

MAKING SENSE OF MARXIAN CONCEPT OF JUSTICE

HAROON RASHID

Introduction

It is controversial as to whether there is any specific concept of justice in Marx's thought. The theoretical background of this controversy lies in his concept of capitalist exploitation and in his principle of communist distribution. This is the reflection of the controversy between classical Marxism and normative Marxism.¹ According to normative Marxism, Marx's condemnation of capitalist exploitation as well as his concept of communist distribution allow a principle of justice. On the contrary, classical Marxism claims that neither Marx's condemnation of capitalism is based on any principle of justice nor his conception of communism suggests any theory of distributive justice. However, this paper is an attempt to make sense of Marx's own view about justice in the light of this controversy. I argue that although Marx uses normative terms in his condemnation of capitalism and in his conception of communism, he does not provide any specific theory of justice. Although he treats capitalist appropriation of surplus value as theft and robbery, he nowhere says that capitalist exploitation is unjust. In his view, exploitation is the very nature of capitalism, i.e., it arises from the economic inequalities of the system. Marx formulates a communist principle of distribution as a principle of equality, but he does not consider it as a principle of justice.

Marx does not believe in any particular conception of justice. In *The German Ideology*² and in *The Communist Manifesto*³ he dismisses talk about ideals like justice and rights. He asserts that justice and rights are ideological constructions, which only serve to justify and perpetuate the existing property relations. Actions are said to be just or unjust in relation

to a particular mode of production. There is no transhistorical concept of justice. Neither is there any communist principle of justice, because communism will be a society beyond justice. Marx is hostile to moral conceptions of communism. He believes that historical development is governed by an objective necessity independent of man's will. Accordingly, condemnation of capitalism as unjust is pointless. Communism cannot come about before conditions are objectively ready for it. As long as exploitation is historically necessary, capitalism will remain. As soon as its time is past, it will disappear. There is no room for any principle of justice in either stage. However, according to the law of capitalist economy, surplus value is due to the capitalist, not due to the worker, hence, the appropriation of surplus value by the capitalist is not unjust.

Marx constructs a comprehensive theory of capitalism as a concrete historical mode of production. He condemns capitalism as a whole, and his condemnation is based on (what he believes) a unified and complete analysis of its inner workings and its position in human history. In his view, capitalism has performed a valuable historical task in developing social forces of production, but this development has taken place at the cost of humanity. Not only has it impoverished the physical existence of the workers, but the intellectual and moral lives of men have also been impoverished by it. The rapidity of social change under capitalism has created a permanent state of instability and disorder in social relationships. Hence, the Marxian charge that capitalism is essentially a system of exploitation, actually figures in Marx's critique of capitalism.

In Marx's view, social relations are disguised in capitalist production. Capitalist production rests essentially on the appropriation of surplus value. Capital, by its very nature, necessarily exploits the worker by appropriating and accumulating his unpaid labour. Hence this exploitation of the worker by capitalist is not a form of fraudulent exchange or economic injustice, but it is a form of concealed dominion over the worker. Capitalism is a system of slavery, expressed as the relations of dominion and servitude. Although this servitude is a source of misery, degradation, and discontent to the worker, it is not a form of injustice. The servitude of the wage labourer to capital is an essential and indispensable part of the capitalist mode of production.

Capitalist exploitation rests on economic coercion. In Marx's sense, capitalist exploitation typically arises because workers are forced to sell their labour power. They have no land to cultivate, no capital to set themselves up in business, no entrepreneurial skills to pursue a bank to lend them money. Therefore, the choice of wage labour is forced, and capitalist exploitation does not involve any injustice. Capitalist exploitation also leads to a need for emancipation. This need appears as an actual movement within the existing production relations not merely as a social ideal. In Marx's theory, it arises only where there is antagonism between the productive forces and the existing production relations. Men develop and change the forces of production within a given mode of production, and in this way they bring about new historical possibilities, and with them new human desires and needs. Capitalism itself produces the need to abolish capitalist production. It produces an ever-growing burden of servitude and at the same time an ever greater capacity for emancipation. In this way, the productive forces become increasingly antagonistic to the production relations. But it does not mean that the downfall of capitalism is inevitable because it is bad or unjust. In Marx's sense, the creation of human desires and needs cannot be satisfied within a capitalist framework. These defects of capitalism are the causes of its downfall. So, capitalist breaks down not because it is bad or unjust but because it is defective.

