

MARX'S THEORY OF ETHICAL JUSTICE

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Historically, Marxist scholars and ideologues have shown little interest in extracting or developing a coherent system of justice, whether normative or descriptive, from Marx's writings. Sporadic attempts have been made, most notably by Bernstein, Kautsky, and Selmsam. These endeavors have resulted in such diverse conclusions--each demonstrating an affinity with either utilitarian, positivist, or Kantian themes--that the searches were seen as unconvincing and perhaps self-serving. Over the past fifteen years, a renewed interest has surfaced concerning the problem of justice and Marx. Fueled by the wide distribution of Marx's early works and the *Grundrisse*, the evolution of Marxist humanism, the social unrest of the sixties, and the publication of Rawls' *A Theory of Justice*, philosophers have looked to Marx for help in understanding and formulating discussion about justice. The results obtained so far have closely mirrored earlier results, although the improved quality of the work has helped to better define the problem.¹ Yet the conclusions reached are still unsatisfying and discomforting at best.

This failure has led several authors to conclude either that there is neither an explicit nor an implicit system of justice in Marx; or that if there is one, it is only a descriptive extension of Marx's mistaken theory of historical materialism (being therefore of no assistance in the quest for descriptive accuracy or in the search for normative principles of justice). Both of these conclusions are currently in vogue and have been reinforced by the fact that those who would appear to have an interest in "revealing" such a system in Marx have not done so. The situation might well be left as it is if it were not for the fact that philosophers insist upon calling on Marx not simply to critique possible systems of justice, but to suggest that his work contains positive elements that need to be included in any coherent and satisfactory system of justice.²

The sources of the confusion and frustration in determining a Marxist concept of justice do not originate with those philosophers who have been working on

the topic, although they often contribute to it, but with the work of Marx. The explicit references to "justice" in Marx's work often appear to support the position of those who maintain the non-existence or triviality of a theory of normative justice in Marx. Yet there can be no doubt that Marx did make numerous normative judgements, some of which seem to imply just such a theory; then any attempt to uncover a coherent concept of justice must go beyond this surface evidence and search within the labyrinth of his relational constructs. Due to the nature of this task we cannot hope to accomplish more than the presentation of a broad outline of a possible theory of justice. The further development and defense of such a system would require a work of much greater length.

We can, we believe, find the basis of a theory of justice in Marx, but not as justice systems are usually formulated in a theory of rights, at least where these rights are "atomic" in the sense of belonging to isolated individuals. Rather, the basis will be found in a conception of the social good. Our task then will be to extract this notion from Marx by inquiring into the foundations of Marx's concept of the essence of social man. Discussions of the nature of social man are contained both in Marx's philosophical writings, in which he finds man's "species being," and in Marx's economic work, in which man is the object of empirical study. The philosophic and empirical sides of Marx's study of man must be seen as complementary, as mutually supportive. The result is that the concept of the social good in Marx will not be derived, as is the case with most traditional theories of justice, from an isolation and idealization of abstract human characteristics, but will be the outcome of a conceptualization of what man is and of the potentiality which follows from his empirical being.

Before we begin to sketch the foundations of this system, we must respond to those objections which would most obviously prohibit a priori this construction. There are many such objections and we will be unable to consider all of them. Therefore, we will limit our criticism to the work of R. C. Tucker and Allen G. Wood who we believe are in the vanguard and representative of the general non-justice position.³ It is our intention, at the very least, to provide sufficient reasons to cast serious doubt upon the validity of their arguments.

I

A source of confusion which initially hinders any prospect of progress has been the failure to identify clearly the structural and procedural criteria that any theory of justice must satisfy. This has led such noteworthy scholars as R. C. Tucker to dismiss any attempt to establish a Marxist system of justice because there appeared to be no mechanism by which "a rightful balance in a situation where two or more parties are in conflict could be obtained" (Tucker, p. 51). The idea that rightful conflict resolution is the primary operational function of justice is widely accepted. For instance it is central to Rawls' theory of justice.⁴ There are, however, two serious problems with this view. First, it places the cart before the horse; it presupposes that whatever the concept of justice may be, it will recognize at least certain conflicts as having the character of being subject to more or less rightful balancing. But the scope and applicability of this institutional function is derivative of the normative concept of justice under consideration.

Tucker's conclusion may well be accurate if we are constructing a justice system within a liberal political state complete with its traditional conception of competitive man, and of a society incapable of satisfying mankind's escalating desires. As Graeme Duncan points out, an important bellweather for the success of society in the liberal image is the existence of conflict.⁵ Liberals traditionally hold a pessimistic position on the ability of mankind to live in harmony. According to liberal thought the elevation of harmony to the status of a highly desired value is most likely a mask for the denial of human freedom. Therefore not only is conflict inevitable for the liberal, it is a necessary condition of the "good society" which places extreme importance upon the development of an extensive system of rights balancing. Even if the liberal conception of society were correct, to presuppose liberal society as the standard by which to judge the components and structure of a Marxist system of justice is to beg the question. It assures that some form of bourgeois justice with its essentially "political" character is the only possible form of justice. Tucker commits the same fallacy of which Marx accused Smith, Ricardo, et al, that of mistaking particular categories for eternal ones.

