basic institutions), which allow the "unfettered" evolution of the productive forces.

With this in mind, we stipulate that the principles of justice apply to advanced societies that meet two conditions:

A. The society's prevailing economic structure is no longer optimal for the development of the productive forces (note that it need not yet be strictly sub-optimal).

B. Among the possible economic structures that are adequate for replacing the prevailing structure from the productive point of view, there is at least one in which the principles of justice can be satisfied.

5. In a society where either condition A, or A and B are not fulfilled, the principles of justice are historically irrelevant. For on Marx's theory of historical change, that society will either preserve its unjust economic structure for some time to come, or the current structure will be replaced by another in which the demands of Marxian justice can not be met either. On the other hand, in advanced societies that do fulfill both conditions the principles of justice can be durably satisfied; they are, so to speak, historically ripe for communism. It is to such 'ripe' societies that the principles of justice are addressed.

Admittedly it is somewhat disturbing to confine Marxian justice to a small group of powerful and wealthy societies, especially if these societies can become, or remain, wealthy only at the expense of the economically backward regions of the world. Without asserting that the latter is indeed the case, the possibility cannot be overlooked. Indeed, it fits in well with Marx's vision of uneven historical change, with its indefinite time perspective. Of course a similar and equally disturbing implication holds for capitalism during the period of its 'historical mission', in which a purely laissez-faire market economy (unmitigated by any welfare state modifications of private property)

was the most productive economic system. According to Marx, capitalist progress toward the level of economic advancement necessary for a real transition to communism involves, as a matter of historical necessity, the subjection of the working classes to extreme poverty, oppression and exploitation. And this was often experienced as fundamentally degrading and unjust (not only by the working classes themselves), without any need for finely graded theories of distributive justice. Exactly the same holds for current international poverty, oppression and exploitation.

These remarks clearly show the very limited moral force of Marxian justice, as here described. By restricting its principles to situations where violations of these principles are historically avoidable — in the sense that the injustices can be removed permanently, once the right kind of political action is taken — it is by no means implied that these (or other) injustices morally count for less, when they happen to be historically unavoidable. It is just that our theory, because of its orientation towards communism, is technically irrelevant for judging the latter situations. But this is a formidable limitation when the economic conditions of communism are not satisfied globally, and are not likely to become globally satisfied for a long time to come, if ever.

6. Before setting out two egalitarian principles of distributive justice with respect to basic liberties and access to resources, I first discuss the scornful attitude towards questions of 'distribution', exhibited in Marx's *Critique of the Gotha Programme.* Commenting on the programme's slogans about the 'fair distribution' of, and the 'equal right' to, the proceeds of labour, Marx dismisses them as so much 'obsolete verbal rubbish' and 'ideological nonsense'. He does so both because of their ambiguous meaning, and because of a general position about distribution in communism (or socialism, conceived as the first stage of communism) which it is instructive to quote in full :

> "Quite apart from the analysis so far given, it was in general a mistake to make a fuss about so-called distribution and put the principal stress on it.
> Any distribution whatever of the means of consumption is only a consequence of the distribution of the conditions of production themselves. The latter distribution, however, is a feature of the mode of production itself. The capitalist mode of production, for example, rests on the fact that the material

> conditions of production are in the hands of non-workers in the form of property in capital and land, while the masses are only owners of the personal condition of production, of labour power. If the elements of production are so distributed, then the present-day distribution of the means of consumption results automatically. If the material conditions of production are the co-operative property of the workers themselves, then there likewise results a distribution of the means of consumption different from the present one. Vulgar socialism (and from it in turn a section of the democracy) has taken over from the bourgeois economists the consideration and treatment of distribution as independent of the mode of production and hence the presentation of socialism as turning principally on distribution. After the real relation has long been made clear, why retrogress again ?..." (Marx, 1875, 569—579).

From this passage it can be inferred that Marx rejects the presentation of socialism in distributive terms, if "distribution" is confined to income, or even narrower, to means of consumption. The objection is legitimate, and we shall therefore present the matter more fundamentally, by looking at the causally antecedent distribution of the 'conditions of production'. The criteria of 'fairness' and 'right' then apply at the level of the 'mode of production' itself. If this can be done in sufficiently precise terms, Marx's rejection of "distribution" as such has become irrelevant. But there is another objection to be dealt with, which is present especially in Marx's earlier writings on communism. As summarized by Allan Buchanan, Marx seems committed to the following thesis:

> "communist society — the society of autonomous, socially integrated individuals — will not be a society in which (general) conceptions or rights or justice play any significant or major role in structuring social relationships." (Buchanan, 1981, 162).

