Philosophica 33, 1984 (1), pp. 33–86. 

# THE CONTROVERSY ABOUT MARX AND JUSTICE

*Norman Geras*

In this essay I review a fast growing sector of the current literature on Marx and the controversy that has fuelled its growth. During the last decade or so, the keen interest within moral and political philosophy in the concept of justice has left its mark on the philosophical discussion of his work. It has left it in the shape of the question: did Marx himself condemn capitalism as unjust ? There are those who have argued energetically that he did not, and as many who are equally insistent that he did — a straightforward enough division, despite some differences of approach on either side of it. To prevent misunderstanding, it is worth underlining at the outset that the question being addressed is not that of whether Marx did indeed *condemn* capitalism, as opposed just to analysing, describing, explaining its nature and tendencies. All parties to this dispute agree that he did, agree in other words that there is some such normative dimension to his thought, and frankly, I do not think the denial of it worth taking seriously any longer. The question is the more specific one: does Marx condemn capitalism in the light of any principle of *justice ?*

I shall survey the case for thinking he does not and the case for thinking that he does; the textual evidence adduced and supporting argument put forth on behalf of each. Given the extent of the literature being surveyed — some three dozen items (all but one of which have appeared since 1970; and incidentally, of largely, indeed overwhelmingly, North American provenance, twenty-one of the twenty-four authors cited here either writing or hailing from that continent) — each case as I present it is a kind of composite. No one of its proponents necessarily makes use of all the texts and arguments I shall enumerate and they sometimes emphasize or formulate differently those that they do use in common. Still, I

give what I hope is an accurate overall map of this dispute, before going on to venture my own judgment on it. The main body of the essay falls, therefore, into three parts. First, I review the texts and arguments put forward by those who deny that Marx condemned capitalism as unjust. Second, I review the texts and arguments put forward by those who claim he did so condemn it. I try in these two sections to present each case broadly as made, with a minimum of critical comment. Third, I then offer some conclusions, and argument in support of them.[1]

Before getting under way, however, there is one indispensable preliminary and that is to sketch briefly a part of the theoretical background to this debate, the general lines of Marx's account of capitalist exploitation. One may speak for this purpose of the 'two faces' of it distinguishable in the wage relation. The first and more benign of them is seen in the sphere of circulation, where there is according to Marx an exchange of equivalent values, wages on the one side for labour-power on the other. The workers sell their commodity — the capacity to work — and from the capitalist they receive in exchange, in the form of wages, the value of the commodity they sell, which is to say the value of what goes into producing it, of the things workers consume by way of their historically defined subsistence. What they receive from the capitalist, Marx goes out of his way to insist, is the full equivalent in value of what they sell and so involves no cheating. The second and uglier face of the relationship now shows itself, however, in the sphere of production. Here the workers, whose labour is itself the source of the value that commodities contain, will have to work longer than the time which is necessary to reproduce the value of their own labour-power, longer than is necessary to replace the value of the wage they have received. They will perform, that is to say, surplus labour, and the surplus-value they create thereby will be appropriated by the capitalist as profit. Labour-power in operation creates a value greater than the value labour-power itself embodies and is sold for. The two faces by turns reveal their contrasting features across the pages of *Capital*, complementary aspects of the wage relation: in the sphere of circulation, an equal exchange freely contracted; in the sphere of production, the compulsion to labour some hours without reward.

This, then, is the character of capitalist exploitation. Does Marx think it unjust ?

*I. Marx Against Justice*

(i) A first and, on the face of it, compelling piece of evidence against supposing so is that he actually says it is not. Once the purchase of labour-power has been effected, according to Marx, this commodity belongs to the capitalist as of right, and so therefore does its use and so do the products of its use.[2] Or, expressed from the worker's point of view, 'As soon as his labour actually begins, it has already ceased to belong to him'.[3] The capitalist, Marx says in the passage most often referred to in this connection, has paid for the value of labour-power, and the fact that the use of the latter now creates a greater value, this 'is a piece of good luck for the buyer, but by no means an injustice towards the seller'.[4] Similarly:

> 'The fact that this particular commodity, labour-power, possesses the peculiar use-value of supplying labour, and therefore of creating value, cannot affect the general law of commodity production. If, therefore, the amount of value advanced in wages is not merely found again in the product, but augmented by a surplus-value, this is not because the seller has been defrauded, for he has really received the value of his commodity, it is due solely to the fact that this commodity has been used up by the buyer.'[5]

(ii) Consistently with this denial that the wage relation is unjust, Marx also rails against socialists who want for their part to appeal to considerations of justice. The best known occasion is his polemic, in *Critique of the Gotha Programme*, against the notion of a fair distribution of the proceeds of labour. 'What is "a fair distribution"?' he asks pointedly.

> 'Do not the bourgeois assert that the present-day distribution is "fair"? And is it not, in fact, the only "fair" distribution on the basis of the present-day mode of production? Are economic relations regulated by legal conceptions or do not, on the contrary, legal relations arise from economic ones? Have not also the socialist sectarians the most varied notions about "fair" distribution?'

Shortly afterwards, he refers to such notions as 'obsolete verbal rubbish' and 'ideological nonsense about right and other trash so

common among the democrats and French Socialists' — the gist of all of which seems clear enough.[6] Again, in a letter of 1877, he writes contemptuously of 'a whole gang of half-mature students and super-wise diplomaed doctors who want to give socialism a "higher, idealistic" orientation, that is to say, to replace its materialistic basis (which demands serious objective study from anyone who tries to use it) by modern mythology with its goddesses of Justice, Liberty, Equality, and Fraternity'.[7] On the one occasion when Marx himself makes use of some phrases about rights and justice — in his Inaugural Address to, and Preamble to the Rules of, the First International — he explains carefully in a letter to Engels: 'I was obliged to insert two phrases about "duty" and "right" into the Preamble to the Rules, ditto about "truth, morality and justice", but these are placed in such a way that they can do no harm.'[8]

(iii) What motivates the above polemics, as well as Marx's denial of any injustice in the wage relation, is perhaps already evident. It is what is suggested to many, including those whose interpretation we are presently rehearsing, by another formulation from *Critique of the Gotha Programme*; namely, that 'Right can never be higher than the economic structure of society and its cultural development conditioned thereby'.[9] Standards of justice, this may be taken to mean, are relative or internal to specific historical modes of production. It is not merely that they are generated by these — that juridical relations and the 'forms of social consciousness' corresponding to them 'originate in the material conditions of life'.[10] — but that, in addition, they are only applicable to and valid for them. The only principles of justice which are appropriate to judging a particular mode of production are those that in fact 'correspond' to it, that are functional to sustaining and legitimating it. In the words of another much quoted passage:

> 'It is nonsense for Gilbart to speak of natural justice in this connection [interest payment on loans — NG]. The justice of transactions between agents of production consists in the fact that these transactions arise from the relations of production as their natural consequence. The legal forms in which these economic transactions appear as voluntary actions of the participants, as the expressions of their common will and as contracts that can be enforced on the parties concerned by the power of the state, are mere forms that cannot themselves determine this content. They simply express it. The content

> is just so long as it corresponds to the mode of production and is adequate to it. It is unjust as soon as it contradicts it. Slavery, on the basis of the capitalist mode of production, is unjust; so is cheating on the quality of commodities.'[11]

Now, if by relativism in this regard we understand a conception in which what is just is simply a matter of subjective viewpoint, then Marx's conception may be said not to be a relativist one. It has, on the contrary, a firmly objective basis, since it construes the standards of justice appropriate to any society as being so by virtue of the real social function they perform.[12] It remains relativist, however, in the different sense of tying every principle of justice to a specific mode of production in the way described, and thus rendering each such principle unfit to provide a basis for trans-historical judgment. On this account of things, there cannot be an independent standard of justice, external to capitalism, yet appropriate to assessing it. There can be no principle transcending historical epochs and in the light of which Marx would have been able to condemn capitalism as unjust.

(iv) We can put the same point in another way. Moral norms and notions come within the compass of Marx's theory of ideology. Not only, therefore, do ideas about justice, but so does morality more generally, belong to the superstructure of any social formation. As *The German Ideology* has it, 'Morality, religion, metaphysics, and all the rest of ideology as well as the forms of consciousness corresponding to these, thus no longer retain the semblance of independence'.[13] It is not consistent with his views on ideology that Marx should have found capitalist society to be unjust by reference to historically quite general norms of justice.[14]

(v) Justice being an essentially distributive value, it is argued furthermore, to attribute to Marx a concern with it is to inflect his critique of capitalism in a direction he explicitly repudiated and leads to a reformist conclusion he did not accept. For it focuses attention too narrowly on the distribution of income and the differentials within it: on the share of the social product received by the workers, the inadequate level of their remuneration. And it suggests that their exploitation might be eliminated by alteration and regulation of this sphere, in other words, merely by reforms in the distribution of income. As we know, however, for Marx exploitation is in the very nature of capitalism, integral to its relations of production on which the distribution of income largely depends. His

preoccupation is with this more fundamental issue of the production relations and the need for a thoroughgoing revolution in them. As important as they are, reforms in the matter of wage levels simply cannot lead to the abolition of exploitation.[15] So, Marx chides the authors of the Gotha Programme with having made a fuss about 'so-called *distribution*'. The distribution of 'the means of consumption' cannot be treated independently of the mode of production.[16] So too, in *Wages, Price and Profit*, he speaks of 'that false and superficial radicalism that accepts premises and tries to evade conclusions', and he goes on: 'To clamour for *equal or even equitable retribution* on the basis of the wages system is the same as to clamour for *freedom* on the basis of the slavery system. What you think just or equitable is out of the question. The question is: What is necessary and unavoidable with a given system of production ?' Later in the same work Marx proclaims, 'Instead of the *conservative* motto, "*A fair day's wage for a fair day's work !*" they [the workers — NG] ought to inscribe on their banner the *revolutionary* watchword, "*Abolition of the wages system !*" '[17]

(vi) The focus on distributive justice, some say, is also reformist in another way. It leads back from Marx's materialist enterprise of seeking the real revolutionary tendencies which will overturn the capitalist order to projects of moral enlightenment and legal reform. As one commentator puts this, it 'directs attention toward confused abstract ideals of justice and away from concrete revolutionary goals'.[18] The line of thought here is that for Marx it is a form of idealism to believe historical progress occurs through a change for the better in people's moral or juridical ideas. Such a change is secondary, derivative of the transformations in society's production relations. What counts, therefore, is to identify the actual historical tendencies that make for this sort of transformation and the social forces and movements at work that are capable of consummating it. Relative to this materialist task, a critique of capitalism in the name of justice represents a retreat — just equipping the would-be revolutionary, determined and passionate as may be, 'to deliver the keynote address at the next Democratic Convention'.[19]

(vii) Principles of justice are, in any case, precisely *juridical* principles. As such, they have their place within that whole institutional apparatus of state, law, sanctions and so on, by which obligatory modes of conduct are imposed upon the members of a social order. According to Marx, however, a communist society will not have this sort of apparatus. The state here withers away.

Communism as envisaged by him cannot then be seen as realizing a juridical principle like one of distributive justice, as conforming to and institutionalizing this where capitalism is to be criticized for violating it.[20]

(viii) A communist society as Marx envisages it, indeed, is a society beyond justice. That is the claim of the commentators whose case we are presenting and the main textual authority for it is the same section from *Critique of the Gotha Programme* we have already cited, in which Marx speaks his mind about 'fair distribution' and about 'right'. For, in that context, he also anticipates two sorts of distributional criterion for the different phases of a post-capitalist society and discusses them in a way these commentators take to prove their point. For convenience, I refer hereafter to the two principles involved as, respectively, the *contribution principle* and the *needs principle*. The former will apply, Marx thinks, during an earlier period of emergent communism, 'still stamped with the birth marks of the old society'. After some necessary deductions from the total social product have been made — for infrastructural and similar social purposes and the provision of public goods — each individual will receive from it, by way of means of personal consumption, an amount in proportion to his or her labour contribution. Each will be rewarded, therefore, according to an equal standard, constitutive of a situation of 'equal right'. But this is an equal right, Marx says, 'still constantly stigmatized by a bourgeois limitation'. Though it no longer permits class differences or privileges, nevertheless by measuring people solely according to their labour contribution, it allows those relatively well endowed, whether with physical or with intellectual ability, to benefit from the greater contribution they can thereby make, and it entails, conversely, for those with relatively large needs or responsibilities, greater burdens and disadvantages than others will have to bear:

> '*It is, therefore, a right of inequality, in its content, like every right.* Right by its very nature can consist only in the application of an equal standard; but unequal individuals (and they would not be different individuals if they were not unequal) are measurable only by an equal standard in so far as they are brought under an equal point of view, are taken from one *definite* side only, for instance, in the present case, are regarded *only as workers* and nothing more is seen in them, everything else being ignored.'