The most serious problem with Tucker's assertion is that the emphasis it entails will misdirect our efforts. If justice's primary concern is the achievement of a rightful balance, then the normative principles which should serve as the standard by which the quality of

justice is judged take a secondary role to the institutional requirements placed on justice. "Procedural" becomes the fundamental defining term for the phrase "procedural justice." If we succumb to this initial demand of Tucker's criteria we find ourselves having certain normative relations already assumed. For instance, Tucker presupposes that conflicts are capable of just resolution. His criteria also assume some mechanism, most likely a political state, whose purpose is not only to determine the meaning of justice but to force acceptance of its judgement on its constituents. However, coercion as a tool of justice realization must be argued for. It is fairly clear from the work of Marx that he perceived political coercion as antithetical to the existence of, if not the realization of, communist society. To accept Tucker's argument is to prejudge Marx and is much like saying that Plato only had a theory of justice when he posited the right of coercion with the philosopher kings.

The demands placed upon any system of justice must be correlative to the purposes and standards of that system. If we are right that Marx's concept of justice is embedded within communist society and is revealed by the actualization of man's species being, then certain criteria for the judgement of the functional requirements of that system can be stated. First, any system of normative justice must be able to satisfy the stipulation that ought implies can. Therefore, any system or ideal regarding justice must be able to suggest the appropriate means to the realization of that society. There are additional functions that such a system should be able to satisfy; and although they are not strictly necessary, they would enhance the attractiveness of the theory: it should be able to demonstrate how the ideal system relates to the imperfect society, i.e., how it can function as an evaluative principle of justice. This function does become necessary if the judgement is to be made as to the relative 'justice' of different societies, e.g., socialist compared to capitalist. A Marxist system of justice should also be able to show that the means employed to bring about communist society are not antithetical to the achievement of justice. This list of requirements is not exhaustive and will expand as the system is developed. Care must be taken, however, not to make initial demands that require the inclusion of specific political and social institutions.

Tucker's further argumentation against a possible system of justice in Marx depends upon his showing both that Marx did not condemn capitalism for being unjust, and that he did not see communist society as being just.

Tucker shares his view with Wood on these claims, although their reasons for holding them differ. Beginning with Tucker we will examine the latter argument and then return to a critique of Tucker's first argument.

The thrust of Tucker's argument is that Marx does not have a distributive system of justice. Tucker argues that Marx did not perceive communist society as being just: the imperative "from each according to his ability to each according to his need" is a prescription of brotherhood, not of justice (and yet this imperative is the most likely candidate for a principle of justice). Two points need to be made here. Even if Tucker is right that Marx and Marxists see communist society as one of brotherhood, this does not preclude its being concerned with justice as well. The implicit suggestion made by Tucker is that brotherhood is a supererogatory duty above the demands of justice and ethics. But this conclusion is dependent upon the system of justice under consideration. Lenin certainly held not only that a communist society would be just, but in fact that it would be the only society in which justice would be possible.⁶ The concept of fraternity is, according to Rawls, embedded in the difference principle. This principle is the major component of Rawls' second principle of justice and is the fundamental characteristic which separates Rawls' system from traditional liberal systems (Rawls, p. 105ff). Tucker's point does have an application, however, in that the "need" prescription is not Marx's primary principle of justice, although it is certainly a derivative principle.

Second, Tucker uses Marx's and Engels' attack on Proudhon and other socialists for emphasizing the need for redistribution of income as proof that for Marx "the principle of distributive justice is alien" (Tucker, p. 41). But Tucker misunderstands Marx's argument. Marx believed that Proudhon and others who argued for redistribution were mistakenly attacking the result of the capitalist system instead of the cause. Distribution was the result of the productive process (means and mode of production) and therefore distribution could not be successfully altered without changing the productive process.

These modes of distribution are the relations of production themselves, but sub specie distributionis. It is therefore highly absurd when e.g. J. St. Mill says . . . 'The laws and conditions of the production of wealth partake of the character of physical truths. . . . It is not so with the distribution of wealth. That is a matter of human

institutions solely.' The laws and conditions of the 'distribution of wealth' are the same laws under different forms.⁷

Tucker also argues that Marx did not perceive capitalist society as being unjust. This conclusion is not unique among critics of Marx and follows from the belief that Marx only recognized justice as a political institution. Accordingly, the institution of justice was determined by the mode of production and the system of justice could only reflect the demands of the mode of production. Justice as a political institution reflected and served the demands and needs of capitalism; and to the extent that principles of justice entailed behavior that was beneficial to capitalism, the system was just.

We agree that Marx held a descriptive account of justice that was relative to its own historical epoch. Interestingly enough, Marx did not believe that capitalist society could satisfy the demands of its own system of justice. The decadence of capitalist society was revealed by its hypocritical behavior in relation to its own standard of justice. Marx did believe that bourgeois justice could become a reality, but only after the means of production passes into the hands of the state in the period of socialist transition. Marx, in a discussion of socialist society, argues that bourgeois rights are realized because "principles and practice are no longer at loggerheads."⁸ For Marx "rights" by definition consist in applying equal standards to unequal individuals, producing unequal results. But, at least in socialist society, liberty and the worth of liberty become one as equal application becomes possible.