If it is implied by this Marxian view that communist society can do without rights and justice, it is contrary to my point of departure, that justice is a necessary condition of communism. And I reject the view, because it presupposes a degree of social harmony in which conflicts of interest are either absent, or are resolvable without recourse to socially recognized standards of mediation. If such

harmony is not assumed to exist in a communist society right from the start — as it is certainly not in the *Critique of the Gotha Programme* — then principles of justice, and conceptions of rights derived from them, will play an indispensable role in structuring social relations, not merely to help solving inevitable conflicts of interest, but to secure the conditions for the "free development of each". In asserting the indispensability of justice, then, I assume that in communism (at least up to a certain point), the free development of all persons requires enforceable, but mutually approved constraints on interactions that may be expected to lead towards the free development of some at the expense of that of others.

7. But what is 'free development'? Marx thinks of it as the unfolding of the person's capacities in society as the result of his, or her, autonomous expression of will, emotions and judgement. If this is what it is, egalitarian principles of justice can not aim at equalizing each person's actual development, or even each person's prospects of free development. To try and do so would be to negate the person's autonomy, if only because such equalizing inevitably would impose external standards of measurement on persons' unique development processes. Egalitarian justice thus must aim at equalizing the distribution of social means to the free development of individuals and leave them to do the developing at their own behest. As the passage from the *Critique of the Gotha Programme* quoted in section 6 shows, Marx was primarily concerned with equality of access to the 'conditions of production'.

But here it is important to distinguish between the *personal* and the *material* conditions of production, between labour power and means of production. In passing from capitalism to communism, the means of production are to be redistributed to the workers in the form of 'co-operative property', thereby abolishing private ownership in capital and land. This is the basis of the Equal Access Principle which I shall presently introduce. But first: what about the personal conditions of production? In the *Critique*, Marx is rather silent on this issue. The only statement bearing on it indirectly is that in communism — the "co-operative society based on common ownership of the means of production" — "producers do not exchange their products", so that "individual labour no longer exists in an indirect fashion", as in a capitalist market economy, but exists "directly as a component part of the total labour". (Marx, 1875, 567—8).

8. Are we to conclude from this that labour power must be

treated on a par with means of production, that it is commonly owned? Are we to take Marx's point that "nothing can pass to the ownership of individuals but means of consumption" (Marx, 1875, 568) literally and conclude that one's labour power is part of the co-operative property, right from the beginning, and is to remain part of it until death? As Radoslav Selucký has shown in his remarkably clear analysis of Marx's thought on economic organisation (Selucký, 1979) there is evidence that Marx indeed thought so, and also believed that a system of co-operative administration of labour would be possible without coercion of the producers. Perhaps this would be possible in a totally integrated society where the actions of individuals were co-ordinated by an 'invisible mind'. In any other case, however, to consider individual labour power as common property — which is something else than sharing the fruits of labour power's joint application — is to invite direct coercion of producers (democratic or otherwise) and the partial or total elimination of the person's freedom of movement, choice of profession, work and place of residence. In a society which guarantees equal access to the means of production, such restrictions on freedom are certainly not necessary in order to protect the free development of each. Labour power therefore needs to be owned individually; this implies that markets are not abolished in the just society. And although the private ownership of labour power can not be complete in all respects (for instance, no right to the full value of one's product is implied by it), it needs to be part of a general conception of equal citizens' rights, in which freedom of movement is joined to freedom of speech and political expression, protection of bodily integrity and equality before the law. Translated into the language of distributive justice, these equal citizens' rights amount to an *equal distribution of basic liberties*, which may be considered as the immaterial means for securing the free development of each.