Such a one-sided approach, so to speak levelling the complex individuality of persons, is unavoidable, Marx holds, in the initial stage of communism. Only in a later period will it be possible to implement the needs principle, better able, this, to match each person's individuality:

> 'In a higher phase of communist society, after the enslaving subordination of the individual to the division of labour, and therewith also the antithesis between mental and physical labour, has vanished; after labour has become not only a means of life but life's prime want; after the productive forces have also increased with the all-round development of the individual, and all the springs of co-operative wealth flow more abundantly — only then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its barrers: From each according to his ability, to each according to his needs !'[21]

Now it is argued in the light of these passages that the needs principle — which I shall render henceforth: 'From each according to their ability, to each according to their needs !' — is not a principle of distributive justice, and that in the higher phase of communism Marx speaks of, the very circumstances, of scarcity and conflict, that make such principles necessary will no longer exist. The formula is not intended by him as a principle of justice, so the argument goes, since it is clear here that he regards principles of justice, and concepts of rights associated with them, as inadequate by their nature, unable in their generality and formalism, indeed unable owing to their egalitarianism, to take account of the specific individuality of each person. The needs principle is not such a general or formal rule, because it does not subsume people under any equal standard or point of view but takes them in their specificity and variety. It is not, some even suggest, a prescriptive principle at all but simply a description of how things will eventually be. When Marx talks, therefore, of 'the narrow horizon of bourgeois right' being crossed, we must take him to mean that it is considerations of rights and justice as such that are transcended and left behind; 'to mean, not merely that there will be no more *bourgeois* right, but that there will be no more *Recht*, no more legal and moral rules'.[22] This possibility is based upon the hypothesis of a progressive disappearance of those conditions which create the need for codes of rights and norms of distributive justice.

It is predicated, that is, on the elimination of scarcity and of other sources of human conflict, or at least on their diminution to a point of insignificance. With increasing material productivity yielding an abundance of resources, with less selfish, more sympathetic and generous interpersonal attitudes and qualities; with more harmonious and co-operative relationships all round – what from Hume to Rawls have been perceived as 'the circumstances of justice' will be present no more. If Marx sees this communist society as being 'higher' than all preceding social forms, then obviously, given what has gone before, this cannot mean he regards it as *more just*. No, it is higher according to some other standard of value.[23]

(ix) For – finally. in our review of this side of the argument – Marx *is* committed to certain other values. As was made clear at the very beginning, no one here is denying that he condemned capitalism, and he did so in the light precisely of values other than justice: the most commonly mentioned in this connection being freedom; but also self-realization, well-being and community.[24] Unlike norms of justice, it is held, such values are not wholly relative or internal to historically specific modes of production and so are able to serve as universal criteria of judgment. There is a subordinate dispute, 'on this side of the line' as it were, as to whether they are themselves also *moral* values or are, rather, values of a different, non-moral sort, but I shall ignore that issue as of secondary significance, in view of the position I take in the last section of this essay on the principal issue of disagreement.

## *II. Marx For Justice*

(i) If Marx sees no injustice or fraud in the wage paid by the capitalist to the labourer, then that is because these two, as he insists, exchange fully equivalent values. However, it is only in the narrow and preliminary perspective of the circulation process (so says our second group of interpreters in reply) that he does treat the wage relation as an exchange of equivalents. Only within the sphere of exchange itself, where commodities are bought and sold, and only in accordance with the criteria internal to it, with the law of value which governs the purchase and sale of commodities, does Marx depict the relation in that way. Once he moves forward, the wage contract behind him, to deal with the surplus labour that must be rendered by the worker to the capitalist within the production process, and once he sets this individual relationship in its broader

class context, with the capitalist class facing the workers and exploiting them repeatedly and continuously, he goes on to represent the wage relation as *not* in fact an exchange of equivalents, not a genuine exchange at all. That the capitalist advances anything in exchange for labour-power, let alone something of an equivalent value, this, Marx now says, is 'only illusory' and a 'mere semblance' or 'form'.[25] It is an 'appearance', a 'mere pretence'.[26] There is no true equivalence in the exchange, for the worker must perform more labour than that which is necessary to replace the value of the wage, and thus Marx speaks of the suprlus labour involved as done 'gratis' for the capitalist and as 'uncompensated', or often calls it simply 'unpaid labour'.[27] And the exchange is only an apparent one anyway since the capitalist just contributes to it what has been appropriated — gratis ! — from the product of the labour of other workers. As Marx puts it in *Capital* :

> 'The exchange of equivalents, the original operation with which we started, is now turned round in such a way that there is only an apparent exchange, since, firstly, the capital which is exchanged for labour-power is itself merely a portion of the product of the labour of others which has been appropriated without an equivalent, and, secondly, this capital must not only be replaced by its producer, the worker, but replaced together with an added surplus. The relation of exchange between capitalist and worker becomes a mere semblance belonging only to the process of circulation, it becomes a mere form, which is alien to the content of the transaction itself, and merely mystifies it. The constant sale and purchase of labour-power is the form; the content is the constant appropriation by the capitalist, without equivalent, of a portion of the labour of others which has already been objectified, and his repeated exchange of this labour for a greater quantity of the living labour of others.'[28]

There is a parallel to be noted here between Marx's treatment of the apparent equivalence in the wage contract and his treatment of the freedom the worker enjoys in choosing to enter that contract. For the worker may appear to do this quite voluntarily and the sphere of circulaton to be, therefore, 'a very Eden of the innate rights of man... the exclusive realm of Freedom, Equality, Property and Bentham'.[29] But the reality is different and, again, not so

benign: 'the "free" worker', Marx writes, 'makes a voluntary agreement, i.e. is compelled by social conditions to sell the whole of his active life, his very capacity for labour', and 'the period of time for which he is free to sell his labour-power is the period of time for which he is forced to sell it'.[30] As, in the one case, unilateral appropriation of the labour of others is the reality behind an appearance of equal exchange, so in the other, compulsion is the real content of the appearance of voluntary contract:

> 'capital... pumps out a certain specific quantum of surplus labour from the direct producers or workers, surplus labour that it receives without an equivalent and which by its very nature always remains forced labour, however much it might appear as the result of free contractual agreement.'[31]

The supposed justice *of* the wage relation is comparable, then, to the worker's freedom *in* it. It is an appearance whose real content or essence is a radically different one. It is asserted by Marx provisionally and in the context only of the circulation process where capitalist and worker treat with one another exclusively as individuals, but is then revealed in due course as mere appearance, within the overall perspective of the relations of, and in, production, a perspective this, by contrast, of the relationship of class to class.[32]

(ii) But if Marx, so to speak, takes back his assertion of an equivalence in this matter, does he also clearly take back his denial that there is any injustice involved ? Does he say in fact, and in defiance of his own strictures of other socialists, that the real and exploitative content of the wage relation is *unjust* or is in violation of anyone's *rights ?* In so many words he does not, but in effect — this case continues — he does. For he often talks of the capitalist's appropriation of surplus-value in terms of 'robbery', 'theft' and the like, which is tantamount to saying that the capitalist has no right to appropriate it and that his doing so is, therefore, indeed wrongful or unjust. Thus, referring in one place to the surplus product as 'the tribute annually exacted from the working class by the capitalist class', Marx goes on :

> 'Even if the latter uses a portion of that tribute to purchase the additional labour-power at its full price, so that equivalent is exchanged for equivalent, the whole thing still remains the age-old activity of the conqueror, who buys commodities from the

conquered with the money he has stolen from them.'[33]

That is not a maverick usage on Marx's part. On the contrary. He also speaks of the annual surplus product 'embezzled from the English workers without any equivalent being given in return', and he says that 'all progress in capitalist agriculture is a progress in the art, not only of robbing the worker, but of robbing the soil'.[34] He refers to 'the booty pumped out of the workers' and 'the total surplus-value extorted... the common booty' and 'the loot of other people's labour'.[35] The prospective abolition of capitalist property he describes as 'the expropriation of a few usurpers'.[36] And the wealth produced under capitalism, he says, is based on the 'theft of alien labour time'.[37] Now it is perfectly possible, of course, to use the language of robbery without intending, for one's own part, any charge of injustice and wrong. One may mean by it simply to invoke, and not to endorse, some prevailing or conventional standard of rightful ownership. Thus, Robin Hood stole from the rich to help the poor, and so forth. But the whole point here is that according to Marx, as should be clear enough by now, exploitation is not robbery by prevailing and conventional standards, wrong by the norms of capitalist society. This point has been well put by Jerry Cohen: 'since... Marx did not think that by capitalist criteria the capitalist steals, and since he did think he steals, he must have meant that he steals in some appropriately non-relativist sense. And since to steal is, in general, wrongly to take what rightly belongs to another, to steal is to commit an injustice, and a system which is "based on theft" is based on injustice."[38]

Some see it as significant, moreover, that in his discussion of primitive capitalist accumulation in the concluding part of the first volume of *Capital*, Marx should have emphasized, amongst other violent and bloody methods, the robbery that marked this process too -- robbery of 'all their own means of production' from the direct producers, theft of the common lands from the people.[39] Not right and labour, as in the idyll of political economy, but 'In actual history... conquest, enslavement, robbery, murder, in short force, play the greatest part'.[40] This actual history may not be decisive from a purely theoretical point of view, since one could envisage a capitalism with clean origins or at least with cleaner origins than these, and it is capitalism in general, and by its very nature, that falls foul of Marx's charge of wrong, irrespective of how salubrious or otherwise its origins. Nevertheless, if he highlighted the robbery

that actually occurred, he did so in order to draw attention to capitalism's unjust historical foundation. And since the context of this condemnation is precisely a transition period between modes of production, it shows surely, against what is argued on the other side, that not every standard of justice was, for him, internal to a particular mode of production.[41]

(iii) From what Marx says about capitalist robbery, therefore, we can infer a commitment to independent and transcendent standards of justice, and further evidence of the same thing is provided by his way of characterizing the two principles of distribution that he anticipates for post-capitalist society. I shall come presently — at II (viii) — to the interpretation of the second of them, the needs principle, that responds to what we have seen the other group of commentators aver about it. Of import here is that, and how, Marx ranks these principles relative both to what precedes them historically and to one another. The contribution principle, by which distribution of consumption goods is based exclusively on the labour one has done, he explicitly calls an 'advance'. This principle — where 'no one can give anything except his labour, and... nothing can pass to the ownership of individuals except individual means of consumption' — is a superior one, then, to the norms of capitalist distribution. But on the other hand, because, as was earlier explained, it takes no account either of differential individual endowment or of differential needs, Marx says also that it possesses 'defects' relative to the needs principle which will eventually replace it, so that we must take the needs principle as being a yet superior one. He proposes, in other words, a hierarchy of distributive principles, and as they are not ranked by him according to any extrinsic standard of value, it is a reasonable supposition that he simply sees some principles as fairer or more just than others intrinsically, on a trans-historical standard of justice.[42]

(iv) Marx's seemingly relativist statements in this area are not, in fact, what many have taken them to be. They are statements not of moral relativism but rather, as we may call this, of moral realism. That standards of right are, for him, sociologically grounded or determined means that the norms people believe in and live by will be powerfully influenced by the nature of their society, their class position in it, and so on. It means, more particularly, that what standards of right can actually be implemented effectively and secured — this is constrained by the economic structure and resources of the given society. It does not mean that the standards

to be used in evaluating or assessing a society must necessarily also be constrained by the same economic configuration; that the only valid criteria of assessment are those actually prevalent, those harmonious with the mode of production.[43] Marx's assertion that right cannot be 'higher than the economic structure' is a case in point. Its context makes clear that it is a realist, not a relativist, one. He first speaks of the contribution principle as an advance over capitalism, then explains why it is defective nonetheless, and says that the defects are inevitable, however, during the first phase of communism. Then he makes the statement in question and says, immediately afterwards, that the different conditions of a higher phase of communism will permit the implementation of the needs principle. Implanted in this context, Marx's statement is plausibly one concerning the real prerequisites of achieving progressively higher or more advanced standards of right. It is obviously not a statement that there can be no higher or lower in this matter on account of each such standard being relative to its appropriate economic structure.[44]

(v) There is nothing at all either reformist or contrary to the cast of Marx's thought, it is argued in addition, about a preoccupation with distribution as such. He does object to any too restricted a focus upon the social *division of income*, but that is because he sees the latter as more or less a consequence of the relations of production, and it is both politically misguided and theoretically senseless to condemn the necessary effects of a cause which is itself left uncriticized. On any broader view of distribution, however, Marx is clearly concerned with it: with the distribution of free time, of opportunities for fulfilling activity, of unpleasant or rebarbative work; with the distribution of welfare more generally, of social and economic benefits and burdens. And he is concerned, in particular and above all, with the distribution of productive resources, on which according to him this wider distribution depends. That is clear even in the passage of *Critique of the Gotha Programme* from which his putative anti-distributive orientation is usually derived. For, insisting that the distribution of means of consumption cannot be viewed as independent of the mode of production, Marx speaks of the mode of production as itself a kind of — more basic — distribution: 'the distribution of the conditions of production'.[45] His belittling of the 'fuss' about distribution, therefore, is aimed at distribution too narrowly construed and not in general. His own attention to the production relations is precisely

a preoccupation with distribution, with for him the most fundamental one of all, namely that of the means of production, and as such this preoccupation is revolutionary *par excellence.*[46]

(vi) Equally, there is nothing inherently reformist or idealist, from Marx's point of view, in criticism of capitalism by appeal to ethical norms or ideals, like justice. True, if such is the sole and self-sufficient, or even the principal, burden of a critical discussion of capitalism, then he does find it so wanting, but while clearly inadequate for him as an impulse to, or instrumentality of, revolutionary change, moral criticism and argument are in no way incompatible with the sort of materialist analysis -- of the real historical tendencies towards revolution — that he sees as indispensable. In conjunction with that analysis, and with the actual movement and the struggles of the workers against capitalism, and with the social and economic transformations which these struggles and other developments bring about, a normative critique is perfectly in place and the denial of this just a form of what is called economism. Moral censure and justification are certainly the accompaniment of, and arguably they are a relatively independent contribution to, processes constituting the human agency of revolutionary change, the formation of a desire and a consciousness for socialism.[47]