Marx, however, certainly did consider capitalism unjust by an external standard of justice which was not tied to juridical and political concepts. What else are we to conclude from Marx's statement that "the theft of alien labor time in which the present wealth is based appears as a miserable foundation in face of [communist society]" (*Grundrisse*, p. 705). In the *Grundrisse* Marx makes it clear that the evaluation of concepts central to his notions of justice takes place on two levels, one internal and the other external.

In present bourgeois society as a whole, the positing of prices and circulation etc., appears as the surface process, beneath which, however, in the depths, entirely different processes go on, in which their apparent individual equality and liberty disappear. It is forgotten, on the one side, that the presupposition of exchange value, as

the objective basis for the whole system of production already implies compulsion over the individual. . . . (p. 247)

Later Marx attacks the Proudhonists for not seeing that exchange value is an essential part of capitalist exploitation.

The proper reply to them is: the exchange value or more precisely, the money system is in fact the system of equality and freedom, and that the disturbances which they encounter in the further development of the system are disturbances inherent in it, are merely the realization of equality and freedom, which proves to be inequality and unfreedom. (p. 249)

This distinction in Marx where the positing of a value on one "level" becomes its negation on another deeper "level" is not unusual in his work; and its application has not gone unnoticed in a possible theory of justice. Eugene Kamenka says, "Marx's contrast between the 'rational society' and the political structure of 'civil society,' then might be seen as a sound perception of the contrast between what we might call 'ethical justice' and 'political justice.'"⁹ This distinction allows us to make sense of normative judgements by Marx which appear to appeal to justice talk, like the following statement: "The accumulation of wealth at one end is at the same time the accumulation of poverty, hard labor, slavery, ignorance, growing bestiality, and moral decline at the other. . . ." ¹⁰

Allen G. Wood's major objection to the finding of a theory of justice in Marx involves an appeal to Marxist methodology. Because the concept of justice in Marx's historical analysis is a juridical notion that is dependent upon the mode of production, "the conceptions of right and justice which express this point of view are rationally comprehensible only when seen in their proper connection with other determinations of social life and grasped in terms of their role within the prevailing productive mode" (Wood, p. 254). Given this supporting role of juridical conceptions in social life, they cannot be used to measure the rationality of society; rather, they arise naturally from the particular relations of production that exist in a particular society at a particular time. The social activity of men will appear just when it coincides with the prevailing mode of production, and will appear unjust when it contradicts that mode. "Just transactions 'fit' the prevailing mode, they serve a purpose relative to it, they concretely carry forward and bring to actuality

the process of collective productive activity of human individuals in a concrete historical situation" (Wood, p. 256).

Given this interpretation of the methodological role of production in Marx's system, Wood concludes that for Marx justice cannot in the abstract be a rational standard for measuring human actions or institutions, and that there can be no eternal principles of justice which are applicable to each and every society. Rational assessments of the justice of particular acts are made with respect to their function in a specific mode of production and not in accordance with some universal formal conception of justice. Thus, it is meaningless to say that capitalism is an unjust system if we mean to appeal to such formal conceptions. In respect to the mode of production of capitalism the appropriation of surplus value by the capitalist is perfectly just, it conforms to the mode, whereas the use of slaves is unjust because it does not conform to this mode.

A serious problem arises, however, when Wood attempts to account for Marx's own condemnation of capitalism. Wood appropriately recognizes that Marx charges capitalism with exploitation of the worker and that he calls for the abolition of the antagonism between capital and labor. But according to Wood, "This exploitation of the laborer by capital is not a form of injustice, but is a form of servitude" (Wood, p. 277). Marx's recognition of the domination of the worker inherent in capitalism, and the fact that it results in misery and degradation for the worker, does not involve a charge that capitalism is unjust, but simply that there is a fundamental antagonism within its mode of production. Hence, the need for emancipation by the workers "does not appear merely as a social ideal, but always as an actual movement within the existing production relations toward concrete historical possibilities transcending them" (Wood, p. 277). In effect, Wood finds that Marx's criticism of capitalism's exploitation of the worker is simply a part of the recognition of the structural contradiction in capitalism which will eventually lead to its downfall.

An objection to this interpretation of Marx is that it leaves his condemnation of capitalism without rational justification. If, according to Wood, this condemnation cannot be rooted in any principle of justice, whence does such a condemnation issue forth? Does it come from the mere description of the breakdown of capitalist productive relations? To hold, as Wood does, that the mere recognition of the existence of exploitation and domination constitutes an intrinsic condemnation of capitalism does not explain why Marx used the

sort of normative language that he did to "describe" capitalist production. Some sort of explanation would seem to be of import if for Marx the mechanisms of capitalism which foster exploitation and domination are, given that mode of production, just. And further, why should the breakdown of capitalism be taken as a fact to be applauded, and not one over which to be remonstrative? According to Wood, "Marx's own reasons for condemning capitalism are contained in his comprehensive theory of the historical genesis, the organic functioning, and the prognosis of the capitalist mode of production" (Wood, p. 281). When in the course of his analysis of capitalism Marx finds disguised exploitation and unnecessary servitude, these of themselves appear as "good reason" for condemning it. Our objection to this involves the question of how it is that Marx finds such exploitation in capitalism; or how it is that Marx makes the implicit judgement that certain conditions in capitalist society ought or ought not to exist.