It is hard to deny that this first principle of Marxian justice severely conflicts with two of the most well-known Marxian pronouncements on what communism is *not*, i.e. (1) a market society and (2) a society in which membership is defined dually, in terms of private contractors, pursuing their self-interest, and public citizens, subject to the State's regulations in the general interest. But I feel free to reject these Marxian strictures on communism as inessential. As Selucký has explained convincingly, Marx's dismissal of the market was partly motivated by undue optimism about the relative merits of non-market co-ordination (in its directly communal

and centrally planned varieties) and partly inspired by an unwarranted identification of unregulated capitalist markets with markets in general[4]. And Buchanan correctly notes how Marx similarly regarded citizens' rights as mere "boundary markers which separate competing egoists in circumstances of avoidable severe scarcity" (with "avoidability' presumably referring to artificial scarcities imposed by an unequal distribution of productive assets) (Buchanan, 1982, 163). The aptness of this boundary marker-image is shown by Marx's 1843 critique of the Declaration of the Rights of Man, from which the following passage is abstracted:

> "Far from the rights of man conceiving of man as a species-being, species-life itself, society, appears as a framework exterior to individuals, a limitation of their original self-sufficiency. The only bond that holds them together is natural necessity, need, and the private interest, the conservation of their property and egoistic person." (Marx, 1843, 54).

Marx here depicts citizens' rights as institutional expressions of bourgeois social alienation, from the point of view of an already fully liberated society, just as he later rejected the market as a vehicle of capitalist exploitation. But again, if communism initially takes men as they are, not as they might perhaps once become, there is a good reason for considering rights and markets from a less elevated vantage point, but within a wider social context.

9. We now discuss the second egalitarian principle of justice, the *Principle of Equal Access*, which deals with the material means to free development. As we have seen, Marx asserted that in communism, the material conditions of production would become the "co-operative property of the workers themselves". Two questions may be asked : (1) why only the workers? And (2) given that liberal ownership of capital and land is abolished, what types of individual rights to the co-operative property then exist?

The answer to the first question is that everyone is a potential worker, but no one is only a worker during all of his life. In fact it is question-begging to regard 'the workers themselves' as the sole class of property-holders. For this suggests, misleadingly, that property rights to the means of production become effective only after the individual has entered the production process, and has become a worker. Conditions of entry, however, are precisely part of the problem of equal access: we wish to know under what social

conditions individuals perform productive labour or other, non-productive, types of activity. The same point can be made in a different way. If the entire stock of productive resources (physical assets, scientific knowledge, technical information) is the object of commonly owned property — and this is Marx's point of departure — the concept of common ownership implies that the individuals share certain rights of use, management and usufruct. Now of course the fruits of jointly managed social capital are nothing else but the net social product: this is precisely Marx's point about the dependence of the 'relations of distribution' on the 'relations of production' (Marx, 1894, 882—3). If this is correct, there is no *a priori* reason to separate workers from non-workers in a general discussion of property rights to the social capital, unless it has been decided beforehand that no one shall have rights of usufruct who does not actually participate (or has participated) in the production process. Or, stated more bluntly, that those who do not work, shall not eat.

But this is precisely what Marx objects to when criticizing the Gotha Programme's phrase that 'the proceeds of labour belong undiminished with equal right to all members of society'. Marx asks:

> " 'to all members of society'? To those who do not work as well? What then remains of the 'undiminished proceeds of labour'? Only to those members of society who work? What then remains of the 'equal right' of all members of society?" (Marx, 1875, 566—567)

The conclusion is clear: equal access to the means of production extends to all individuals, whatever their productive status. And the property rights which express this equality cannot be reduced to producers' rights. This brings us to the second question about the types of property rights that emerge under the Equal Access Principle.

10. Referring back to what has been said earlier, the role of resource equality is to guarantee an equal distribution of the material means to free development. In my own (perhaps too radical) interpretation of Marx, this calls for a social recognition of three types of activity as equally valuable ways of spending one's time: productive work (which contributes directly to the social product), work of training and education, and the activity of free time, which Marx

describes as follows in *Grundrisse*

> ".....free time — both idle time and time for higher activity — has naturally transformed its possessor into a different subject, and he then enters the production process as this different subect." (Marx, 1857—8, 712).

On this radical interpretation, three kinds of property or access rights emerge, bearing on the use, usufruct and management aspects of joint capital ownership, respectively. The first two types are economic rights; the third type refers to political rights.