(vii) So, whatever else may be the force of categorizing principles of justice and right as juridical ones, the categorization is unacceptably narrow if it is meant to bind them indissolubly to the existence of law, in a strict and positivist sense. They are, of course, as Marx knew well, standardly embodied in legal codes, backed up by the apparatus of enforcement that is a part of the state. However, such principles can be too, in the first instance, simply ethical ones concerning what is and what is not a morally defensible distribution of goods and bads; and it is possible to conceive their realization without the paraphernalia of state coercion. If these points do not make a juridical conception, then Marx had, or he *also* had, a non-juridical conception of justice.[48]

(viii) That is what the principle, 'From each according to their ability, to each according to their needs!', amounts to. It is in substance a principle of distributive justice even if its attainment is envisaged together with the death of the state. There are some differences worth noting in the way this is argued, amongst the writers whose interpretation is being outlined, but the common ground is that, whether knowingly or not, Marx retains a notion of

rights even for the higher phase of communism. Severe as his *Critique of the Gotha Programme* may be about a certain sort of formalism exemplified by the contribution principle, the strictures there do not finish by disposing of all types of right, or of general rules as such. They simply reveal, in effect, what rights and rules Marx finds morally inadequate. As one commentator has written, 'it is only the horizon of bourgeois right, not that of rights *überhaupt*, that is superseded in the transition to the higher stage'.[49] The general rule, indeed, marked down for this higher stage is the fulfilment of individual needs, and the right that it generalizes a right, amongst other things, to the means of personal development or self-realization. Its complement (expressed in the first half of the famous slogan) is that each person makes an effort commensurate with her or his abilities, in taking on a share of the common tasks. If they succeed, these standards, in making good the defects of the principle they supplant — which, sensitive only to the magnitude of labour contribution, gives out larger rewards to greater capabilities and talents — this is not because they are free of either the generality or the prescriptive force characteristic of rights. It is only because Marx obviously regards need and effort as morally more appropriate, in a word *fairer*, criteria of distribution than individual endowment. Why else should he say of the contribution principle that 'it tacitly recognizes unequal individual endowment and thus productive capacity as natural privileges',[50] whilst looking forward to the implementation of the needs principle, quite happy therefore to countenance its recognition of unequal need, forgoing with respect to this any such talk of privilege ? The element of plain good fortune in the possession of great or exceptional abilities he clearly does not see as meriting any larger reward than is inherent in the very exercise and enjoyment of them. That Marx himself thinks of the needs principle as less formalistic, or more concrete, than the one it supplants, more exactly attuned, morally speaking, to the specific individuality of each person, does not for all that undo its generality as a normative principle.

Now, it is just because of the idea of its greater responsiveness to the specificity of every individual that some of the writers who view the needs principle, along the above lines, as a standard of right and justice, agree nevertheless, with those who reject that view, that it is not a principle of equality: under it, different individuals are accepted as being, by definition, unequal individuals.[51] Others — a majority — of these writers, however, do not agree. Marx must be

understood, they think, as proposing, in place of a false equality, a truer or a better one. For, the sole charge laid by him, by way of its aforesaid 'defects', against the contribution principle, is in essence that it yields unjustifiable inequalities, unequal rewards based on differences in individual ability that are for him of no moral relevance. What Marx foresees in its stead is equality not in the sense of a right to equivalent rewards for equivalent amounts of labour, nor yet in the sense of the right of each person to exactly the same things or to an identical share of social wealth; it is, rather, an equality of self-realization — everyone's right, equally, to the means of his or her own.[52] As for the prospect of an eventual abundance of resources, this is either not discussed at all here or else, acknowledged as the precondition of giving effect to the needs principle, obviously not thought incompatible with construing the latter as a principle of distributive justice. Only one writer explicitly — though another perhaps implicitly — treats the assumption of unconditional abundance as a problematic one.[53]

(ix) The claim, finally, that Marx's condemnation of capitalism rests on values such as freedom and self-actualization, though not on any conception of justice, involves an inconsistent usage of his texts. Whether these other values are said themselves to constitute an ethic ('of freedom') or morality ('of emancipation'), or are regarded, on the contrary, as being non-moral goods,[54] it makes no difference in this matter; the claim sets up a distinction in his thought between two sorts of values; on the one hand, those — to do with rights and justice — necessarily dependent on and relative to historically particular social formations and hence unsuitable for the revolutionary criticism of them; on the other hand, those — like freedom and self-realization — not so dependent or relative and apt consequently for critical use. The distinction is unfounded. To the extent that Marx does postulate an ideological limitation or relativity of values, his theory of ideology is perfectly general in its reach, encompassing every sort of normative concept and not only ideas about justice. Sociology of normative belief in attempting to explain the historical bases of different values, it is consistent, however, with his also making evaluative judgments of universal range on his own behalf. Marx does, of course, condemn capitalism for its unfreedom, oppression, coercion, but so does he in substance condemn it for its injustice. And just as, conversely, he does indeed identify principles of justice that are internal to and functional for the capitalist mode of production, so also does he identify conceptions

of freedom and of self-development historically relative in exactly the same way.[55] To take account only of texts in which he does the first is in the circumstances exegetically arbitrary.[56]

*III. Marx Against Marx*

In the face of two so opposed construals of a single author's meaning, each apparently supported by a plethora of both direct citation of, and inferential reasoning from, his works, it is probably as well to begin by posing, point-blank, the question of whether a definitive resolution of this issue is possible by reference only to the letter of Marx's texts. I think there are reasons for doubting that it is. I shall mention two such, at any rate, one a consideration of a general kind, the other a more specific doctrinal point.

The first is that Marx was not a moral philosopher and there is more than likely to be some incoherence in what he gives out on these matters. To say he was no moral philosopher actually understates the relevant point. For, it is not just that he was primarily something else, scientific historian, critic of political economy, theoretician of proletarian revolution, or what have you, but in any case mere non-practitioner of moral philosophy and neutrally disposed towards it. It is that Marx, as is well known, was quite impatient and dismissive of overt theoretical reflection about normative questions, condescending only rarely to engage in it himself. He was hostile, not neutral, towards the explicit elaboration of socialist ethical theory, disdained in this area the kind of rigorous examination of problems and concepts he so insisted upon elsewhere. At the same time, and despite this, like just about everyone else he was given to the use of moral judgment. Normative viewpoints lie upon, or just beneath the surface of, his writings, and they lie there abundantly, albeit in an unsystematic form. This being so, some, perhaps even major, inconsistency here on his part is not to be excluded. The details of our two antithetical interpretations do at least suggest the possibility of it.

The second reason needs more extended exposition. It concerns what I should like to call the 'dialectical play' indulged in by Marx as to whether or not the wage relation constitutes an exchange of equivalents. Does it ? The answer is: yes and no. Viewed as an exchange of commodities in the market, it does. The capitalist pays for the value of labour-power; the worker gives this commodity and receives, in exchange, a wage of equal value. But, viewed as a relation

in production, the wage relation is not an exchange of equivalents. For, here the worker has still to give something: not in the sense of selling it, since the sale has already been concluded, but in the sense of personal effort; and this personal effort is the substance of a value that is larger than the value of the wage. The same thing can be expressed in other terms. Does the accumulation of value and capital which takes place result from labour that is the capitalist's ? Yes and no. The labour which is its source belongs to the capitalist, for it has been bought and paid for; but it is not the labour of his (more rarely, her) own body, not the sweat of his (or her) brow. It is, if you like, labour that the capitalist owns but not the capitalist's own labour. Now, there is nothing mysterious about all this (leave alone whether the theory of value that it depends on is defensible) — it is spelled out plainly by Marx himself and careful readers of *Capital* have no trouble grasping it. Considered from one point of view, the wage relation is an exchange of equivalents and the accumulation of capital due only to the use of what is the capitalist's. Considered from another point of view, the wage relation is not an exchange of equivalents and the accumulation of capital is due to the labour of the worker. The two points of view are simply that, two different angles of vision on a single phenomenon. They depend on two different senses of what counts as an exchange of equivalents. They are in no way contradictory, but mutually consistent parts of the doctrine that labour is the source and substance of all value: that labour-power, sold for what it is worth as a commodity, in operation creates something that is worth more.

Which of them, however, is the appropriate point of view in the present context, the controversy about Marx and justice ? Those according to whom he sees no injustice in the wage relation privilege the first, that there is an exchange of equivalents. Many (not all) of those according to whom he does regard the wage relation as unjust privilege the second, that there is not. Each side says, in effect, '*This* point of view is the only one relevant to the question of whether or not capitalism is for him unjust'.[57] But what of Marx himself ? Well, Marx has it both ways, and that is at least one root of the difficulty. Note, here, that the problem is *not* that he affirms both points of view. As has just been said, they are mutually consistent parts of one doctrine. The problem is that he equivocates as to which of them is the one relevant to the moral question, so that it is legitimate in a way for each side to claim, about the two different perspectives: Marx *really* means us to adopt this one. For,

he does say that, so far as justice is at issue, all that matters is that equal values are exchanged, in accordance with the laws of commodity production, and he thereby legitimates the view of one side in this dispute. But then, by a piece of dialectical wizardry in Chapter 24 of the first volume of *Capital*, he has these same laws turning into their very opposite. In his own words, 'the laws of appropriation or of private property, laws based on the production and circulation of commodities, become changed into their direct opposite through their own internal and inexorable dialectic'. He speaks here, similarly, of the occurrence of a 'dialectical inversion'. The exchange of equivalents has now become, accordingly, only apparent, not an exchange of equivalents — in fact theft. A passage from the *Grundrisse* tells us, in the same vein, that 'the right of property undergoes a dialectical inversion, so that on the side of capital it becomes the right to an alien product'.[58] If the laws of commodity production and exchange have actually turned into their opposite, then that legitimates the view of the other side in this dispute as well, that, when all is said and done, there is no genuine equivalence or reciprocity here.

But this turning into opposites is just a logical trick, or more generously perhaps — though that point stands — the enjoyment of intellectual paradox and surprise. It is a game with the two different senses of equivalence. Nothing, in fact, changes into its opposite in this matter. Everything persists. In so far as the laws of commodity production require that equal values be exchanged in the market, they are, and this remains so when labour-power is sold as a commodity. And in so far as these laws allow that labour-pouwer may indeed be sold as a commodity, being itself alienable, they allow *ab initio* a relation other than, but consistent with, equal exchange in the market, a relation in which the capitalist uses the worker to reap a profit over the wage, while the worker for her or his part simply works, just giving the portion of value that the other just takes. The right of property involved is always a right of persons to use what they own, thus what they have paid the value of in exchange, and it is, consistently with that, always a right to profit from the labour of others. Both the equivalence or reciprocity and the lack of it are there from beginning to end. Marx knows all this -- it is, after all, his own theory — and he says as much even in expounding the 'dialectical inversion'. But, as is so often the way with it, the dialectic here only muddies the water. A thing cannot be its opposite. If the wage relation is an exchange of equivalents and just, then that, final-

ly, is what it is, and this can be maintained, even to the point of extreme stubbornness,[59] in the face of Marx clearly speaking otherwise. But if it does indeed turn into its direct opposite, then it is not, finally, an exchange of equivalents or just, and therefore Marx cannot really mean what he says when he says that it is. The confusion amongst his commentators is a fruit, then, of his own: of his prevarication over which perspective, equivalence or non-equivalence, really counts for this purpose; of the consequent willingness and ability to assert, to all appearances in his own voice, both that the wage relation is not unjust and that it is theft. There are other and perhaps more important causes of Marx's confusion, causes I shall come to shortly. But the path is certainly smoothed for it by his use in this context of the language of the dialectic.

In view of these considerations, any attempt to resolve the central issue in dispute must bring with it some measure of reconstruction beyond mere exegesis, and I will contend for my own part that the most cogent such reconstruction broadly vindicates those who say Marx did think capitalism unjust. It gives them the better of this argument. The enterprise requires that one be as faithful as possible to the spirit of all the pertinent texts, both those already adduced on each side and others to be cited in what follows. One should not deny the elements of confusion and inconsistency in them, a common though not a universal temptation in this debate. Rather, acknowledging their presence there, one should seek to make the best sense that can be made of them. A reconstruction along these lines, however, broadly vindicates the view that Marx thought capitalism unjust, because it is better able to explain the apparent evidence to the contrary than are those who gainsay that he did able to explain what speaks against them. The issue turns, in my opinion, on two questions. Each of them is sorely embarrassing to the case I shall henceforth here oppose, and neither has elicited a satisfactory response from its proponents. On the principle that a good test of any intellectual position is the answers it has to the strongest questions that can be put against it, the view that Marx did not condemn capitalism as unjust must be judged to be uncompelling, for all the passages from his work seemingly in its favour. I shall, in any case, now take the two crucial questions in turn, interposing between them, though, what I think needs to be conceded on account of those passages. First, I endorse the claim, against inadequate attempts to explain such talk of his away, that in characterizing exploitation as robbery, Marx was impugning the

justice of it. Second, I qualify this claim in the light of his own disavowal of a critique of capitalism in the name of justice. Third, I argue that the counter-claim, that his real critique was, instead, one on behalf of freedom and self-actualization, bears within it a fatal logical flaw; probed, this reveals, at the heart of his very critique on behalf of these other values, a concern for distributive justice.