In the *Critique of the Gotha Program*,⁴ Marx formulates a communist principle of distribution. The main function of this principle consists in abolishing economic inequalities of the capitalist system. In this sense this is a principle of equality, not a principle of justice. Marx makes a distinction between the principles of distribution in the first and the final stages of communism. In the first stage, there is the contribution principle - "To each according to his contribution." In the final stage, there is the need principle - "To each according to his needs." The contribution principle requires that skilled and unskilled labour have been reduced to a common measure that takes account of this difference. In Marx's view, the contribution principle is defective in the sense that it embodies a bourgeois conception of formal rights. Distribution according to rights is necessarily inadequate. This defect is eliminated in the higher stage of communism which represents a transition from a society governed by rights to a society

in which rights and justice no longer have any role to play.

For Marx, the contribution principle applies equal labour contribution to all producers. But different individuals make unequal productive contributions and are differently rewarded according to their unequal physical and mental endowments. Thus equal rights applied to unequal individuals give rise to material inequality. The contribution principle, therefore, favours those who are gifted by nature. Marx says that the individuals should not be discriminated on the basis of natural differences for which they themselves are not responsible. The contribution principle treats human beings one-sidedly as workers and ignores their individuality. This defect of the contribution principle would be overcome by the needs principle in the higher phase of communism. The contribution principle, therefore, only makes sense when it is seen in the light of the needs principle. However, Marx's needs principle implies that there would be an abundance⁵ of goods under communism. Accordingly, individual's needs will be satisfied and the "circumstances of justice" will no longer remain under communism.

For Marxian Concept of Justice

Jon Elster,⁶ one of the leading figures of normative Marxism (a recent trend in Marxist thought,) argues that Marx's theory of exploitation in *Capital*⁷ and his conception of communism in the *Critique of the Gotha Program* entertain the principles of justice. On the one hand, capitalism is unjust in the sense that Marx treats capitalist extraction of surplus value as theft, embezzlement and robbery. On the other hand, Marx's contribution principle in the first stage of communism entertain a conception of justice in the sense that exploitation is always and inherently unjust. The term "exploitation", according to Elster, carries connotations of injustice. It is highly value-laden, with overtones of moral wrongness and unfairness. To say that exploitation is unjust is to say that it ought to be abolished. But this view only makes sense if it can be abolished.

In Elster's view, Marx believes capitalism to be a profoundly unjust system. Although Marx treats justice as a bourgeois category, Elster believes, his theory of exploitation, and notably the frequent characterization of profit as theft, only makes sense if we impute to him a theory of distributive justice. That is, Marx condemns capitalism on the grounds of

distributive justice. When he refers to the transaction between capitalist and worker as "theft", "robbery" and "embezzlement", he believes that capitalist appropriation of surplus value is an unjust one. Capitalist profit violates the principle "To each according to his contribution". Thus, argues Elster, the contribution principle serves as a criterion of justice that condemns capitalist exploitation as unjust. Since exploitation violates the contribution principle, it is considered to be a main flaw of capitalism. Hence, exploitation as a main flaw of capitalism allows the conception of justice. As Elster says :

More specifically, he frequently refers to the capitalist extraction of surplus value as theft, embezzlement, robbery, and stealing. These are terms that immediately imply that an injustice is being committed. Moreover, the sense in which it is an injustice cannot be the relativistic one. The sense in which extraction of surplus value is unfair must refer to a non-relativistic, transhistorical conception. This argument is one important piece of evidence that Marx thought capitalism to be unjust.⁸

However, Marx denies any particular conception of justice. He does not believe in any non-relativistic, transhistorical conception of justice. Yet, Elster argues that his characterization of capitalism and communism suggests a particular conception of justice. He claims that there are at least two senses in which Marx entertains the conception of justice. On the one hand, Marx's critique of capitalism (capitalist extraction of surplus value as theft, embezzlement and robbery) shows that it is unjust. On the other hand, his numerous statements about communism offer a positive conception of justice (contribution principle in the first stage of communism).