The first economic right consists of *free access to educational and productive processes*. Concerning training and education, each person is granted the right to receive (or arrange for receiving) opportunities to learn productively useful skills and acquire knowledge, in accordance with his talents and abilities, but subject to scarcity constraints which reflect the supply and demand for different types of labour power. Similarly with respect to productive work: each person has the right to perform productively, whether in the form of employment or self-employment (communism need not be a society of employees), but again subject to scarcity constraints reflected in wage rates, rents and terms of credit. Thus, no one is shut out from work, but no one can legitimately expect to be offered the work he likes best.

So far, the first type of economic right covers the use of social capital, considered exclusively from the input-side. But since the activities of work and training are seldom undertaken for their own sake — to suppose so would be to take an illegitimate advance on a fully developed communist society, as we shall see in section III — it must be known what entitlements to the output arise from these activities. In the case of skills, the 'producer', after completing the training, becomes the owner of the full value of the asset of skilled labour power and does not need to be remunerated over and above this. In the case of productive work, the producer receives a title to income for work performed, the amount of which need not be uniform, or centrally fixed. This income, however, will always be less than the full value of the output attributable to the producer's contribution. The difference is appropriated by the State (through wage, price and taxation policies) and is used for the financing of investment, collective consumption (health services, education, culture, defense, etc.) and cash transfers, in accordance with macro-

economic policies and under the constraints of the second economic right.

The second type of right entitles each person to an *unconditional minimum standard of free consumption*, to be distributed in the form of disposable income (i.e. a 'universal grant') and in-kind transfers. The minimum is meant to be sufficient for the satisfaction of the basic needs of persons outside of income-earning occupations, but it is distributed to all, irrespective of one's choice of activity. There is a fundamental difference between this right to the social minimum and contemporary social security or welfare payments. With the latter, the person's basic needs are taken care of by society only after he has demonstrated the inability to provide for himself by working, or by consuming private capital. With the former, the distinction between unwillingness and inability to work is obliterated, not because of some special "right to idleness", but because the income transfer in regarded as a right of usufruct to social capital, the amount of which is fixed by a standard of minimum need-satisfaction rather than by market criteria.

11. It is obvious that the two economic rights, if made institutionally effective, place definite constraints upon the distribution of the means of consumption. But it would be wrong to conclude that the distribution of income and free time is to be regulated by a fixed combination of normative principles. To be sure, the existence of conditional titles to producers' income and the unconditional title to the social minimum implies that contribution-based and needs-based distributive principles are recognized in a communist society. It hardly could be otherwise, since these principles, in various guises, have always been operative. Even in the most stringently capitalist society at least some income is redistributed according to needs, if only in the form of organized charity. Thus, what is characteristic about our theory of justice in this respect is not so much its recognition of these common principles of distribution, but rather the fact that contributions and needs are placed on an equal footing by giving them a foundation in the economic property rights of use and usufruct of social capital. And this is done without giving any detailed prescriptions about the way in which the various principles of contribution and need are to operate in either macro- or micro-situations. This very flexible approach to the distribution of income and leisure allows all the room there is needed for regulating people's incentives to undertake the three different types of activity in accordance with socially

desired goals.

It should be noted that our approach is not at all inconsistent with Marx's statement in the *Critique of the Gotha Programme* that in the first stage of the communist society "the right of the producers is proportional to the labour they supply" (Marx, 1875, 568). For Marx does not maintain that this version of the labour contribution principle (vague enough in itself) is the sole principle of income distribution, for he explicitly mentions the existence of large consumption funds for the satisfaction of common needs and the social provisioning of "those unable to work" (Marx, 1875, 567). And this is of course made possible by the proportionality clause in the labour contribution principle, which leaves room for the financing of collective consumption and for income transfers. Neither does Marx assert that the labour contribution principle is favored from the point of view of justice. If anything, he suggests the contrary, when remarking that the principle is stigmatized by a 'bourgeois limitation' because, regarding people only in their capacity as efficient producers, it allows differential incomes (*possibly* even differential wage rates) and is insensitive to considerations of need (Marx, 1875, 568—569). The labour contribution principle is thus seen by Marx as one of society's most important distributive devices, but he stipulates that its importance will decline progressively, and it will gradually make way for needs-based regulation (Marx, 1875, 569). Marx's discussion here should not be taken to imply a normative priority for the needs principle, at least not from the point of view of justice. As we shall see, the gradual supersession of contributions by needs can be interpreted as a consequence of increasing freedom. This shift is then not mandated by justice; it is rather a reflection of the free development of all individuals in society.