In concluding this section, let us summarize our arguments against those who oppose a theory of justice in Marx and indicate the direction that our exposition of such a concept in Marx will take. First, we have seen that for Tucker and others, the concept of justice is understood primarily in terms of rights and duties and conflict resolution. For Tucker, this means that concerning the justice of social productive relations, the primary question will be that of distribution, a question which Marx saw as secondary to the analysis of the mode of production. For Wood, this means that a theory of justice will have a functional role with respect to the prevalent mode of production, but that justice will be meaningless when abstracted from the historical circumstances of any given mode of production. In both cases it is denied that Marx subscribes to principles of justice by which to judge the rationality of capitalist society. Our contention is that this view is false, first because a concept of justice can be found in Marx which is not tied to juridical notions, and secondly, because a concept of justice external to those conceptions which Marx views as functional to various modes of production must be appealed to if Marx's own condemnation of capitalism is to be understood rationally. Rather than attribute to Marx a political or juridical conception of justice, we will focus on a conception which is primarily ethical in nature. As will become clearer in the analyses which follow, the ethical characteristics of this conception involve a model of actualized human activity which is ideal-oriented. We will show that Marx does make an appeal to some external principle of justice, first by examining texts in Marx where we find the formal conception of species-

being and then by directing ourselves to the analysis of capitalism in light of the concept of alienation. We hope to show how Marx's allusions to a formal principle of justice are buttressed by the manner in which Marx's analysis of capitalism develops.

II

In order to understand what constitutes ethical justice for Marx we must understand the nature of the social good. Man is viewed by Marx as fundamentally a social being; hence an analysis of justice in Marx will necessarily focus on the quality of social relations. Social relations can, however, be understood from a variety of perspectives depending on the sort of activities one finds as being in some sense primary in the relation of man to man. For example, we could choose to view man's fundamental activity as the exercise of political rights, or the expression of religious belief, or even as the procreator of his kind. In Marx, the fundamental activity of man is his labor and the social good is manifested in accord with the manner in which that labor is performed. Labor is chosen by Marx as the core concept of his system because it is the most concrete and universalizable activity that men engage in: concrete in that it is the sensuous expression of the human being; universalizable in that it is the precondition of all human existence.

The role of the concept of labor in determining the notion of the social good has two important sides in Marx: one side involves a formal conception of the nature of the laboring activity; the other side involves the empirical analysis of the social forces in which the laboring activity manifests itself. It is not generally recognized by interpreters of Marx's system how these two sides are related, let alone the acknowledgment that such a distinction can be made. For the purpose of understanding justice in Marx, this distinction is crucial, for it allows one to make sense of the obvious normative character of Marx's critique of capitalism, while avoiding rather implausible conflation of Marxism and philosophical traditions which are not in the spirit of Marx's methodology.

A formal concept of the laboring activity can be found in Marx's early works, especially the Economic and Philosophical Manuscripts of 1844. Here we find Marx stating that

Man is a species being. . . because he treats himself as a universal and therefore a free being. . .

The universality of man is in practice manifested precisely in the universality which makes all nature his inorganic body--both inasmuch as nature is (1) his direct means of life, and (2) the material, the object, and the instrument of his life activity. (Tucker, p. 61)

Furthermore,

Man makes his life-activity itself the objects of his will and of his consciousness. . . . In creating an objective world by his practical activity, in working-up inorganic nature, man proves himself a conscious species being. . . . This production is his active species life. Through and because of his production nature appears as his work and his reality. The object of labor is, therefore, the objectification of man's species life: for he duplicates himself not only, as in consciousness, intellectually, but also actively in reality, and therefore he contemplates himself in a world that he has created. (Tucker, p. 62)

In effect, these extracts indicate that the essence of human activity is conscious production, viz. labor, and that this activity is a manifestation of the species-life of the individual, a species-life which is itself the end of human activity. However, we find that historically the species-life becomes merely a means of individual life and not also its end.

For in the first place labor, life-activity, productive life itself appears to man merely as a means of satisfying a need--the need to maintain physical existence. (Tucker, p. 61)

The proposition that man's species nature is estranged from him means that one man is estranged from the other, as each of them is from man's essential nature. (Tucker, p. 63)

According to Adam Schaff, the phrase "species-being" has two importantly different meanings.