Why then, firstly, does Marx use 'robbery' and cognate terms in describing the realities of capitalism, unless it is because he thinks them unjust ? The force of this question is not lost on those who deny that he thinks so and, in general, they do not flinch from responding to it.[60] Nor are they short of suggested answers. On the contrary, they offer, between them, a surprisingly large number. I shall set down their suggestions here. (1) In some of the usages in question, Marx has in mind the theft, not of surplus-value, but of the worker's health or time. (2) As regards the robbery involved in particular in the primitive accumulation of capital, this has the 'straightforward' sense that some people took what did not belong to them: wrong, therefore, according to prevailing standards of rightful ownership, it does not necessarily entail a charge of injustice on Marx's own part. (3) Similarly, but with regard now to capitalist exploitation in general, this is robbery only on bourgeois society's own conceptions of justice, and not by any standard that he himself entertains. At any rate, '[i]t appears that' the passages under discussion can be accounted for in this way. (4) Marx's model here might be a relationship of more or less regular plunder, as of a conquering from a conquered people, and in that case 'it is not so clear that' the robbery is unjust, since, being regular, such plunder must be based on existing material possibilities, hence correspond to the given mode of production, and if it corresponds to the mode of production, then it is, we know, just, on Marx's conception of justice. (5) His talk of theft and the like is aimed in fact at the disguised coercion, or merely at the coercion, whether disguised or open, rather than at the injustice of capitalist exploitation. (6) Or it is 'rhetoric pure and simple', 'Marx... speaking figuratively', or 'speaking falsely', misrepresenting his own view of things. (7) In any event, it simply cannot be taken as levelling a charge of injustice on the basis of a principle that transcends capitalism, for Marx's views on ideology prohibit him from doing that.[61]

The secret of these attempted explanations is discovered in the last of them. It might be thought that the plurality of their number testifies to the soundness and security of the interpretation of Marx

they are deployed to defend, able to throw so much against a potentially damaging criticism. But it only testifies, in fact, to the feebleness of each one. If the texts themselves pointed to some strong and obvious explanation, then the authors of the above suggestions might have been expected to converge on it. In the absence of this, they do the best they can, each in his own particular way. The first three suggestions merit some detailed individual comment. Briefer and more generalized treatment then disposes of the rest of them.

As to (1), Marx does sometimes say that capital robs the workers of their time and health, or that it 'usurps' these things.[62] But, with respect to the passages in dispute in this debate, that accounts only partially for one or two of them, as open-minded readers may satisfy themselves. The main point of these passages is the theft of surplus labour and surplus-value. More importantly, even where it is time and health that is the point, does not this, as one commentator has observed, 'show *at least* that on Marx's view capitalist production essentially involves the theft of the worker's time and health, and is for *that* reason unjust ?'[63] As for (2), the argument has some logical force but is for all that wanting. That is, it is possible that, in speaking of the robbery that marked the dawn of capitalist society, Marx meant only to register the violation of pre-existing property rights and not himself to condemn it; to record a wrong by the then prevailing standards rather than injustice by his own. Abstractly considered, therefore, the circumstance that he was dealing with a transition between modes of production does not in itself conclusively prove that he subscribed to some trans-historical principle of justice. He might simply have been speaking relative to positive property rights.[64] But what tells us that this abstract possibility is a fact — that Marx in reality did mean what he possibly might have meant ? Nothing does, absolutely nothing in the relevant texts. On the contrary, the passion of his treatment of primitive accumulation indicates the opposite, that his description of this process is also a denunciation of the brutal methods it involved. We are offered no reason here for thinking that his talk of robbery was not intended in his own name — unless inconsistency with the view that he did not consider capitalism to be unjust can itself be counted as such a reason. The argument, in other words, is merely an explanation of convenience. It responds to a need that must be met if that view is to be sustained, and has no independent textual foundation.

The same goes for the argument — (3) — that, in calling capitalist exploitation 'robbery', Marx implicitly invokes standards of justice internal to capitalism and records an injustice relative only to these. Since he never says explicitly that exploitation is unjust, whether by standards internal to capitalism or by standards external to it, how do we know that such is the burden of the robbery passages ? We do not. It just 'appears that' they can be accounted for in that way. What appears, however, to others is Marx himself simply saying that the capitalist robs the worker, and as the passages themselves give not so much as a hint of any appeal to someone else's norms of justice, saying it in his own right. It is again, not the texts, but the needs of the interpretation that are the real foundation of the argument. I shall disgress briefly to point out that the latter is part of a subordinate difference amongst those who concur that Marx does not himself view capitalism as unjust. Some of them claim that he does, at least, see it as unjust by its own criteria.[65] It is true that he seeks to expose an ideology of bourgeois society according to which the worker receives full recompense for all the value his or her labour-power creates. The worker, Marx holds, receives the equivalent only of some of that value, of a part of it equal to the value of labour-power itself. However, this is all that the capitalist is required to pay according to the laws of commodity production and exchange, and it is these which Marx plainly takes as the real standard of bourgeois right in this matter. If, therefore, the ideology is a deception or hypocrisy, the relation between capitalist and worker still satisfies what are for him the sole effective juridical norms of capitalist exchange.[66] So the claim is unconvincing. But, convincing or not, it makes no difference: it cannot establish that when he terms exploitation, repeatedly — without qualification — 'robbery', 'theft', 'embezzlement', and surplus-value 'loot' or 'booty', and capitalists 'usurpers', this does not imply that, right or wrong by bourgeois society's standards, exploitation is an injustice by Marx's own lights. It cannot establish it save via the pure presumption that exploitation cannot be that, on account of other things he says, which is the presumption generating speculation as to what else these usages might mean.

And this is the crux of it all. What we have here are precisely *ad hoc* and speculative attempts to explain away material that embarrasses the interpretation of Marx these writers favour. They are speculative attempts because there is nothing in the robbery passages themselves, or in their context, to confirm that they in

fact have the character attributed to them in the explanations suggested. Detailed consideration of the remainder of these would involve unwarranted repetition. (7) just *asserts* that the talk of robbery cannot carry a charge of injustice, on the basis of this presumption of consistency. Doubtless on the same basis, (6) equally, and very conveniently, just discounts such talk as rhetoric and self-misrepresentation. (5) is a quite arbitrary displacement; 'robbery' has a meaning distinct from 'coercion' and we are given no reason to believe either that Marx was ignorant of the distinction or that he chose to overlook it. And the tautological inadequacy of (4) is manifest. It tells us in essence, albeit with a tentativeness surely due to its own inadequacy, that 'it is not so clear that' Marx regards this particular form of robbery as unjust, because we know that it is for him *not* unjust if it corresponds, as regular plunder necessarily would, to the prevailing mode of production. But the question remains, why then does he characterize it as robbery? This attempt at a response, like all the others, is just based on a kind of exegetical double-counting: there must be some such explanation as these, for we already *know* that Marx says capitalist exploitation is not unjust and so he cannot *really* mean robbery. One can just as well reason, as others in effect do: we *know* he thinks exploitation is robbery, so he cannot *really* mean it is not unjust. Either way the reasoning begets a forced and conjectural reading of some passages from Marx's work, a reading strained against the evidence internal to them.

The assumption of some consistency is, of course, a rational principle of textual interpretation. Where an author's work reveals the clear commitment to a certain intellectual position and we nevertheless find there also some few formulations which seem to contradict that, interpretative charity demands that we should enquire whether the inconsistency is not merely an apparent one or seek some other way of explaining the formulations in question. Elsewhere, for example, I have myself argued that Marx obviously did have a concept of 'human nature' and that the one lonely — and ambiguous — passage which has encouraged many to believe otherwise is susceptible to such treatment and must be given it. The same applies to a single phrase, concerning 'uninterrupted revolution', in Lenin's writings before 1917, a phrase often used to denature the sense of his conception of the Russian revolution up to that year.[67] However, the assumption of consistency has its limits. It cannot be absolute. Otherwise, one will simply presume complete theoretical coherence

where it may be lacking. When not just one or a few formulations, but a whole body of formulations, arguments, concepts, stands in the way of one of a thinker's putative intellectual commitments, then an assumption of full consistency is no longer either rational or justified. The whole of section II of this essay, and the literature there summarized, is testimony to the fact that this is the case with respect to Marx's disavowal of any critique of capitalist injustice. In such circumstances, the argument that he cannot have held one viewpoint because to have done so would have been inconsistent with another he affirmed, is not a good one.

In the absence, therefore, of any convincing answer to the question, why Marx should have called exploitation 'robbery' if not because he considered it unjust, one must accept the most natural reading of the passages where he so characterizes it, which is that he did consider it unjust. To treat exploitation as theft is to treat the appropriation of surplus-value and, with it, capitalist property rights as wrongs. That such was Marx's view of things, however, is a claim that has to be qualified — and this brings me to the second part of my argument. For one can no more wish away the material that is troubling to this claim than one can Marx's talk of robbery. He does explicitly deny that there is injustice in the relationship between capitalist and worker, eschews and derides any appeal on behalf of socialism to the language of rights or justice, and appears more generally to underwrite a conception wherein standards of justice are merely relative to each mode of production. Some commentators have been tempted to propose that it is in fact this sort of material which is not to be taken at face value: that his denial of any injustice in the wage relation is made 'tongue-in-cheek' or with satirical, 'ironic' intent; that he means by it to say simply — this is what is called or what is taken to be just, or this is what is just by capitalist criteria, or this is a mere appearance of justice inasmuch as the exchange to which it relates is itself a mere appearance; and that, correspondingly, the object of his impatience with socialist appeals to notions of what is just or fair is only the rhetoric of justice and not its substance.[68] In other words Marx, on these proposals, is either not speaking literally and seriously here or not speaking in his own voice. As I have already intimated, I think the temptation to have recourse to this kind of explanation is mistaken. It gives us a mirror-image of the procedure of those who would explain away Marx's assertions of robbery, just switching from one side of the intellectual profile to the other the values of what he

means literally and what he does not; conveniently discounting, exactly as do writers of the opposite viewpoint, what cannot readily be accommodated within the interpretation proffered: in the present case, not the charge of theft but rather the relativizing discourse about justice.

But the procedure is equally unconvincing with respect to this. On internal textual evidence Marx speaks in these matters both seriously and for himself. It is true, to be sure, that it is on criteria internal to capitalism that his judgment of the equity of the wage relation is based. But then, according to the *only* direct and explicit statements Marx makes concerning justice, it is precisely and solely such internal and, thus, relative criteria that are relevant to deciding what is just and what is not. If the relation is just by capitalist standards, it is also just on the only explicit conception of justice that Marx himself puts forward. There is at any rate no conscious irony involved — if one does not, in the manner I have criticized, simply presume that there *must* be, given other things we know. So far as his own intentions are concerned, Marx has to be taken as meaning both that the wage contract is not unjust according to the appropriate, internal, bourgeois standards and — therefore ! — that it is not unjust according to him, that is, according to the relativist definition of justice to which he expressly commits himself. From this it should be clear that I do not believe it possible plausibly to dispose of all of what I have termed his relativizing discourse by representing it as only apparently that and really something else. It may be true of some of his statements standardly read as relativist ones that they are not. The argument, in particular, that the proposition, 'Right can never be higher than the economic structure of society', signifies rather a sober moral realism, seems to me from the details of the proposition's context to be a cogent one, in any case no less plausible than the common relativist interpretation of these words. More generally, such a sense of or care for moral realism is unquestionably an important dimension of Marx's thought, thereby also of the problem under discussion, and it is one to which I shall later advert. All the same, I think it idle to hope to liquidate, by appeal either to this or to other considerations, what is at the very least a strong tendency on his part, one that pervades his mature writings, whatever else be may *also* do or say inconsistently with it; a tendency to relativize the status of norms and values, and whose most incontrovertible manifestation is the treatment of these as ideological, hence superstructural and merely derivative, without

independent validity or trans-historical reach.