12. The relative indeterminacy of income distribution is connected to the following important property of our theory of Marxian justice: any distribution of income, leisure or working conditions that arises from within a system of just institutions (in which, by definition, the basic liberties and the economic and political rights are effectively secured) is a *procedurally just distribution*, whatever its structural shape or pattern may be.[5] As we have already noted, many distributions of social product and free time will be excluded as possible outcomes of this just institutional procedure (for instance distributions that violate the social minimum-constraint), but the point is that an infinite number of

distributive outcomes remain possible and our theory does not provide any criterion for favoring any of these outcomes: all are equally legitimate. This procedural nature of justice with respect to income and leisure is a necessary feature of the theory, in view of the third type of rights under the Equal Access Principle, which we now discuss very briefly.

The political rights are to be distinguished from the equal rights of citizenship, in that they express each person's *equal access to the management of the co-operative property, social capital.* These rights are political in the broad sense of extending to the management of resources within the economy's autonomous productive units (rights of self-management) and to the management of resources under control of the society's political decision-making and executive bodies on the community and national level (equal rights of political participation, based on majority rule, in directly governing or representative organs). A full elaboration of this part of the Equal Access Principle needs nothing less than a political theory of democracy, which I will not attempt to discuss in this paper.[6] It is sufficient to remark that such a theory must leave room for various types of democratic institutions in accordance with concrete societies' sizes, levels of economic devlopment, ethnical compositions and historical traditions.

The existence of the political access rights explains more fully why the distribution of income and leisure must be left to procedural justice. When people are effectively enabled to exercize their rights of managing the social capital under the constraints set by the two economic rights, then, whatever the composition of the social product turns out to be and whatever the structure of claims to income and consumption, it is the legitimate result of democratic choices. The determination of the social minimum, its subdivision in cash transfers and subsidies and its relative size within total income is one major example of such choice. But obviously not every item of expenditure and every income claim needs to be voted upon. For the democratic process also extends to the design of economic institutions and the choice of allocation mechanisms. Thus it can be expected that many decisions will be left to the market, although they may be directly or indirectly regulated by various instruments of economic and social policy. And once a viable set of just economic instutitions has been worked out, its distributive outcomes must be accepted as procedurally just. This is so merely because the theory of distributive justice contains *nothing else* but

a set of equal liberties and rights to resources serving the free development of individuals.

This point may be sharpened by considering what Marx finally says in the *Critique of the Gotha Programme*, about the distribution of the 'undiminished proceeds of labour': ".... what the producer is deprived of in his capacity as a private individual, benefits him directly and indirectly in his capacity as a member of society" (Marx, 1875, 567). We may interpret that as a general statement about the overall consequences of an egalitarian distribution of the 'conditions of production'. But again, the detailed structure of various benefits and burdens is left open to the individual choices and common decisions of rights-holders, and no additional constraints upon it are called for from the standpoint of Marxian justice.

13. The theory of justice presented so far has some advantages for dealing with questions concerning the ethical shortcomings of capitalism.[7] It is easily verified, for instance, that the economic rights of access and the political rights of self-management are violated in the pure capitalist economy described in *Capital*, because of unrestricted private ownership of assets. It is worth noting that even in a strictly hypothetical case of capitalism, where the sum of capital assets is supposed to be distributed equally among all individuals at the beginning (this is a weak form of equal access), the institution of private capital ownership together with differentials in talents, income-leisure and saving preferences and mere luck, could produce a substantially unequal capital distribution over time. Thus, without a continuing series of periodic re-distributions — which would effectively abolish private capital ownership — nothing much would remain of equal access after the initial period. One might say that such a one-shot equalisation of property rights, if actually carried out, would establish a procedural justification of all subsequent inequalities of access to material resources, provided that they were the result of rights-respecting transactions.[8] On our conception of Marxian justice, however, this kind of procedural justification fails, because the structure of distributive outcomes which is allowed by the one-shot equalizing scheme is not allowed to emerge from people's free interactions under the Equal Access Principle. That principle, therefore, is consistent with Marx's central thesis that it is capitalist property relations, rather than capitalist distributive practices, which ought to be abolished.