First, one stresses that man belongs to a biological species as a specimen of this species; and second, one emphasizes that man possesses a certain model of what man should be like which is a result of his own reflection on the properties and tasks of his own species--a model which is a source of the norms of human conduct as a 'Species-being.'¹²

Schaff further contends that as Marx's thinking matures, the notion of "species-being" transforms into a specifically sociological context, and that while characteristics of the biological species are retained, the emphasis comes to be placed on social relations. And in fact, in the Grundrisse Marx states that

The fact that this need on the part of one can be satisfied by the product of the other, and *visa versa*, and that one is capable of producing the object of the need of the other and that each confronts the other as owner of the object of the other's need, this proves that each of them reaches beyond his own particular need etc., as a human being, and that they relate to one another as human beings, that their common species-being is acknowledged by all. (p. 243)

Intrinsic to the notion of species-being, then, is the idea of human reciprocity, whereby each individual attains his ends by becoming a means for another, the function of this reciprocity being the fulfillment of universal and fundamental human needs. Because the relationship is one of reciprocity, the individual is not merely a means for another, for his social relation to the other is also one of mutual dependence. Men are dependent on one another in order to satisfy their needs but, more than this, they require one another as fully actualized human beings; and this implies that their sociality, as well as their particular needs as individuals, is the aim of their life activity. In ignoring this sociality, and in placing exclusive emphasis on the objects of need, man becomes dominated by his own products in the form of hostile social forces. Man's emancipation from these forces requires that he "get behind the secret of his own social products," that he recognize the intrinsic sociality of productive activity (Duncan, p. 85).

In order to understand explicitly how the concept of species-being serves to provide a model or principle of human interaction, the concept of need must be further explored. Here we can only suggest the direction such a discussion would take. In focusing attention on what the concept of need embraces, as well as what the fundamental human needs are which contribute to the species-life of man, certain requirements come to the fore: first, the concept of need must be distinguished from the concept of interest in order that we be able to distinguish between the real and merely apparent means to species-life. Fundamental human needs dictate the direction that human interests ought to take; and interests which hamper the satisfaction of these needs are alienated. Secondly, need satisfaction is so

intrinsically tied to the productive process that the concept of need determines not only what the means are (in terms of objects of production), but the very manner in which those objects are produced. This already hints at a distinction between material and non-material needs; thus for instance, we must understand the manner in which needs are treated and transformed historically through the process of objectification and in general how it is that "the capacity for objective activity" is itself a fundamental need.¹³ And thirdly, insofar as needs are understood as proper to the essence of man's empirical being, this must be understood socially, for "the human essence is no abstraction inherent in a single individual. In its reality it is the ensemble of social relations."¹⁴

Thus, the concept of species-being serves to provide a model or principles of human interaction which stands as ideal with respect to the historical modifications in social relations which put men at odds with the intrinsic character of their species-life. It was Marx's view that a proper understanding of the mode of production would provide the knowledge whereby man could liberate himself from dominating social forces. It is in terms of the concept of species-being that we are able to understand why man's situation under capitalism is one to be deplored. In addition, it is apparent in Marx's works that the liberation of man through the actualization of his essential nature was not an ideal posited from abstract speculation, but was reached through the universalization of traits which fundamentally define man's empirical being.

Also central to the concept of species-being is the idea of the unity of nature and humanity. Productive activity is the mediation of the natural and human worlds such that when this activity is truly actualizing these worlds are inseparable.

Activity and consumption both in their content and in their mode of existence are social; for only here does nature exist for him as a bond with man. . . . Only here has what is to him his natural existence become his human existence, and nature become man for him. Thus society is the consummated oneness in substance of man and nature--the true resurrection of nature--the naturalism of man and the humanism of nature brought to fulfillment. (Tucker, p. 71)

We will see that this theme of the internal connection of the natural and human worlds underlies Marx's analysis of alienated labor where the estrangement of labor is in part an estrangement of the natural from the

human worlds. Furthermore, we will see that just as labor is the core concept in the notion of species-being as a model for fulfilled productive activity, so it is the core concept underlying Marx's analysis of productive activity in capitalism. Thus, the concept of labor has both a prescriptive and descriptive function which are intrinsically tied together in Marx's works. In turning to Marx's critique of capitalism we will show how these functions are interrelated.

Marx refers to the obtaining of surplus value by the capitalist as being in contradiction to the general law of exchange of commodities. It is important to understand the nature of this contradiction in order to understand the nature of Marx's condemnation of capitalism. To speak of a contradiction in the exchange relations is not *prima facie* to speak of an injustice in these relations, although even in the strict logical sense of contradiction, there is an inherent prescriptive connotation, i.e., that one ought not to engage in contradictions. In Marx the contradiction is constituted in the fact that a surplus value results from the exchange of equal values; and the normative character of this contradiction is that the labor activity takes place in a manner in which it ought not to. That labor ought not to be performed under conditions which result in such a contradiction is not given merely in the fact that the worker "has actually given up a value greater than that of the sum of money received in the form of wages" or that the capitalist "buys without paying for it, an additional sum of labor, an excess over the quantity of labor contained in the money which he pays out."¹⁶ To complain of an injustice on this basis is to imply that some sort of rectification can be attained in the exchange relationship of capitalist and laborer; it is to make an appeal to bourgeois standards of justice. The basis of Marx's condemnation of capitalism does not lie in the phenomenal results, although these are certainly indications that something is amiss, but lies in the cause of these results, viz., the treating of labor, the creative power of human beings, as a commodity. The fundamental injustice in capitalism lies in the relation with which the laborer stands to his own laboring activity.