Elster disagrees with Marx's logic that exploitation arises when workers are forced to sell their labour power. Contrary to Marx's causal notion of exploitation, he argues for a moral notion of exploitation :

Clearly, a worker can be exploited without being either coerced or forced to sell his labour power. Hence whatever is morally wrong with exploitation cannot stem from the forced nature of the wage contract- unless one is prepared to say that exploitation is morally unobjectionable when the contract is unforced.⁹

Although Marx's contribution principle tells us that exploitation is always and inherently unjust, it is not inherently wrong, it is not morally objectionable. It is objectionable because of specific features of the situation that are not always present. Hence, exploitation cannot be a fundamental moral concept. However, Elster points out two reasons why capitalist exploitation (appropriation of surplus value) may be termed unjust. First, pure capitalist (coupon-clipper) hires a manager at a poor wage to exploit the workers. This is unjust that the capitalist came to acquire his capital (whatever may be the means of acquiring). The capitalist receives an income without making any contribution in terms of work. Thus the capitalist violates the principle - "To each according to his contribution." For Elster, this is a principle of justice, though not the supreme principle of justice. Secondly, pure capitalist entrepreneur (who has no capital) exploits the workers by virtue of his organizational skills. He makes the workers much more productive collectively (than they could be in isolation) by bringing them together. But this does not entitle him to an income vastly greater than that of his workers. True, he "helps create what is to be deducted." But, argues Elster, one is not morally entitled to everything one is causally responsible for creating.

According to Elster, Marx' contribution principle only makes sense when it is assessed in the light of the needs principle. The defects in the contribution principle presuppose a superior principle of justice. To reject one principle Marx must appeal to another. That is, his argument to refute the contribution principle cannot serve the function of refuting the possibility of a theory of justice. Goods ought to be distributed so as to equalize welfare (a well-known theory of justice). Thus, Elster attempts to show that the two principles (contribution principle and needs principle) entertain the theory of justice. The contribution principle in the first stage of communism serves as a criterion of justice that condemns capitalist exploitation as unjust. In the second stage (of fully developed communism) it is itself condemned as inadequate by the higher standard expressed in the needs principle. Both these principles are violated by capitalist exploitation. In the words of Elster:

Hence Marx had a hierarchical theory of justice, by which the contribution principle provides a second-best criterion when the needs principle is not yet historically ripe for application. Capitalist

exploitation is doubly unjust, since it obeys neither principle. The "equal right" of the first stage of communism, is also unjust, but less so, since only the needs principle is violated.¹⁰

Thus, Elster imputes to Marx a two-tier or hierarchical theory of justice. The first conception is distribution according to needs and the second is the ideal of equal welfare. Exploitation is condemned by the first as well as by the second principle of distributive justice.

Elster's view is very close to that of Peffer.¹¹ Peffer argues for a labour theory of exploitation which suggests that economic exploitation turns out to be essentially forced, unpaid, surplus labour. Since economic exploitation violates Marx's principle of equal freedom, it is always wrong.¹² According to Peffer, Marx's views are compatible with theories of social justice and human rights. Marx is not only committed to general principle of equal freedom but also to human rights. Speaking of economic or social freedom makes sense only if we have a standard of justice. This view suggests that Marx's commitment to notions of social and economic freedom requires us to account for his implicit commitment to principles of distributive justice as well as human rights. Again, Peffer argues, Marxism is compatible with the concepts of justice and rights in the sense that an adequate moral theory must be able to show that socialism is morally preferable to capitalism. Socialism is morally preferable because it is a genuine historical possibility.