Our theory also provides an explanation of what, if anything, is

unjust about exploitation in capitalism.[9] In most discussions of Marxian exploitation, the standard definition of this elusive concept is that persons or groups are exploited if and only if they perform surplus labour for the benefit of others. And surplus labour may either be taken in a gross or a net sense, according to whether the labour content of the individual's income from work, or of his total income, is subtracted from the labour content of his product, respectively. From the point of view of Marxian justice, it is hard to see what is intrinsically wrong with gross surplus labour performance — what would, indeed, be wrong if all were to receive the full value of their average product, but only half of it in the form of labour income? Next consider net surplus labour.

On the Equal Access Principle, nothing is wrong about that either, as long as the distribution of individual net surplus labour accounts (positive or negative) is procedurally just. What this rules out, however, is an ethically more relevant, but stronger definition of Marxian exploitation, according to which an individual or group is exploited only when it is *forced* — either by political authority, economic necessity or systematic fraud — to perform net surplus labour for the benefit of others. In a just society, no one is forced, in any of these three ways, to perform surplus labour, because each has the feasible option of not working at all and living on the social minimum.

Exploitation, in this stronger sense, is obviously widespread in a pure capitalist society since private wealth is distributed very unequally and the relatively propertyless are forced to work by economic necessity. But because for the great majority of workers (even if they are skilled) the value of labour power is less than the value of their net product, they are thereby forced to perform surplus labour for the benefit of the capital-owners. Now on the Equal Access Principle, such exploitation is intrinsically wrong. Its existence constitutes a procedural injustice, i.e. a state of affairs violating the unconditional right to the social minimum and the political rights of access to the management of social capital (since the workers are unable to exercise influence on the destination of the surplus product) which is due to capitalist property relations. Involuntary unemployment is likewise a case of procedural injustice, a violation of the equal rights of access to social capital caused by the same property relations (note that we are considering pure capitalism here, not its modern Keynesian variety). Both exploitation and involuntary unemployment are procedurally unjust, because the

individual — who is a worker in the first case and a non-worker in the second — is compelled to accept income-leisure allotments which it would wish to avoid, and could avoid, under a system of just institutions. Thus, to sum up: the moral wrongness of exploitation and involuntary unemployment resides not in the fact that individuals perform surplus labour, or remain outside of the production process, respectively, but in the fact that they are forced to do so as a result of being denied rights of access to which they are morally entitled.

14. The preceding discussion leads us to an important sense in which the just society described by our theory is *classless*. With the replacement of private capital ownership by institutions that secure the basic liberties of citizens and the rights of equal access, every individual is equally situated with respect to the material conditions of production, whether it chooses to work or not and irrespective of the amount of its labour income. And as a consequence of this equality, none are vulnerable to exploitation or involuntary unemployment. Such a society is classless, in the sense that it has eliminated the major inequalities in development chances stemming from monopolisation of access to the society's capital stock. I believe that Marx regarded classlessness in exactly this sense as an essential pre-condition of individual freedom.

In conclusion of this section on justice it is perhaps worth repeating that Marxian justice, as I have presented it here, is by no means a sufficient condition of freedom. And one major reason of insufficiency may be that Marx's notion of classlessness is perhaps too weak for securing social equality with respect to all relevant means for the free development of each. Too weak, because it ignores the fact that in a just society, inequalities in people's actual chances of free development are allowed to persist, inequalities which can be structurally linked to irremovable inequalities in health, useful talents, learning capacities and psychological aptitudes. In highly advanced economies where the key to success increasingly turns upon the capacity to process information and 're-tool' specialized skills and knowledge, differential talents and abilities to take good advantage of access to the educational system may generate sharp result-inequalities (such as throwing weekly talented and less active persons back onto the social minimum, because they can find no atrractive jobs to perform). Roemer (1982) analyzes this under the heading of 'skill exploitation', pointing out that it may lead to new types of class division, a possibility further analyzed by

Wright (1984). 'Skill exploitation', clearly, is not banished by our Marxian theory of justice, but it may be considered as socially divisive, undermining of self-respect and therefore detrimental to the achievement of the free development of all.