If we are to speak of the injustice of capitalism on the basis of the manner in which labor manifests itself, then we must have some norm or model from which such a judgement can be made--the charge of injustice must be made with respect to some specific standard of justice. However, we must remember that, given Marx's thoroughgoing criticism of bourgeois productive relations, and of the social and political relations which arise therefrom, a standard of justice cannot be found

in these relations as they exist. In fact, conceptions of justice for Marx are determined by the productive relations in which man finds himself. How then can we speak of an external conception of justice in Marx?

One of the features of Marx's analysis of capitalism which gives this analysis its uniqueness is its criticism of the basic presuppositions of capitalist production. According to Marx, bourgeois political economy never goes deep enough in its analysis of bourgeois productive relations; it mistakes the immediate surface phenomena for the real underlying structures. We might say, then, that Marx attempts to get at the "deep structures" of bourgeois economy in order to explain fully and to make intelligible its workings. Once such a move is made to a deeper level of analysis, explanations which derive from the surface level will appear as incomplete, as merely begging the question of the economy's real functionings. Talk of justice for Marx has historically occurred at this surface level, and therefore has had little validity in terms of explaining what is deficient in the social relations that are manifest. Part of the Marxist claim is that for the first time there is a method of analysis which gets beneath the surface, which gives a true historical understanding of the development of capitalist society. Does this preclude the making of normative judgements at this deep level or the formulation of a standard which makes these judgements intelligible? These normative judgements are evident throughout Marx's work, and while the standards most often appear in Marx's earlier works, they serve as a theme which continually underlies his critical analysis of capitalism. Just as Marx's analysis of capitalism is external to the presuppositions under which capitalism operates, so his conception of justice is external to those conceptions which accept capitalist structures.

The concepts of alienation, exploitation, and domination are central to Marx's critiques of capitalist society; they indicate normative judgements which are aimed at the heart of the productive process. The source of the injustice of capitalism is not reducible to the capitalist's making a profit where the wealth that results is construed as some sort of theft of value. Rather, the injustice is to be viewed as resulting from the nature of the productive relations of labor. Money, for Marx, is only one of the forms which value can take, it is symbolic of how exchange value can take on a separate existence from labor and its product. "All the properties of the commodity viewed as exchange value appear as an object distinct from it; they exist in the social form of money, quite

separable from their natural form of existence" (*Grundrisse*, p. 145). The more that exchange value takes on this external existence, the more the relationship between labor and its product becomes estranged, where the product in the form of value becomes an external force independent of and opposed to the producers.

This notion of the externality of the product of labor from labor is the central theme in Marx's talk of the alienation, exploitation, and domination of labor. This externality manifests itself in exchange relations in the separation of the double form of commodities, i.e., the separation of their natural form of existence (use value) from their social form (exchange value). "As soon as money becomes an external thing alongside commodities, the exchangeability of commodities for money is immediately attached to external conditions which may or may not occur; it is the victim of external conditions" (*Grundrisse*, p. 147). With the introduction of money, then, the bond between the natural and social forms of the commodity is broken. Whereas, originally, the exchangeability of commodities depends on their use values, natural properties which satisfy human needs, money represents exchange value which is cut off from these needs, required not for the satisfaction of these needs but for the accumulation of exchange value. This accumulation of exchange value is the process of creating capital, and it is in the form of capital that money comes to dominate labor.

The sense in which labor is dominated by capital becomes clear when we look at the workings of the productive process. While the laborer receives only the subjective conditions (means of subsistence) for the realization of his labor, the objective conditions (materials and instruments) stand opposed to labor in the form of capital which has re-entered the productive process. This results from the exchange of living labor power for a quantity of objectified labor which is labor's own product. This objectified labor appears to the laborer as alienated labor, as labor which was not the creation of the laborer, but which stands in the exchange as something foreign to him. Superficially, of course, this alien labor appears to be derived externally from the process of the circulation of capital, but it is from labor itself that this alien labor is created. Surplus value is the key to understanding the power of capital, and surplus value is constituted by congealed labor time: it is objectified labor which finds its way back into the productive process in the form of the objective and subjective conditions of production. Thus, the different forms which surplus value takes on, viz., the surplus product, capital, and objectified labor as a re-input into the production

process, are all the creation of living labor. "All the factors which were opposed to the living labor power as forces which were alien, external, and which consumed and utilized the living labor power under definite conditions which were themselves independent of it, are now established as its own product and result" (Grundrisse, p. 451).