Is there, then, no way of resolving the conflict between Marx's explicit statements that are the product and reflection of this tendency and his implicit charge that capitalism is unjust, borne by, amongst other things, his usage of the terminology of robbery ? I believe there is, although what I propose has itself an air of paradox about it. Not only is it perfectly coherent, however it is the virtually mandatory conclusion in the light of all the relevant textual evidence. The proposal is: Marx did think capitalism was unjust but he did not think he thought so.[69] This is because in so far as he indeed thought directly about and formulated any opinion concerning justice, which he did only intermittently, he expressed himself as subscribing to an extremely narrow conception of it. The conception was narrow in two respects: associating justice, firstly, in more or less legal positivist fashion, with prevailing or conventional juridical norms, the standards internal to each social order; and associating it, secondly, with the distribution of consumption goods or, as this relates to capitalism, the distribution of income, and hence with a too partial focus upon the process of exchange in the market. This double association is manifest in the material cited at I (i) through I (v) above and it is obvious why on the basis of it Marx should have treated the wage contract as not unjust and justice as not a revolutionary notion. But it is these two conceptual associations that are, along with the 'dialectical inversion' discussed earlier, the source of his confusion.[70]

For neither of them is obligatory in estimating the justice of a society, which is to say that there are alternative and broader conceptions of distributive justice than they define. One way consider what is proper in virtue of a supposed set of *moral*, rather than legal or conventional, rights or entitlements — the rational content of notions of natural right — and one may also take account, in doing so, of the distribution of advantages and disadvantages quite generally, including here consequently the distribution of control over productive resources. And that is exactly what Marx does and does frequently, even if the concept, 'justice', is not expressly present to his mind and under his pen when he does it. Not compelled by the aforementioned conceptual associations, we can legitimately say, therefore, that inasmuch as he obviously finds the distribution of benefits and burdens under capitalism morally objectionable, impugning the capitalist's right to the best of it, he does think capitalism is unjust. Implicit in his work is a broader

conception of justice than the one he actually formulates, notwithstanding the fact that he never himself identifies it as being such. This is not a question of simply imputing to Marx something alien to his own ways of thought. On the contrary, it is *he* who clearly, albeit *malgré lui*, challenges the moral propriety of the distributive patterns typical of capitalism — distribution in this context, mark you, taken in its widest sense — and that he does not realize what he is doing in challenging it, precisely criticizing capitalism as unjust, is merely a confusion on his part about the potential scope of the concept of justice and thus neither here nor there so far as the substance of the issue is concerned. The challenge, by its nature, cannot be anything else than a critique of injustice. We have seen this with respect to the matter of robbery: to say that that is what capitalists are engaged in just *is*, so long as one has no well-founded alternative explanation of its meaning, to question their right to what they appropriate and so the justice of that appropriation. We may now go on to adduce further confirmation of the resolution of this controversy I have here proposed, by examining how things stand with — the third matter for discussion previously signalled — Marx's commitment to the values of freedom and self-development.

It is this commitment, remember, that is urged upon us, by those who deny his attachment to considerations of justice, as being the real basis of his condemnation of capitalism. But such a delineation of putative alternatives is a false one, as immediately becomes clear if we proceed to put the second of the two questions I have said are embarrassing to the case these writers make. Whose freedom and self-development or self-realization are at issue ? The answer to this question, Marx's answer, is — tendentially evertbody's. Tendentially, because of course for Marx universal freedom can only come through class struggle, the dictatorship of the proletariat, a transitional economic formation and so on, in the course of which there should be, certainly, a progressive enlargement of freedom and of opportunities for individual self-realization, but only over time and in the face of social and also material obstacles. Everybody's, however, because it is after all a universal freedom and self-development that he both envisages and looks forward to at the end of the line. And this is to say that it is the distribution and not just the extent of these, not just the aggregate quantity so to speak, that matters to him. Communist society is a better society in Marx's eyes and capitalism condemned by him at least partly because of the way in which the former makes such 'goods' available to all where

the latter allots them unevenly and grossly so. His concern with distribution in the broad sense, in other words, takes in the very values said to distance him from any preoccupation with justice, so that these do not in truth supply the foundation of a separate and alternative critique of capitalism. His critique in the light of freedom and self-actualization, on the contary, is *itself* in part a critique in the light of a conception of distributive justice, and though it is so in part only, since there is also an aggregative aspect involved, Marx clearly believing that communism will provide greater freedoms overall than has any preceding social form,[71] the identity is none the less real or important for all that.

Considering, indeed, this point's logical centrality to the whole controversy, it is surprising how little discussion there has been of it in the literature here being reviewed. For it vitiates a claim quite fundamental to the 'anti-justice' interpretation. That Marx does care about distribution broadly construed has, as I have made clear, been effectively argued by opponents of this. But the theoretical hole, the incoherence, in the interpretation that is revealed once the goods themselves of freedom and self-development are seen to fall within the scope of this distributive concern of his is something noted by few commentators and then only fleetingly, in passing.[72] In any event, the distributive dimension of Marx's treatment of these values may now be documented. I cite material relevant both to the distribution of advantages and disadvantages in general and to the distribution of freedom and self-development in particular.

In *The German Ideology*, Marx refers to the proletariat as 'a class ... which has to bear all the burdens of society without enjoying its advantages'. One sort of advantage he has in mind is evident from the following, in the same work:

> 'All emancipation carried through hitherto has been based... on restricted productive forces. The production which these productive forces could provide was insufficient for the whole of society and made development possible only if some persons satisfied their needs at the expense of others, and therefore some — the minority — obtained the monopoly of development, while others — the majority — owing to the constant struggle to satisfy their most essential needs, were for the time being (i.e., until the creation of new revolutionary productive forces) excluded from any development.'[73]

This disparity is also registered in the later, economic writings. Marx speaks on one occasion, for example, of 'the contradiction between those who have to work too much and those who are idlers' and of its projected disappearance with the end of capitalism.[74] Amplifying the point in *Capital* itself, he writes :

> 'The intensity and productivity of labour being given, the part of the social working day necessarily taken up with material production is shorter and, as a consequence, the time at society's disposal for the free intellectual and social activity of the individual is greater, in proportion as work is more and more evenly divided among all the able-bodied members of society, and a particular social stratum is more and more deprived of the ability to shift the burden of labour (which is a necessity imposed by nature) from its own shoulders to those of another social stratum. The absolute minimum limit to the shortening of the working day is, from this point of view, the universality of labour. In capitalist society, free time is produced for one class by the conversion of the whole lifetime of the masses into labour-time.'[75]

Some readers will think they detect, in Marx's way of putting things here, the signs of a definite evaluative attitude to the distributive imbalance he describes, and they will be right to think so. Lest it be said, however, that this thought is just prompted by their, and my, own intellectual predilections, not by anything Marx himself says, we can point to other passages of the same general type, in which a charge of moral wrong is not merely signalled obliquely but there black on white. Thus, speaking, in a famous summary paragraph, of the cumulative processes of capitalist development, Marx says *inter alia* :

> 'Along with the constant decrease in the number of capitalist magnates, who usurp and monopolize all the advantages of this process of transformation, the mass of misery, oppression, slavery, degradation and exploitation grows.'[76]

Note: the capitalists not only monopolize all advantages, they also *usurp* them, which is just to say that they have no right to what they monopolize. And included under this rubric of the usurpation of advantages is, once again, self-development; in the *Grundrisse*

Marx writes:

> 'Since all *free time* is time for free development, the capitalist usurps the *free time* created by the workers for society.'[77]

So, the distribution of advantages, amongst them free time and free development, and also, conversely, of burdens, is morally illegitimate, and this entails a commitment to some more acceptable, some fairer, distribution of both the first and the second.

That such indeed is what Marx is committed to, another and a better standard of distributive justice than prevails under capitalism, is also brought out clearly in a passage from the third volume of *Capital*, concerning capitalism's 'civilizing' mission. He states first:

> 'It is one of the civilizing aspects of capital that it extorts this surplus labour in a manner and in conditions that are more advantageous to social relations and to the creation of elements for a new and higher formation than was the case under the earlier forms of slavery, serfdom, etc.'

Then, proceeding to elaborate on this statement, Marx says immediately after it:

> 'Thus on the one hand it leads towards a stage at which compulsion and the monopolization of social development (with its material and intellectual advantages) by one section of society at the expense of another disappears.'[78]

It could not be more direct. The social formation in prospect is 'higher', and it is higher in part because compulsion disappears, but *also* because so does the monopolization of social development by some at the expense of others. The positive distributive principle that is implicit in this judgment is spelled out by Marx elsewhere. He refers, in the first volume of *Capital*, to :

> 'those material conditions of production which alone can form the real basis of a higher form of society, a society in which the full and free development of every individual forms the ruling principle.'[79]

Or, in the celebrated formula of the *Communist Manifesto* :

> In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all."[80]

So soon, therefore, as the ambit of 'distribution' is extended to cover the generality of social advantages, especially the relative availability of free time, time, that is, for autonomous individual development, itself a crucial component in Marx's conception of human freedom, it becomes evident that his critique of capitalism is motivated by distributive considerations, at least amongst others. Do those who claim that he did not think capitalism unjust have any persuasive answer to this apparent evidence against their claim ? None that I have been able to discover. In fact, for the most part they do not even attempt one, either ignoring or being unaware of the problem for them here. Taking those who do have something to say about this, however, we may quickly pass over, as not worthy of serious attention in view of the texts just cited, the bare assertion of one author that 'Marxist freedom' should not be thought of as a social good to be distributed. Those texts, I submit, suffice to show the opposite. We can be nearly as quick with the argument of the same author that, since the capitalist like the worker is in a significant sense unfree so long as capitalism persists, it is not the point of Marx's critique that the former enjoys freedoms which the latter lacks.[81] It is unquestionably true, on the doctrine of alienation, that everybody is to some degree unfree under capitalism. But the passages I have quoted demonstrate, equally, that it is also part of Marx's criticism of this society that it privileges some with advantages, opportunities for free development included, which others are denied, by contrast with what he envisages as the principle of a communist society.

More space needs to be given to the only substantial attempt at a counter-argument in this matter. It is to be found in a recent paper by Allen Wood, whose earlier articles played so prominent a part in stimulating the whole debate. Wood concedes that Marx 'clearly objects to the prevailing distribution of such entities as effective control over the means of production, leisure time, and the opportunity to acquire education and skills', but such objection, he claims, cannot be counted a criticism of capitalism as unjust, since

to be that it would have to be urged on the basis of 'disinterested or impartial considerations' and it is not consistent with what Wood calls the 'class interests thesis' that Marx should have urged it on this kind of basis. The class interests thesis, part and parcel of historical materialism, is stated thus: 'Marx believes that our actions are historically effective only in so far as they involve the pursuit of class interests, and that the historical meaning of our actions consists in their functional role in the struggle between such interests.' For a rational or self-conscious historical agent, Wood argues, practical recognition of this thesis is incompatible with taking justice, in the sense of impartially grounded distributive principles, as a primary concern.[82]

Two things may be said in response to Wood's argument. The first is that the incompatibility it alleges is open to question. It is Marx's belief, certainly, that where there are classes and class struggle, disinterested or impartial consideration of the interests of everyone is merely an ideological illusion, and he aligns himself unambiguously with one set of interests, the proletariat's, against those of its exploiters. The goal of communism, furthermore, he treats as being in the interests of the proletariat and absolutely not in the interests of the capitalist, as a capitalist, and it is a goal for him that cannot be effectively secured except on the basis of proletarian interests and of the social and political movement that pursues them. However, to limit the 'historical meaning' of action along this path to its functional role within a struggle so characterized, just one sectional interest against another, is radically to diminish, to impoverish, the sense which Marx himself — everywhere — gives it. For, as partial and as 'interested' as he unashamedly proclaims it to be, such action also has a universal aspect, in virtue of the character of its historical objective, of what the proletariat's struggle is a struggle *for*. This universality, I have already said, is tendential; it cannot be immediate. Some genuine social interests, of really existing people, first of all the interest of the beneficiaries of exploitation in its continuance, are not allowed by Marx morally to count for anything. That is the truth in Wood's argument. But if the proletariat's struggle for its own interests can still be viewed as being of ultimately universal significance, it is just and indeed because, considered from an impartial and disinterested standpoint, the goal of this struggle, 'the free development of all', is for Marx a moral advance on the sectional monopoly of social advantages that capitalism entails. Is it, after all, a feature special to his intellectual outlook that in the

pursuit of just arrangements, the interests some will have in the preservation of injustices from which they benefit must be set aside? Scarcely. In returning to someone what rightfully belongs to her, you may legitimately disregard, so far as it is only justice that is at issue, any interest that, say, I may have in holding on to it. Nor, for the rest, is there anything in itself remarkable about the fact that the historical objective or ideal which Marx adumbrates he also sees as not being immediately or straightforwardly realizable, but rather as mediated by obstacles, opposed by vested interests, as something therefore that must be fought for through a long and difficult process on which 'causes' other than the ideal in view will inevitably leave their mark. This is in the nature of many political ends and it is a problem for everyone, although some give themselves the luxury of pretending that it is not.[83]

The second thing to say is that even if one does not -- as I do -- contest the incompatibility Wood argues there to be between the so-called class interests thesis and any too central preoccupation with disinterested principles of justice, but grants him it for the sake of exhausting exegetical possibilities, it will not suffice for his defensive purpose. For it only shows that if Marx expressed a commitment to disinterested distributive principles, he did so inconsistently with other beliefs he held. It cannot show that he did not *in fact* express such a commitment, because he in fact did, as is manifest from the textual evidence assembled above. Wood himself in some sort acknowledges the existence of this evidence. In his own words, 'Marx often describes the results of the communist revolution in terms which suggest that if one accepts the description, then one has reasons for considering these results as impartially or disinterestedly good. For example, Marx claims that the revolution will put an end to alienation, that it will enable *every member of society* to develop his or her capacities, that it will promote community and solidarity between people, and that it will facilitate the expansion of human productive powers and the *universal* satisfaction of human needs.'[84] But then the passages in which these claims are made are promptly discounted as 'the liturgy which self-styled "Marxist humanism" never tires of chanting'. Sharp stuff, but what is its justification? What, in other words, saves Wood from giving their due weight to the passages which he himself so aptly characterizes? Well, just the class interests thesis and other passages said to be its consequence, and which he takes — wrongly, but we have decided here to let this pass — as evincing a contempt on Marx's part for humanitarianism.