III. The Marxian ideal of Freedom

15. The preceding discussion of communism in terms of just institutions might be taken as an endorsement of Rawls's opening sentence in *A Theory of Justice:* "Justice is the first virtue of social institutions, as truth is of systems of thought" (Rawls, 1971, 3). However, unlike Rawls's deeply liberal view on the plurality of 'conceptions of the good', the project of Marxian socialism is motivated by a specific ideal of freedom, in which freedom is understood, from the point of view of the human species, as the highest non-moral good. We have argued how a society that satisfies the two principles of justice meets a necessary precondition for the realisation of Marxian freedom (it perhaps also enables the fulfillment of other ideals of freedom, but that is not the point here). In this minimal sense — which is not the one intended by Rawls — justice is the first virtue of social institutions, from a Marxian perspective.

Certainly, Marx himself would never have put it in this way. For him, to realize its freedom is the innermost essence of the human species. However, it is always possible for a species to fail to realize its essence, or barring that, to realize it at an excruciatingly slow pace. So even granting the truth of Marx's vision, one would — if not content with global inevitabilities — have to seek for conditions conducive to the emancipatory process, at the level of individual species-members, living in societies. And at that level, Marx's ideal of freedom, as I interpret it, consists of three interlocking components:

(1) Freedom of mankind as a whole is represented by the *level of productive development* of its most advanced societies.

(2) The prerequisite for the freedom of all individuals is a classless society, in the above-discussed sense: each person is *equally situated with respect to access to the material conditions of production.* If one so wishes, one might consider this aspect of the Marxian ideal as a kind of negative freedom (e.g. "freedom from want", "freedom from exploitation") I have chosen to interpret it as distributive justice.

As the moment in history where the degree of freedom attained by mankind enables the prerequisite of individual freedom to be satisfied durably and continuously (and according to our theory this moment *precedes* the socialist revolution) the principles of justice become historically relevant. At that moment, an exploitative and unjust organisation of production is no longer necessary. If, and for so long as injustice persists, the third component of Marxian freedom is not yet on the agenda. But in a just society, a gradual and long term development is possible towards freedom in a third sense, in which each person becomes the master of his own time:

(3) At the limit, the freedom of each member of the species consists in the *individualisation of the "economy of time"*.

10. In the remainder of this section I shall elaborate on this third component of Marxian freedom. It will be useful to do so in straightforwardly economistic terms. Individual freedom, then, has two major dimensions. These can be identified by reference to Marx's well known distinction, in *Capital*, vol. III, between the 'realm of necessity' and the 'realm of freedom' (Marx, 1894, 820). The first dimension is defined as the ratio of the average person's time spent in the realm of necessity (which is simply: paid time in contributing to value added), to the time spent in the realm of freedom, i.e. outside of the production process. The higher this ratio, the more freedom there is along this dimension. The reason why this is so is explained in *Grundrisse*, where Marx remarks that activities contributing to the social product "obtain their measure from the outside". (Marx, 1857-8, 611) For example, work performed in the making of cheese, or ball-bearings, is guided by the social demand for these products and by the objective, imposed from the supply-side, to produce maximum quality at minimum cost. The co-ordination of efforts required to meet these external criteria imposes a discipline on the worker, an 'economy of time', which is not of his own making — however he may agree and even identify with the social purpose served by the activity. In contrast, the activities belonging to the realm of freedom — for Marx, the creative expression of self via the utilisation of disposable wealth in time outside of the productive unit — are guided by objectives that are posited immediately by the individuals themselves, either on their own, or together with freely chosen associates.[10].

The second dimension of freedom is internal to the realm of

necessity. Here, as Marx states, freedom can only consist in the rational interchange, by the producers, with Nature and achieved with the least expenditure of energy and "under conditions most favorable to, and worthy of, their human nature". The last part of this sentence is crucial: the measure of individual freedom is not to be found in the productivity of labour (an aspect belonging to the freedom of mankind as a whole) but in the average quality of paid work itself. The criteria of work quality are to be found partly in the practices of free time-activity: they thus involve a loosening of organisational discipline, increased variation of tasks and a more flexible division of labour within productive units. The third dimension of individual freedom, finally, is the average amount of consumption (collective and private) which is put at the disposal of persons for use in their free time.