In effect then, the fundamental antagonism in the productive process can be seen as constituted in the opposition of surplus objectified labor over necessary labor (that which reproduces the laborer), a surplus which is continually being exchanged against living labor as if it were independent of that living labor. What appears at first as the independent power of capital to provide the means of production for making possible the realization of living labor, as expressed in the divorce of capitalist private property from labor, is really the product of labor itself. Thus, "The more labor objectifies itself, the greater will be the objective world of values that faces it in the form of alien property. Through the creation of surplus capital, labor lays on itself the necessity of creating new surplus capital once more, etc., etc." (Grundrisse, p. 455).

The injustice of capitalist private property, then, follows from the injustice of the productive process. With the exception of the primordial situation (in which values are originally held which are not a result of capital and which are exchanged with the laborer for living labor power), the creation of capital as private property is the result of a previous acquisition of alien labor. In other words, the prerequisite for capital, values which can be thrown back into the production process in the form of private property, is the appropriation of labor value without exchange (surplus value).¹⁷ Each appropriation of objectified labor serves as the condition for further appropriation. Here "property appears as the right to appropriate alien labor, and the impossibility of labor appropriating its own product by itself. The complete divorce between property (still more, wealth) and labor thus appears as the consequence of the law that originally identified them" (Grundrisse, p. 458). In the Paris Manuscripts Marx anticipates this analysis of the relation of property to labor when he says, "private property is thus the product, the result, the necessary consequence, of alienated labor, of the external relation of the worker to nature and to himself"¹⁸ (Tucker, p. 65).

It can be seen, then; that there is a definite congruity between Marx's concept of species-being and his empirical analysis and critique of capitalist production.

Labor always appears in Marx as the root concept, both in terms of the condemnation of the alienation found in capitalist social relations and in terms of the condemnation of the alienation found in capitalist social relations. Species-being provides a model which focuses on the productive activity of man as it relates to both his natural and his social being. Man's species-being is a means of satisfying his natural needs and wants, and the satisfaction of these needs and wants is a means of fulfilling his social being. As we have seen in Marx's critical analysis of capitalism, the theme of the externality of man's social being from his natural being reoccurs, and its explanation refers to the way in which the forms of this social being emerge out of the productive process. Fundamentally, the separation of natural man from social man is the result of the manner in which labor reproduces itself; it results from labor producing itself as alien labor, labor which is sold as a commodity in exchange for conditions which allow the productive activity (under capitalism) to take place. The separation of man's natural and social being is inherently a subordination of men to their social relations; for while producers are universally interdependent insofar as exchange value becomes the means for the satisfaction of individual needs, the externality of exchange value in the form of capital makes it subject to a fortuitous accumulation of value for its own sake. As a result there is an isolation of the private interests of individuals from one another (made acute by the division of labor) where the only social unity to be found is in a supply and demand market of indifferent individuals. The situation of the producers is such "that their production is not directly social, not the offspring of an association that divides the labor among its members. The individuals are subordinated to social production, which exists externally to them as a sort of fate" (Grundrisse, p. 158).

III

Unlike many philosophers who have searched for Marx's concept of ethical justice in Marx's and Engel's sketchily drawn picture of communist society, we have instead turned to the analysis of the companion and complementary notions of economic criticism and species-being. Our analysis has reached the conclusion that the purpose of the Marxist principle of justice is to maximize man's ability to actualize both the eternal and historically relative characteristics of his species-being. This proposed actualization will require that the principle of justice entails the abolition or modification of such institutions as commodity exchange, division of

labor, and private property, so long as these institutions impede man's quest for freedom from physical restraint and social coercion.

One of the results of our approach has been that we have avoided entangling ourselves in the complex web of historical materialism, although its shadow has always been present. In this concluding section we will briefly discuss historical materialism in order to argue that this doctrine is best understood if it allows at least for the limited intervention of human actions which are seen as resulting from man's free critical consciousness.

If Marx held a hard determinist position in the guise of historical materialism, he would be as open to similar charges concerning the legitimacy of his making normative moral judgements as Spinoza, Freud, and Skinner are. Marx's position on this subject is at best unclear. Often, particularly in his economic writings, he appears to see historical materialism as a completely determinist doctrine, although the determining components are not nearly as simplistic as many critics would have one believe. It is, therefore, quite understandable that scholars such as Tucker reach the conclusion that "justice" is purely a politically descriptive term for Marx. But we believe a more reasonable description of historical materialism is that it is a doctrine which allows for the intervention of critical and free human consciousness. The parameters within which this free consciousness can operate will be more or less restricted depending upon the specific state of the material conditions at a specific time. As Mihailo Markovic says, "The activity of historic agents, men, unlike the behavior of things and non-human living organisms, can under certain conditions be free and universal" (Markovic, p. 12). If this interpretation is correct, then sense can be made of this quote from Marx, "Is it not a delusion to substitute for the individual with his real motives, with multifarious social circumstances pressing upon him, the abstraction of "free will"--one among the qualities of man for man himself?" (Feuer, p. 489).

The most satisfactory evidence within Marx's work for supporting the conclusion that historical materialism is not simply a hard determinist doctrine, is supplied by his political work where he continually exhorts the proletariat to act in a revolutionary fashion that precludes the occurrence of state of chaos, anarchy, and reaction which are potential results of revolutionary activity. As Graeme Duncan notes, "[Marx] does not regard consciousness as simply reflexive and dependent, and the actual diversity of ideology in terms of

progressiveness, proximity to economic conditions and interest, and form and degree of restraint by economic conditions, presumably give consciousness some scope and independence in particular circumstances" (Duncan, p. 144).