Exegetically, however, it is no more legitimate to set aside the first sort of passage for not squaring with the second than it would be to set aside the second sort, therefore the class interests thesis itself, for not squaring with the first. If the object is to understand Marx's own thought, as for Wood it emphatically is, then the only proper procedure would be to register a large inconsistency there. Simply to decide that the apparent evidence of a disinterested concern with the distribution of human goods — and, *Wood says it*, such is what the texts in question suggest — cannot really be what it gives every appearance of being, is to indulge in that double-counting we have already, in the matter of robbery, uncovered and dismissed.

On this issue as on that, proponents of the 'anti-justice' interpretation default. They are unable satisfactorily to answer the questions they must, unable to explain the data they must, if they are to render plausible the interpretation they propose. Their account of Marx, one must conclude, is mistaken. The negative part of my critique of it is here completed, and it remains only to spell out positively what the substance of the conception of justice is that is implicit in his writings. The strands of it already run through the foregoing discussion and it is just a matter now of trying to draw them out more clearly.

Fundamental to that conception is that there is no moral right to the private ownership and control of productive resources.[85] Treating exploitation as theft, Marx challenges the legitimacy of some people being in a position to appropriate the surplus product of social labour, and he thereby challenges the legitimacy of the system of property rights whose consequence such appropriation is. The positive titles to property embodied in capitalist law, therefore, are condemned as unjust by reference to a generalized moral entitlement — to control over the means of production — which for him has precedence over them. Some will doubtless find it mildly shocking that I attribute to Marx what is in effect a notion of natural right, and this is understandable in view of his overt hostility to the natural rights tradition. Consider, however, how he regards the private ownership of land :

> 'From the standpoint of a higher socio-economic formation, the private property of particular individuals in the earth will appear just as absurd as the private property of one man in other men. Even an entire society, a nation, or all simultaneously existing societies taken together, are not the owners of the

> earth. They are simply its possessors, its beneficiaries, and have to bequeath it in an improved state to succeeding generations, as *boni patres familias.*'[96]

What *can* he be saying ? That no one owns or that no one can own land ? But Marx knows all too well that individuals both can and do privately own it. Their positive legal titles to such ownership are no mystery to him. That no one, then, legal titles notwithstanding, *truly* owns it — truly *owns* it — in the sense of having a right to it which *legitimately* excludes others ? Exactly. He is saying no more nor less than that people are not morally entitled to exclusive use of the productive resources of the earth; saying that private ownership of these constitutes a wrong. What else could his meaning be ? There is even, according to the above passage ('They... have to bequeath it in an improved state etc.'), a moral obligation in this matter to later generations. The same judgments are betrayed by the tenor of other, similar texts. Thus, in connection with rent, Marx writes that 'the tremendous power [of] landed property when it is combined together with industrial capital in the same hands enables capital practically to exclude workers engaged in a struggle over wages from the very earth itself as their habitat. One section of society here demands a tribute from the other for the very right to live on the earth'. And of capitalist agriculture he says : 'instead of a conscious and rational treatment of the land as permanent communal property, as the *inalienable* condition for the existence and reproduction of the chain of human generations, we have the exploitation and the squandering of the powers of the earth'.[87]

Taken together with the language of usurpation and robbery, passages like these put beyond doubt Marx's conviction that the 'distribution of the conditions of production' in capitalist society is unjust.[88] Now I have said that this conviction is fundamental to his conception of justice, but it does not exhaust it. The normative principle it entails, that of collective democratic control over productive resources, is complemented by another, the needs principle, covering the distribution, broadly speaking, of individual welfare, with this second principle seen by Marx as the eventual consequence of realizing the first. And I do not agree with a suggestion which has been made on both sides of the debate that it is not the particular content of the needs principle, or of any other distributive principle which might govern access to individual welfare in a classless society, that is of moment, but just the fact that any

such principle will be the result of collective democratic decision.[89] I do not agree with this because one can easily imagine distributive norms or practices which, endorsed by the most democratic procedures of a social collective, will be morally objectionable nonetheless. Not to put too fine a point on it: a stable majority, whatever the basis of its self-definition, arbitrarily, regularly and over an extended period votes advantages and benefits for its members and relative disadvantages for the members of some minority, whatever, in turn, the basis of its identification.[90] Of course, Marx himself plainly did *not* envisage the possibility that a classless society might so combine collective control over the conditions of production with sheer moral arbitrariness in the distribution of welfare. Whether that was simply a sign of utopian optimism on his part, as non-socialists and perhaps even some socialists may be likely to think, or rather evidence of a bold, far-sighted realism, is an issue that may be left aside, for the point here is a different one. It is that if Marx himself upholds the principle of collective control over resources with the clear expectation that its implementation will have a certain kind of further distributive consequence and will not have a certain other kind of distributive consequence for the enjoyment of basic human goods, then it is a strange caprice to make abstraction from this expectation concerning distributive consequences and impute to him an ethical conception in which it is just collective control that matters, more or less irrespective of the nature of its ulterior distributive results. Such results must surely participate in defining the value he attaches to a future communist society. It is, in any case, a fact that he expressly formulates a principle to cover them.

So I take the principle he formulates, 'From each according to their ability, to each according to their needs!', as also integral to his notion of a just society and I want now to say something additional to the arguments reported at II (viii), in defence of construing it thus as a standard of distributive justice. There are essentially two reasons advanced against regarding it as such, and I shall consider these in turn. They are: (A) that the needs principle is not a standard of equality but meant on the contrary to respond to the unique individuality of each person, to the variety of personal character and need, and is therefore a formula for treating people differentially, and (B) that by anticipating a time when 'all the springs of co-operative wealth flow more abundantly', Marx envisages an end to scarcity and so to the very circumstances requiring principles of justice.[91]

As to (A), attention should be drawn to another text that is of interest in this connection, yet neglected in the argument over Marx's meaning in *Critique of the Gotha Programme.* For there is also a passage in *The German Ideology* which, from the standpoint of a sort of needs principle, takes issue with a version of the contribution principle, criticizing the view 'that the "possession" and "enjoyment" of each should correspond to his "labour" '.

> 'But one of the most vital principles of communism, a principle which distinguishes it from all reactionary socialism, is... that differences of *brain* and of intellectual ability do not imply any differences whatsoever in the nature of the *stomach* and of physical *needs;* therefore the false tenet, based upon existing circumstances, "to each according to his abilities", must be changed, in so far as it relates to enjoyment in its narrower sense, into the tenet, *"to each according to his need";* in other words, a *different form* of activity, of labour, does not justify *inequality,* confers no *privileges* in respect of possession and enjoyment.'[92]

What this passage rejects, it rejects precisely as justifying inequality, and therefore the needs principle which it commends by contrast cannot reasonably be regarded as anything but a standard of equality. The passage, however, was probably written by Moses Hess and not by Marx and Engels, who are thought only to have edited the chapter of *The German Ideology* from which it comes.[93] Needs are here construed, moreover, in an explicitly narrow sense, as basic physical needs, and as I shall argue shortly, one cannot take that as having been Marx's intention in *Critique of the Gotha Programme.* We must be circumspect, then, as to what may legitimately be made of this passage in the present context. It would plainly be wrong to jump, without more ado, to the conclusion that, because of the manifestly egalitarian import of lines penned some thirty years earlier by another hand, the kindred formulations of Marx in the later text just have to be of identical import. But if such quick certainty would be unwarranted on our part, we may fairly ask how, in the light of these lines, the diametrically opposite certainty can be warranted on the part of those insisting that the principle he puts forward is not one of equality. The need for circumspection here cuts both ways. And these commentators, it should be noted, simply ignore this passage from *The German Ideology.*

Exercising all due care and caution, we are entitled nonetheless to make the following observations about it. First, there is no other passage in the Marx-Engels Works that has so obvious a bearing on the famous slogan from *Critique of the Gotha Programme* as this one does, notwithstanding the assumption concerning its probable authorship. Second, it provides a salutary reminder that the tenet, 'to each according to their needs', was already part of the tradition of socialist discourse before Marx himself employed it. Third, the passage shows that this tenet was understood by others as a principle of equality and that one of these others, an erstwhile collaborator, openly proposed it as such within a work that was intended to bear Marx's name. These three points must surely suffice to open anyone's mind to there being at least a reasonable possibility — let us say no more yet than that — that Marx in turn espoused the principle in question out of a similar, egalitarian concern. In any case, fourthly and decisively, between the earlier passage from *The German Ideology* and the text of *Critique of the Gotha Programme* there is an undeniable internal likeness which confirms that this possibility is a fact. For just as the burden of the former is that 'differences of... intellectual ability' and thus of 'labour' cannot justify *'inequality'* or *'privileges'*, so part of the burden of the latter is to find fault with the contribution principle because 'it tacitly recognizes unequal individual endowment and thus productive capacity as natural privileges' and so amounts to *'a right of inequality'*.[94]

Consideration of the earlier passage, therefore, just serves to highlight the fact that when Marx speaks of the 'defects' of the contribution principle, he clearly refers to inequalities entailed by it which are morally unacceptable in his eyes. That he does this, and in accordance, we can now see, with a pre-existing tradition of argument, supports the claim that the needs principle as he presents it is a principle of equality. It is obviously true, on the other hand, that in envisaging equal treatment from one point of view, that principle necessarily countenances unequal treatment from other points of view. All people, equally, will be able to satisfy their needs. But the means of consumption will not be divided into exactly equivalent individual shares; even equal labour contributions will not, or will not invariably, be matched by such shares being of the same size; some but not all, only those who need them, will have access to expensive drugs or medical treatment, and so forth. There is nothing unusual in this, however. The same applies to absolutely every substantive conception of social justice or principle of equality.

If distribution is to be according to some standard of need, then people who make the same labour contribution, or people for that matter of the same height or born under the same astrological sign, may well not receive equivalent resources. But, likewise, if distribution is according to some standard of achievement or merit, then those with identical needs or who have made similar efforts may just as well find that their needs are not equally provided for or their efforts not equally rewarded, as the case may be. It is indeed a truism of the philosophical analysis of both justice and equality that the *formal* principle involved here — 'Treat like cases alike and different cases commensurately with their differences' — is practically useless until one has specified *substantive* criteria regarding what sort of likenesses and what sort of differences are morally relevant; what kind of equality it is, in other words, that matters. Marx for his part comes down in favour of need, and against 'individual endowment', as the decisive criterion. There is no question that, in doing so, he himself emphasizes how adoption of this criterion — responding to the specific needs of each individual — must, *in some senses*, mean unequal individual treatment. It is a mistake, however, to get carried away by this emphasis of his, as are so many of the contributors to this debate. For they cannot, simply by verbal fiat, stipulate that there is not then *any* sense in which equal consideration and treatment are involved. There is, and Marx shows himself aware of it in the way he criticizes the contribution principle. The needs of all, irrespective of individual endowment, irrespective also of such other and many differentiating characteristics as will be judged to be morally irrelevant — the needs of all equally, therefore, are to be met.

We may turn now to (B), the argument that since the prospective abundance of communist society will 'permit everyone's needs to be fully satisfied',[95] principles of distributive justice will have become redundant there. There will no longer be any necessity for authoritative norms or rules that lay down what sort of distribution is fair, and thus the needs principle as proposed by Marx cannot be taken for one. The argument does not withstand close scrutiny. Some critical reflection on the concept of 'abundance', which means also on the concept of human 'needs', will show what is wrong with it. To this end, the following passage supplies a useful background to Marx's thinking on the subject.

'Man is distinguished from all other animals by the limitless

> and flexible nature of his needs. But it is equally true that no animal is able to restrict his needs to the same unbelievable degree and to reduce the conditions of his life to the absolute minimum.'[96]

Now, when Marx anticipates the springs of wealth flowing 'more abundantly', what is his idea of abundance? He does not say directly. Indeed, there is no evidence that he gave the question any very rigorous consideration. We are obliged, in trying to answer it, to see what can be extrapolated from any texts that may be relevant — as accords with my earlier remarks about the need to find the best reconstruction we can. But there are, in any event, only three pertinently different 'possibilities' here, the terms of the above passage providing us with a convenient framework for distinguishing what they are. (a) There is abundance relative to an 'absolute minimum', a bare physical subsistence, definition of needs. (b) There is, at the other end of the scale, abundance relative to a 'limitless and flexible' notion of needs, in the sense, that is, of everyone being able to have or do whatever they might conceivably feel themselves as needing to. (c) And there is abundance relative to some standard of 'reasonableness' — there could, of course, be more than one such standard — intermediate between (a) and (b).