Now a simultaneous increase of freedom along these three dimensions is possible in an economically advanced society which is able to sustain a substantial rate of productivity growth, while at the same time improving the organisation of labour. But this development will only occur if people have democratically decided to pursue cosumption-augmenting and labour-reducing long term growth policies. Consistent adoption of such policies will then be reflected in the society's pattern of income distribution. Here, the increase of individual freedom can be measured by the rise in the ratio of the part of net social product which is distributed according to needs, to the part earned in return for productive contributions.

The more labour time is reduced in the average person's budget of available time, the lesser the net rate of producers' income required to elicit the socially desired volume of labour-time will be. And the more the relative disutility of that same work is reduced by quality improvements, the less goods will the workers wish to receive in return for their efforts. Thus, a progressively larger share of the social product can be distributed in the form of grants according to needs.[11]

At the — presumably unreachable — limit of this process the dimensions of individual freedom come together. The trend towards abolition of necessary labour converges with that towards the obliteration of the difference between work and free time, and the two realms are fused into one at levels of consumption which allow the articulation and satisfaction of new and more varied needs. At this moving end-point, the economy of time is at once fully individualized and fully socialized. Labour — now understood as

undifferentiated purposeful activity of all-round individuals living in circumstances of relative abundance — has become "life's prime want". And finally, society has inscribed on its banners 'From each according to his capacities, to each according to his needs" (Marx, 1875, 569).

17. To conclude: in connection with freedom, the problem of a Marxian theory of justice mainly consists in describing necessary conditions under which a social transition embodying Marx's ideal of freedom can take place. This problem can in principle be solved by a theory based upon the two principles of Equal Liberty and Equal Access to the material conditions of production. Such a theory expresses the (or at least some very important) features of the classless society, which Marx regards as a prerequisite of the transition. And its procedural nature with respect to distribution of income and leisure preserves institutional flexibility, thereby allowing room for endogeneous movements of the just economic system along the three dimensions of individual freedom. But the fact remains that the instoration of just social relations can never provide a guarantee that the ideal of freedom will be measurably realized within a reasonable timespan. To think otherwise — as Marx perhaps did — is to neglect an important point about freedom: if it is there for the taking, to take it is still a matter of free choice.

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NOTES

[1] This debate is part of the general literature on Marx and morality, which has a long history; see Nielsen's 'Introduction' in Nielsen and Patten, eds., 1981. The debate was revived in recent Anglo-American philosophy, due mainly to Allen Wood's forceful presentation of Marx's critique of justice (Wood, 1972), which sharpens an earlier statement by Robert Tucker (1963). Much of the relevant contributions are contained in the readers edited by Cohen, Nagel and Scanlon (1980) and Nielsen and Patten (1981), the latter also contains an extensive bibliography on Marx and Morality. See further: (Dahrendorf, 1952), (Moore, 1980), (Van der Veen, 1978), (Levine, 1982), (Lukes, 1982), (Elster, 1983).

[2] This position is re-stated in Wood (1984).

[3]This idea is copied from Rawls, who writes: "For us, the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions, I understand the political constitution and the principal economic and social arrangements." (Rawls, 1971, 7).

[4]Selucky, 1979, Part One.

[5]This kind of procedural justice has a formal similarity to Nozick's entitlement theory of 'justice in holdings' (Nozick, 1974, ch. 7), though it obviously does not share Nozick's value judgements on the moral rights from which entitlements are to be derived. A generalization of the entitlement theory of justice is presented in van der Veen and Van Parijs, 1985.

[6]This has also been stressed in Brus, 1975, ch. 2, in a lucid comment on Oskar Lange's definition of 'socialist ownership'.

[7]Or, in fact, the shortcomings of any sufficiently advanced societies, some of which may be social democratic welfare states, or variants of 'really existing socialism'. See Nuti, 1981.

[8]This type of procedural justification, based on an initially equal distribution of property in capital assets, was mentioned in Arneson's (1981) analysis of "original accumulation". It is extensively discussed, as "the clean path to capitalist accumulation", in Roemer, 1983.

[9]My findings are related to (though recognizably different from) those in Roemer's (1982) analysis of 'capitalist exploitation' (Roemer, 1982, part III). For other explanations of what is morally wrong with exploitation, see Arneson, 1981 and Elster, 1983.

[10]For further elaboration, see van der Veen, 1981.

[11]This idea is presented formally in van der Veen and Van Parijs, 1984.

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