But Marx explicitly rejects any theory of justice and rights. In his early works¹³ he attacks these concepts (of justice and rights) by arguing that they are part and parcel of bourgeois ideology. In his later works¹⁴ he explicitly rejects the thesis that capitalist exploitation is unjust to the workers and that socialism is preferable to capitalism (because it is more just). Finally, he believes that these concepts will become otiose in communism. However, Peffer argues that Marx's criticisms of these concepts is in some way faulty and that there is no *prima facie* difficulty in either explicating Marx's moral views in terms of rights and justice or in basing Marxist moral theory on these concepts. Due to his various confusions about morality in general and the concepts of justice and rights in particular, Marx seems to have explicitly held capitalist exploitation to be just while

implicitly condemning it as unjust. Elster also points out that Marx can at times be madly inconsistent. In this regard, Peffer agrees with Elster that "no interpretation of Marx' various remarks on justice and rights can make them all consistent with one another."¹⁵

According to Keyes,¹⁶ Marx does not reject any standard of justice; rather he presents the reason for the defects inherently in the standard of justice in the first stage of communism. The defect of the first stage of communism is that it suffers from a "bourgeois limitation," namely, the individual needs are sometimes ignored. This defect is inescapable. Marx merely points out the unavoidable deficiencies. He does not reject the standard of justice, rather his argument concerning the defects of the first stage of communism is based upon a higher standard of justice. If there were no injustice involved in appropriating surplus value from the labourer, Keyes argues, why Marx so vehemently opposes exploitation. Why does Marx call it "shameless", and "systematic robbery"? Why does he insist that the worker is "cheated", "robbed", and "embezzled"? Why does he label the capitalist a "thief" and an "extorter"? Why does he refer to the capitalist's profit as "booty"? If Marx does not consider the capitalist extraction of surplus value from the worker as unjust, then why does he condemn it, and why does he spend the greater part of his life struggling against it?

Reiman¹⁷ argues for a Marxian theory of justice (which is materialist as well as historical), particularly presented in *The critique of the Gotha Program*. Like Elster he observes two principles of justice (contribution principle and needs principle) in the *Critique*. Reiman calls the first Principle Marx's socialist principle and the second his communist principle. Marx's socialist principle is a principle of equality in the sense that each person derives a share of the social product equal to his output. But this principle would, as Marx says, still countenance inequality in the sense that people differ in their natural talents and abilities. However, Marx suggests a communist principle of equality to remedy this defect of inequality in the socialist principle.

Husami¹⁸ also finds the notion of justice in Marx's critique of capitalism. According to him, Marx condemns capitalism on the grounds

of its injustice. Like Elster, Husami observes two principles of distributive justice in Marx's *The Critique of the Gotha Program*: distribution according to labour contribution and distribution according to needs. Whether or not Marx regards capitalism as just, he argues, seems to be a matter of evaluating the capitalist distribution of wealth and income in terms of these distributive standards.

The first phase of communist society (socialist society" in Marxian literature) provides the idea of a socialist distributive justice according to Husami. This notion of justice marks an "advance" over the capitalist distribution of wealth and income in two senses. First, socialism establishes the principle of equal rights by abolishing the private ownership of the means of production. Secondly, socialism ends class exploitation. Under socialism, Husami argues, the producer is treated justly because his reward is proportional to his labour contribution, while under capitalism, the producer is treated unjustly because his reward is not proportional to his labour contribution. However, for Marx, socialist principle suffers from the defect of inequality in the sense that different individuals make unequal labour contributions and are differently rewarded due to their unequal natural talents and abilities. This defect of inequality would be overcome by the principle of distributive justice (the needs principle) in the final phase of communism. This sort of justice makes the satisfaction of needs and the full development of individuality its guiding principle. Thus, while socialist justice is closely linked to equality, communist justice to self-realization. Accordingly, the two principles of justice exclude exploitation by abolishing private property.

According to Husami, capitalism systematically violates the principle of compensation according to labour contribution. The worker would be treated unjustly even if he gets the full value of his labour power, because what this labour power produces exceeds in value than the value of the labour power itself. The value of his labour power invariably embodies an amount of labour less than the amount of labour he is forced to contribute. Capitalist injustice consists in this nonequivalence of contribution and reward. Capitalism also violates the principle of reward according to labour contribution. The labour contract is unjust even when the worker receives the full value of his commodity, because he receives no equivalent for his

surplus labour.¹⁹ Capitalism, argues Husami, systematically violates the needs principle of distributive justice as well. Marx considers capitalism unjust because it does not satisfy human needs within its own productive possibilities and thus violates the principle of distribution according to needs.²⁰ Capitalism is not a planned system that reconciles supply and demand. The lack of conscious planning is a condition of injustice. Capitalism is directed to the generation of surplus value, not to the satisfaction of human needs. It is profit, not need satisfaction, that determines what goods are to be produced and in what qualities. Thus, capitalist exploitation violates not only the socialist principle of justice but also the communist principle of needs satisfaction.²¹