We can discount (a) on the grounds that there is a lot of textual evidence that it is not Marx's notion for a communist society. He thinks in terms not of a minimum standard but of the expansion of individual needs.[97] And he has in mind particularly needs of individual self-realization. This is clear from, amongst much else that could be cited, his reference in *Critique of the Gotha Programme* itself to 'the all-round development of the individual' and from the contrast he draws in *Capital* when he refers to 'a mode of production in which the worker exists to satisfy the need of the existing values for valorization, as opposed to the inverse situation, in which objective wealth is there to satisfy the worker's own need for development'.[98] The needs principle as Marx construes it is not distinct from the other principle we have seen that he enunciates — namely, the 'free development' of each and of all[99] — but rather encompasses it and is not therefore to be understood in any minimalist sense. We can discount (b), on the other hand, on the grounds that it is absurd; it is not really a possibility at all. For 'flexible' needs are one thing, but 'limitless' needs quite another. If by way of means of self-development you need a violin and I

need a racing bicycle, this, one may assume, will be all right. But if I need an enormously large area, say Australia, to wander around in or generally use as I see fit undisturbed by the presence of other people, then this obviously will not be all right. No conceivable abundance could satisfy needs of self-development of this magnitude, given only a modest incidence of them across some population, and it is not difficult to think of needs that are much less excessive of which the same will be true. While it will not do simply to take it as a matter of course that Marx cannot have entertained an absurdity, it is also not legitimate to impute this sort of thing to him without some textual basis for doing so, and there is no such basis. His reflections in the third volume of *Capital* on the persistence of 'the realm of necessity' betoken an altogether more sober vision of communist abundance.[100]

We are bound, consequently, to conclude in favour of (c), that this is abundance relative to some standard of 'reasonable' needs which, large and generous as it may be possible for it to be, still falls short of any fantasy of abundance without limits. It might be said against the reasoning by which I have reached this conclusion that the very fact that the principle under discussion is a needs principle rules out the kind of fantastic and extravagant individual requirements hypothesized in the last paragraph. Marx means precisely needs, not any old wants or fancies. But this point changes nothing at all. It is only another route to the same conclusion. So long as the relevant notion of needs covers more than 'the absolute minimum', as we have seen for Marx it does, the distinction between what may properly be counted the needs of communist women and men and what are merely wants, whims or fancies will require a standard of differentiation. It makes no difference whether this is said to distinguish reasonable from unreasonable needs, or needs *tout court* from wants and the rest. The substance is the same. There is still a determinate standard this side of unqualified abundance.

If we now ask how a standard of 'reasonableness' vis-à-vis the satisfaction of needs might be maintained without overt conflict, there are again two suggestions that we can safely reject. (i) It could be coercively imposed by a state-type body or other institution of social control. We know that this is not what Marx envisaged. (ii) The standard, if such it can be called in these circumstances, might simply be a spontaneous, unreflected one. That is to say, it might just 'so happen' that the needs of different individuals are, everywhere and always, of such a kind and such a level as to be all satisfiable in a

harmonious way. I think there are good reasons for doubting that this was Marx's view of the matter. For one thing, it does not sit well with the idea of an economy subject to conscious regulation, of a *planned* use and distribution of resources. For another, the very idea of spontaneity here is open to question. These individuals will after all be 'social individuals', so that their overall needs cannot just, 'primitively', *be* thus and so. The prospect, in any case, of there never being any potentially conflicting needs of individual self-development is scarcely imaginable. So much the worse for a conception of communism that does depend on it. There is, finally, (iii) the supposition that though there can be no primitively-given co-ordination or harmony of individual needs and though these might well sometimes potentially conflict, there will be authoritative social norms, including distributive ones, which people more or less voluntarily accept. Still plenty utopian enough for many tastes, this is a more realistic supposition and it renders Marx's principle from *Critique of the Gotha Programme* in effect one of distributive justice. It is supported by at least these aspects of his thought: that although the state, in the Marxist sense of that term, withers away, public institutions in which the community collectively deliberates and decides on its common affairs will still exist; and that though labour will have become 'life's prime want',[101] there will continue to be a 'realm of necessity', in other words some work also that is not free creation or self-realization but 'determined by necessity and external expediency', a burden Marx explicitly envisages being shared by everyone, with the obvious exception of the very young, the very old, the infirm and so on[102] — even if shared only according to relative ability.

The claim, for the rest, that 'From each according to their ability, to each according to their needs!' is not meant as any kind of norm but is merely a *description* of the future,[103] is not very plausible in the light of the fact that Marx speaks of a communist society inscribing it on its banners, no less, and with an exclamation point at that.

## *Conclusion*

The viewpoint I have criticized in this essay may be regarded as a bogus solution to a genuine problem in Marx's thought. The problem is an inconsistency — or paradox[104] — in his attitude to normative questions. Disowning, when he is not actively ridiculing,

any attachment to ideals or values, he is nevertheless quite free in making critical normative judgments, author of a discourse that is replete with the signs of an intense moral commitment. The 'anti-justice' interpretation attempts to smooth away this contradiction by representing its two sides as just applicable to different things: what Marx disowns and derides is justice, rights; the ideals of freedom, self-realization, community — these he invokes and affirms. It is a spurious resolution. The obstacle cannot be so easily levelled. Early and late, Marx's denials in this matter (efforts of repression, so to speak, of the normative dimension of his own ideas) are quite general in scope. Thus, in *The German Ideology:* 'Communism is for us not a *state of affairs* which is to be established, an *ideal* to which reality [will] have to adjust itself. We call communism the *real* movement which abolishes the present state of things.'[105] Similarly, twenty-five years on in *The Civil War in France*, the workers 'have no ideals to realize, but to set free the elements of the new society with which old collapsing bourgeois society itself is pregnant.'[106] Not, then, be it noted, the ideal of freedom or of self-actualization *as opposed to* the ideal of justice: *no* ideals to realize, just the immanent movement and that is that. The generality of this negation leaves its mark, in fact, at the most strategic conceptual point, mocking the very disjunction of which some commentators here make no much. In the *Communist Manifesto*, a hypothetical opponent is imagined as charging that communism 'abolishes eternal truths, it abolishes all religion and all morality'. The response to the charge is not a rebuttal of it, but the acknowledgement that the communist revolution 'is the most radical rupture with traditional property relations; no wonder that its development involves the most radical rupture with traditional ideas'. But what are the eternal truths actually mentioned as being, with 'all morality', candidates for abolition ? I quote : 'Freedom, Justice, etc.'[107]

Marx's impatience with the language of norms and values is global in range. And yet he himself, despite it, does plainly condemn capitalism — for its oppressions and unfreedoms and also, as the argument of this essay has been, for its injustices. Denied publicly, repressed, his own ethical commitments keep returning: the values of freedom, self-development, human well-being and happiness; the ideal of a just society in which these things are decently distributed. One can perhaps go some way towards explaining this pervasive contradiction. But that does not mean either explaining it away or

justifying it. It should be recognized, on the contrary, as a real and deep-seated inconsistency on Marx's part and one with not very happy effects. Some of these may have been innocent enough: the many socialists who have simply followed him in the same obfuscation, confusing both themselves and others, in one breath denying the normative standpoint clear as noonday in what they say in the next. Not so innocent, within the complex of historical causes of the crimes and tragedies which have disgraced socialism, is the moral cynicism that has sometimes dressed itself in the authority of traditional 'anti-ethical' pronouncements. Marxists should not any longer continue to propagate the aboriginal self-contradiction and confusion in this area, but must openly take responsibility for their own ethical positions, spell them out, defend and refine them. A properly elaborated Marxist conception of justice — to take only the example that is most relevant to this debate — would not be at all premature.

A certain salutary impulse, even so, can be detected in, and partially accounts for, Marx's disavowal of all commitment to ethical principle. It is what I have referred to earlier as a sense of moral realism. Expressed negatively in a distaste for easy moral rhetoric, *mere* moralizing, unconstrained by objective knowledge of historical realities, its positive core is the conviction that ideals alone are an insufficient tool of human liberation and the consequent dedication to trying to grasp the material preconditions of this (historically unavoidable alienations, unfreedoms and injustices included)[108] and the social agencies capable of bringing it about. Such a historical sense, all that is entailed by it in the work of Marx, is no small thing: it is Marx's strength, his greatness. The strength, I had better repeat, does not make good or excuse the deficiency. Normative analysis and judgment can be put in their proper place, a necessary if circumscribed one, without exaggerated denial or dismissive scorn. But it is relevant to remark upon the strength together with the deficiency, all the same. For there has been, and there is, no shortage of moral philosophy which, innocent of course of Marx's particular failure in this matter and generally delighted to be able to point it out, is guilty of a greater irresponsibility of its own: minute analysis of the right, the good, the just and what have you, conceptually *nice and far* from the messy throng, the scarred history of toil and comfort, power and protest, fear, hope, struggle. The contemporary discussion of precisely justice provides ample illustrative material, in the several conceptions of just social arrangements proffered in

conjunction with more or less nothing, sometimes actually nothing, on how these might conceivably be achieved. The last and the largest paradox here is that Marx, despite everything, displayed a greater commitment to the creation of a just society than many more overtly interested in analysis of what justice is.[109]

*Department of Government*
*University of Manchester*

NOTES

[1] For convenience of reference, bibliographical details of the literature under review are assembled here. In subsequent citation I then give just the author's name (followed, where there is more than one publication by the same author, by an identifying numeral in parenthesis as designated below in this note) and page number(s). Several of the articles are cited from the following collections: M. Cohen, T. Nagel and T. Scanlon (eds.), *Marx, Justice, and History*. Princeton 1980; K. Nielsen and S. C. Patten (eds.), *Marx and Morality* (*Canadian Journal of Philosophy*, Supplementary Volume VII, 1981); J. R. Pennock and J. W. Chapman (eds.), *Marxism* (*Nomos* XXVI), New York and London 1983. Contributors to the debate may be grouped as follows :
[I] Those according to whom Marx did not criticize capitalism as unjust: D. P. H. Allen, (1) 'Is Marxism a Philosophy ?', *Journal of Philosophy*, 71, 1974, pp. 601–612, (2) 'Marx and Engels on the Distributive Justice of Capitalism', in Nielsen and Patten, pp. 221–250; G. G. Brenkert, (1) 'Freedom and Private Property in Marx', in M. Cohen et al., pp. 80–105 (reprinted from *Philosophy and Public Affairs*, 8, No. 2, Winter 1979, pp. 122–147), (2) *Marx's Ethics of Freedom*, London 1983, ch. 5; A. Buchanan, (1) 'Exploitation, Alienation and Injustice', *Canadian Journal of Philosophy*, IX, No. 1, March 1979, pp. 121–139, (2) *Marx and Justice*, London 1982, ch. 4 (a revised version of 'The Marxian Critique of Justice and Rights', in Nielsen and Patten, pp. 269–306); L. Crocker, 'Marx's Concept of Exploitation', *Social Theory and Practice*, Fall 1972, pp. 201–215; S. Lukes, (1) 'Marxism, Morality and Justice', in G. H. R. Parkinson (ed.), *Marx and Marxisms*, Cambridge 1982, pp. 177–205, (2) 'Morals', in T. Botto-

more (ed.), *A Dictionary of Marxist Thought*, Oxford 1983, pp. 341—342, (3) *Marxism and Morality*, Oxford 1984 forthcoming, chs. 3—5; R. W. Miller, (1) 'Marx and Aristotle: A Kind of Consequentialism', in Nielsen and Patten, pp. 323—352, (2) *Analyzing Marx*, Princeton 1984 forthcoming, chs. 1 and 2; R. C. Tucker, *The Marxian Revolutionary Idea*, London 1970, ch. 2 (which is reprinted from C.J. Friedrich and J.W. Chapman (eds.), *Justice* (*Nomos* VI), New York 1963, pp. 306—325); A. W. Wood, (1) 'The Marxian Critique of Justice', in M. Cohen et al., pp. 3—41 (reprinted from *Philosophy and Public Affairs, 1, No. 3, Spring 1972, pp. 244—282), (2)* 'Marx on Right and Justice: A Reply to Husami', in M. Cohen et al., pp. 106—134 (reprinted from *Philosophy and Public Affairs*, 8, No. 3, Spring 1979, pp. 267—295), (3) *Karl Marx*, London 1981, Part 3, (4) 'Marx and Equality', in J. Mepham and D. H. Ruben (eds.), *Issues in Marxist Philosophy*, Volume 4, Brighton 1981, pp. 195—221, (5) 'Justice and Class Interests', forthcoming in *Philosophica* (Ghent) 1984.

[II] Those according to whom Marx did criticize capitalism as unjust; R. J. Arneson, 'What's Wrong With Exploitation ?', *Ethics*, 91, January 1981, pp. 202—227; G. A. Cohen, (1) ' Freedom, Justice and Capitalism', *New Left Review*, 126, March/April 1981, pp. 3—16, (2) Review of *Karl Marx* by Allen W. Wood, *Mind*, XCII, No. 367, July 1983, pp. 440—445; J. Elster, (1) 'Exploitation, Freedom, and Justice', in Pennock and Chapman, pp. 277—304, (2) *Karl Marx: A Critical Examination*, Cambridge 1985 forthcoming, ch. 4; M. Green, 'Marx, Utility, and Right', *Political Theory*, 11, No. 3, August 1983, pp. 433—446; R. Hancock, 'Marx's Theory of Justice', *Social Theory and Practice*, 1, 1971, pp. 65—71; Z. I. Husami, 'Marx on Distributive Justice', in M. Cohen et al., pp. 42—79 (reprinted from *Philosophy and Public Affairs*, 8, No. 1, Fall 1978, pp. 27—64); P. Riley, 'Marx and Morality: A Reply to Richard Miller', in Pennock and Chapman, pp. 33—53; C. C. Ryan, 'Socialist Justice and the Right to the Labour Product', *Political Theory*, 8, No. 4, November 1980, pp. 503—524; H. van der Linden, 'Marx and Morality: An Impossible Synthesis ?', *Theory and Society*, 13, No. 1, January 1984, pp. 119—135; D. van de Veer, 'Marx's View of Justice', *Philosophy and Phenomenological Research*, 33, 1973, pp. 366—386; G. Young, (1) 'Justice and Capitalist Production: Marx and Bourgeois Ideology', *Canadian Journal of Philosophy*, VIII, No. 3, September 1978, pp. 421—455, (2) 'Doing Marx Justice', in Nielsen and Patten, pp. 251—268.