Our final point is that the conception of justice we have drawn is not reflexively tied to Marx's concept of political and communist society. Marx believed that the political state in class society existed for the purpose of oppressing the subservient class and as a necessary mechanism for the transition to classless society. Therefore, once the distinctions of economic class were eliminated and everyone became a member of the proletariat, the coercive function of the state would no longer be necessary, and this function would disappear. The organizational and coordinating functions of the state would still exist but values would be shared by the entire society; as a result, cooperative activity among its members would be voluntary. In addition, *akrasia* would be less prevalent because of the lack of societal hypocrisy and the identification of personal self-interest with the interests of the society. Whatever disciplinary action were needed would be performed by the violator's peers. While we believe there is much to be said in favor of this model, one hundred years of history has shown that the coercive behavior of the state will not be so easily eradicated, nor will the simple abolition of economic classes guarantee a harmonious relation among people. The problem is more complex than Marx envisioned. Therefore, the conditions which Marx saw as necessary implementing criteria of communist society will be different. One of the advantages of locating Marx's concept of justice in species-being is that society can be judged rationally as well as empirically by its success in promoting those characteristics and satisfying those needs which can be identified as being essential for the actualization of species-being. One of the major tasks in more clearly defining the concept of Marxist justice will be the elaboration of those needs legitimate to species-being.

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NOTES

¹G. Brenkert, "Marx and Utilitarianism," Canadian Journal of Philosophy (Vol. 5, 1975), pp. 431-434; and Eugene Kamenka, The Ethical Foundations of Marxism (London: Routledge and Kegan Paul, 1962).

²Brian Barry, The Liberal Theory of Justice (Oxford University Press, Oxford, England: 1974); and Robert Paul Wolff, Understanding Rawls (Princeton: Princeton University Press, 1977).

³R. C. Tucker, The Marxian Revolutionary Idea: Distributive Justice in Marx (New York: W. W. Norton, 1969); and Allen Wood, "The Marxian Critique of Justice," Philosophy and Public Affairs (1972), pp. 244-282.

⁴John Rawls, A Theory of Justice (Cambridge, Mass.: Harvard University Press, 1973), pp. 4, 10.

⁵Graeme Duncan, Marx and Mill: Two Views of Social Conflict and Social Harmony (Cambridge: Cambridge University Press, 1973), p. 111.

⁶V. I. Lenin, State and Revolution (Peking: Foreign Language Press, 1973), p. 111.

⁷Martin Nicolaus (trans. and ed.), Grundrisse, by Karl Marx (New York: Vintage Books, 1973), p. 832.

⁸R. C. Tucker (ed.), The Marx-Engels Reader, "Critique of the Gotha Program" by Karl Marx (New York: W. W. Norton, 1972), p. 387.

⁹Eugene Kamenka, The Ethical Foundations of Marxism (London: Routledge and Kegan Paul, 1962), p. 109.

¹⁰Mihailo Markovic, From Affluence to Praxis (Ann Arbor: Ann Arbor Paperbacks, 1974), p. 129.

¹¹Tucker (ed.), The Marx-Engels Reader, "Economic and Philosophic Manuscripts of 1844" by Karl Marx, p. 61.

¹²Adam Schaff, Marxism and the Human Individual (New York: McGraw-Hill, 1970), p. 82.

¹³Agnes Heller, The Theory of Need in Marx (New York: St. Martins Press, 1976), p. 42.

¹⁴Tucker (ed.), The Marx-Engels Reader, "XI Theses on Feuerbach" by Karl Marx, p. 109.

¹⁵Terence McCarthy (trans.), A History of Economic Theories from the Physiocrats to Adam Smith by Karl Marx (New York: Sanglund Press, 1952), pp. 113-114.

¹⁶Lewis S. Feuer (ed.), Marx and Engels, Basic Writings on Politics and Philosophy, "Capital Punishment" by Karl Marx (Garden City, N. Y.: Doubleday and Company, Inc., 1959), p. 489.

¹⁷While in the exchange relation the worker gets the equivalent of the value of his labor (as measured by the labor time that is socially necessary to produce it) in the form of wages, he does not get anything in return for the value that his living labor creates in the productive process. In selling the use value of his labor the worker gives up its value creating capacity to the capitalist. This value creating capacity, and its resulting appearance in the form of surplus value, is not the subject of the exchange relation insofar as accumulated values are concerned, and yet it is nevertheless transferred from the worker to the capitalist in the act of exchange.

¹⁸We should not here that (a) the law of exchange is itself vitiated by the contradiction in the relation between capitalist private property and labor; and (b) while capitalist private property appears as the source of alienation insofar as the use of capital results in a further appropriation of alien labor to the misery of the workers, capital itself comes about (both logically and materially) through the original alienation of labor where it is first treated as a commodity subject to exchange.