[II*] A group not altogether distinct from [II] but rather more tentative, expressing reservations of one sort or another about the interpretation of [I] without directly challenging it: N. Holmstrom, 'Exploitation', *Canadian Journal of Philosophy*, VII, No. 2, June 1977, pp. 353–369; W. L. McBride, 'The Concept of Justice in Marx, Engels, and Others', *Ethics*, 85, 1975, pp. 204–218; J. H. Reiman, 'The Possibility of a Marxian Theory of Justice', in Nielsen and Patten, pp. 307–322; W. H. Shaw, 'Marxism and Moral Objectivity', in Nielsen and Patten, pp. 19–44; R. J. van der Veen, 'Property, Exploitation, Justice', *Acta Politica* (Amsterdam), 13, 1978, pp. 433–465.

[2]Karl Marx, *Capital*, Volume I (Penguin edition), Harmondsworth 1976, pp. 292, 303, and *Theories of Surplus Value*, Moscow 1968–72, Volume I, p. 315.

[3]*Capital* I, p. 677.

[4]*Capital* I, p. 301.

[5]*Capital* I, p. 731.

[6]Karl Marx and Frederick Engels, *Selected Works*, Moscow 1969–70, Volume 3, pp. 16, 19.

[7]Karl Marx and Frederick Engels, *Selected Corresondence*, Moscow n.d., pp. 375–6; see also *Capital* I, pp. 178–9 n. 2.

[8]*Selected Corresondence*, p. 182; and see *Selected Works* 2, pp. 18–20, for the phrases in question.

[9]*Selected Works* 3, p. 19.

[10]Karl Marx, *A Contribution to the Critique of Political Economy*, London, 1971, p. 20.

[11]*Capital*, Volume III (Penguin edition), Harmondsworth 1981, pp. 460–1; see also *Capital* I, p. 178.

[12]Wood (1), pp. 18–19, (3), pp. 131–2.

[13]Karl Marx and Frederick Engels, *Collected Works*, London 1975ff., Volume 5, pp. 36–7.

[14]Brenkert (1), p. 90, (2), pp. 150, 154–5.

[15]See Tucker, pp. 50–1; Wood (1), p. 27; Buchanan (1), p. 134, (2), pp. 56–7.

[16]*Selected Works* 3, pp. 19–20.

[17]*Selected Works* 2, pp. 56–7, 75.

[18] Buchanan (1), p. 134.

[19] Wood (1), p. 30 — and see also (2), p. 133, (3), p. 143.

[20] Wood (1), pp. 26—7, 30; Lukes (1), p. 198.

[21] *Selected Works* 3, pp. 16—19.

[22] Lukes (1), p. 200.

[23] For this paragraph, see Tucker, p. 48; Brenkert (1), p. 91, (2), pp. 153, 162; Buchanan (1), p. 139, (2), pp, 57—9; Lukes (1), pp. 198—203, (3), chs. 3 and 4; Wood (2), p. 131, (3), pp. 138—9, (4), pp. 203—11; Miller (1), pp. 338—9; Allen (1), p. 609.

[24] See Tucker, p. 50; Wood (1), pp. 34—41, (2), pp. 119—28, (3), pp. 125—30, 138; Brenkert (1), pp. 81—6, 93—105, (2), ch. 4 and pp. 155—7; Allen (1), pp. 609—11; Lukes (1), p. 201, (2), p. 342, (3), chs. 3 and 5; Miller (2), chs. 1 and 2.

[25] Karl Marx, *Grundrisse*, Harmondsworth 1973, pp. 458, 509, 551, 674.

[26] *Theories of Surplus Value* III, pp. 92—3, and I, p. 316.

[27] *Capital* I, pp. 346, 680; and pp. 672, 689, 691, 693, 714, 715, 728, 729, 732, 733, 757, 769, 771; *Capital* III, p. 509; *Theories of Surplus Value* II, p. 29; *Grundrisse*, pp. 570—1.

[28] *Capital* I, pp. 729—30.

[29] *Capital* I, p. 280.

[30] *Capital* I, pp. 382, 415.

[31] *Capital* III, pp. 957—8; see also *Grundrisse*, pp. 247—9, 464.

[32] This is the argument of Holmstrom, pp. 366- 8; Husami, pp. 66- 7; Young (1), pp. 441- 50, Ryan, pp. 512- 13, Arneson, pp. 218—19 - and of my own 'Essence and Appearance: Aspects of Fetishism in Marx's *Capital*', *New Left Review*, 65, January/-February 1971, at pp. 80—1, 84.

[33] *Capital* I, p. 728.

[34] *Capital* I, pp. 761, 638.

[35] *Capital* I, p. 743; *Capital* III, p. 312—13; *Theories of Surplus Value* II, p. 29.

[36] *Capital* I, p. 930.

[37] *Grundrisse*, p. 705.

[38]Cohen (2), p. 443; and see Husami, pp. 45, 63, Young (1), pp. 431–3; Ryan, p. 513; Elster (1), pp. 291–3, (2), ch. 4; van der Linden, pp. 128–9.

[39]*Capital* I, pp. 875, 885, 889, 895.

[40]*Capital* I, p. 874.

[41]See Arneson, p. 204; Cohen (1), p. 15; and — especially on this last point — Young (2), pp. 262–3.

[42]See *Selected Works* 3, pp. 18–19; and Hancock, p. 66; van de Veer, p. 373; Husami, p. 58; Arneson, pp. 214–15; Riley, pp. 39–42; Elster (1), pp. 290–1, 296, (2), ch. 4.

[43]van de Veer, pp. 371–3, Holmstrom, p. 368; Husami, pp. 49–51, Arneson, p. 216; Shaw, p. 28; Hancock, pp. 66–7.

[44]*Selected Works* 3, pp. 18–19.

[45]Ibid.

[46]van de Veer, p. 376; Husami, p. 75; Cohen (1), pp. 13–14, Arneson, pp. 222–5; van der Veen, p. 455.

[47]Holmstrom, p. 368; Husami, pp. 53–4, Ryan, p. 516; Elster (2), ch. 4.

[48]Husami, pp. 78–9; Shaw, pp. 41–2; Riley, pp. 49–50 n. 40.

[49]Arneson, p. 216; see also van de Veer, p. 372, and compare the text to n. 22 above.

[50]*Selected Works* 3, p. 18.

[51]Riley, pp. 39–43; Husami, p. 61.

[52]Hancock, pp. 69–70; Arneson, pp. 214–16; Reiman, pp. 316–17, 321–2; Elster (1), p. 296, (2), ch. 4; Green, pp. 438–42.

[53]Respectively Elster and — with the appearance of some inconsistency — Reiman.

[54]Respectively, here, Brenkert, Lukes and Wood.

[55]See *Collected Works* 6, pp. 464, 499–500, and *Grundrisse*, pp. 487–8, 651–2.

[56]Young (2), pp. 266–8; Arneson, pp. 219–20; Husami, pp. 52–3.

[57]See, for example, Allen (2), pp. 234–7, and Young (2), pp. 263–6.

[58]*Capital* I, pp. 725–34 (the quoted material appears at pp. 729,

730 n. 6, 734); *Grundrisse*, p. 458.

[59] See, for instance, Wood (3), p. 256 n. 21, and the apt comment on it by Cohen, (2), p. 443.

[60] But see Tucker, p. 46, having perhaps overlooked the relevant material, he says that Marx and Engels 'do not admit that profit derived from wage labour under the capitalist system is "theft" '.

[61] See, for (1): Allen (2), p. 248; for (2): Brenkert (2), p. 148; for (3): Buchanan (2), pp. 187–8 n. 31; for (4): Wood (2), pp. 117–18, (3), pp. 137–8; for (5): Wood (2), p. 119, (3), p. 138, and Brenkert (2), pp. 147–8; for (6): Allen (2), pp. 246–9; for (7): Brenkert (2), pp. 149–50.

[62] *Capital* I, pp. 375–6, 553, 591, 599.

[63] See the references at notes 33–37 above, and Young (2), pp. 256–8.

[64] See text to n. 41 above.

[65] See Allen (1), pp. 603–7, (2), pp. 240–1; Buchanan (1), p. 138, (2), pp. 54–5.

[66] Ryan, p. 510; Brenkert (2), pp. 139–40.

[67] See *Marx and Human Nature: Refutation of a Legend*, London 1983, and in particular the remarks at pp. 57–8; and *The Legacy of Rosa Luxemburg*, London 1976, pp. 70–100.

[68] Holmstrom, p. 368; Husami, pp. 45, 67; Arneson, pp. 217–18; Young (1), pp. 441, 446, (2), p. 252; van de Veer, pp. 369–70.

[69] Two other writers make this point: see Cohen (2), pp. 443–4 — also (1), p. 12 — and Elster (1), pp. 289–90, 303 n. 44, (2), ch. 4. Oddly, so does a third, Steven Lukes, from the other side of the debate: his essay on the subject, however, minimizes the force of the point, consigning to a footnote Marx's belief that capitalism was unjust and simply declaring it an 'unofficial' view; and while his forthcoming book appears to concede a larger place in Marx's thinking to this unofficial view, the appearance is basically deceptive since Lukes does not in fact concede what really matters here, that the belief in question shows Marx's attachment to some *non-relativist* standards of justice. See Lukes (1), p. 197 n. 83, (3), ch. 4.

[70] See also, in connection with this paragraph and the next, Hancock, p. 66; Shaw, pp. 41–2; Ryan, pp. 516–17; van der Veen, pp. 434, 448, 455.

[71] Here I disagree with Arneson, pp. 220—1.

[72] See Arneson, pp. 220—1; Riley, p. 50 n. 40 — and cf. Hancock pp. 68—9.

[73] *Collected Works* 5, pp. 52, 431—2.

[74] *Theories of Surplus Value* III, p. 256.

[75] *Capital* I, p. 667.

[76] *Capital* I, p. 929.

[77] *Grundrisse*, p. 634.

[78] *Capital* III, p. 958.

[79] *Capital* I, p. 739.

[80] *Collected Works* 6, p. 506.

[81] See Brenkert (2), p. 158, for both arguments.

[82] Wood (5).

[83] See my 'Bourgeois Power and Socialist Democracy. On the Relation of Ends and Means', *The Legacy of Rosa Luxemburg*, ch. IV.

[84] Wood (5), my emphasis.

[85] See Cohen (1), p. 13; Ryan, p. 521.

[86] *Capital* III, p. 911.

[87] *Capital* III, pp. 908, 948—9 — my emphasis.

[88] The bland assertion according to which (once again) 'it appears that' Marx's criticisms of capitalism are not based on any conception of 'productive-distributive' justice — and by this the assertion's author has in mind just what I have argued for in the text — is itself based, it appears, on his forbearing to give us some account of these passages. See Buchanan (2), pp. 59—60. And it is, candidly, no more than a desperate intellectual ruse to say — see Brenkert(2), p. 162 — that, collective property being 'a qualitatively different institution' from private property, it has to be regarded simply as something radically new, not as a different, more just arrangement, a *redistribution*, of the means of production. This is the discourse of the pure, unconstrained 'leap' and quite foreign to Marx's own sense of the continuities of history which, despite all novelty and change, and the growth in human productive powers, make the comparative analysis of social institutions a rational enterprise. The 'distribution

of the conditions of production' (see text to n. 45 above) is, unproblematically, a trans-historical category for him.

[89] See Crocker, p. 207, and Ryan, pp. 521—2.

[90] A less 'extreme' example is given by Arneson, p. 226.

[91] See I (viii) above.

[92] *Collected Works* 5, pp. 537—8.

[93] See Ibid., pp. 586 n. 7, 606 n. 143.

[94] *Selected Works* 3, p. 18.

[95] Wood (4), p. 211; and see also Lukes (1), p. 201.

[96] 'Results of the Immediate Process of Production', Appendix to *Capital* I, p. 1068.

[97] *Capital* III, pp. 959, 986—7, 1015—16; *Capital* I, p. 667.

[98] See text to n. 21 above, and *Capital* I, p. 772.

[99] See text to notes 79 and 80 above.

[100] *Capital* III, p. 959.

[101] See text to n. 21 above.

[102] *Capital* III, pp. 959, 986—7, 1015—16; *Theories of Surplus Value* III, p. 256; and see also the text to n. 75 above.

[103] See I (viii).

[104] See Lukes (3), for a clear statement of the paradox as well as this solution to it.

[105] *Collected Works* 5, p. 49; and cf. p. 247.

[106] *Selected Works* 2, p. 224.

[107] *Collected Works* 6, p. 504. Allen Wood overlooks this conjunction in his use — consequently misuse — of this passage. See Wood (2), p. 128, (3), p. 129, and the comment of Arneson, p. 221.

[108] See Hancock, pp. 66—7; Cohen (1), p. 16.

[109] I should like to thank Michael Evans for comments of his on Marx's slogan from *Critique of the Gotha Programme:* and Jon Elster, Steven Lukes and Richard Miller for permitting me to see work not yet published.