Against Marxian Concept of Justice

Allen Wood,²² one of the leading supporters of classical Marxism in recent time, argues against Marxian concept of justice. According to him, Marx does not provide any specific theory of justice, nor does he condemn capitalist exploitation from any standard of justice. Justice, for Marx, is not a standard by which human actions, institutions or other social phenomena can be evaluated. Rather it is an ideal which correspond to each mode of production. The appropriation of surplus value is not unjust and the new mode of production will be no more just than the old one. Disguised exploitation, unnecessary servitude, economic instability and declining productivity are characteristics of capitalism and they provide good reasons for condemning it. These reasons do not constitute any theory of justice and Marx never bases his condemnation of capitalism on any moral standard.

In Wood's view, Marx has powerful reasons for attacking capitalism and advocating its revolutionary overthrow. Capitalism is an irrational and inhuman system, a system which exploits and dehumanizes the productive majority people of the society. However, Marx does not provide any philosophical foundation for denouncing capitalist society. That is, he does not specify the norms, standards, or values he employs in deciding that capitalism is an intolerable system. Hence, Wood argues, it would be wrong to suppose that Marx's critique of capitalism is founded on any principle of justice. There is no good reason to claim that Marx provides any moral theory. In the words of Wood :

It is simply not the case that Marx's condemnation of capitalism, rests on some conception of justice (whether explicit or implicit), and those who attempt to reconstruct a "Marxian idea of justice" from Marx's manifold charges against capitalism are at best only translating Marx's critique of capitalism or some aspect of it, into what Marx himself would have consistently regarded as a false, ideological, or "mystified" form.²³

Wood argues that Elster is simply wrong when he says that Marx believes capitalism to be an unjust system. Although Marx believes that capitalist steals' from the workers, he explicitly asserts that (despite this act of theft or robbery) the capitalist appropriates surplus value not 'wrongfully or 'unjustly', but 'with full right'.²⁴ As regards the issue whether Marx thinks capitalism to be unjust, the interesting question is that whether Marx has good reasons for holding the paradoxical view that capitalist, though alienating and exploitative, is not unjust. Wood argues that Marx's materialistic conception of history, his theory of class struggle, and his conception of revolutionary practice suggest that he has very good reasons for refusing to condemn capitalism as unjust and for criticizing those who so condemn it.

According to Wood, Marx does not attempt to provide a clear and positive conception of justice in his writings. This negative conception of justice derives from his assessment of the role of juridical conceptions in social life. He attaches considerably less importance to juridical conceptions as measures of social rationality. But it does not mean that he tells us nothing about justice as a rational social norm. In *Capital* Marx clearly says that the justice of transactions arises as a natural consequence from the relations of production. According to him, "justice" is fundamentally a juridical or legal concept, a concept related to law and the rights of men. The concepts of right and justice are the highest rational standards by which laws, social institutions, and human action may be judged from a juridical point of view. However, Marx rejects this juridical conception of society. The concepts of right and justice which express the juridical point of view, are rationally comprehensive only when seen in their proper connection with other expressions of social life and grasped within the prevailing mode of production. As Wood argues :

Marx gives no argument for his conception for justice, but the reasoning behind it is probably something like the following : Historical materialism holds that the concept of justice is socially important and socially potent because of the way in which standards of justice sanction the production relations corresponding to the current state of a society's productive forces.²⁵

In reply to Husami, Wood argues that Marx's condemnation of capitalism does not involve distributive injustice. The justice or injustice of an economic transaction for Marx depends on its relationship to the prevailing mode of production. Marx holds this view because he sees right and justice as juridical concepts, whose proper function is in the moral or legal institutions, and in social relations. Such institutions and relations, according to Marx's materialistic conception of history, are part of the social superstructure. They are the juridical expressions of societies' production relations. The exploitation of wage labour by capital is essential to the capitalist mode of production. In this sense, there is nothing unjust about the transactions in which capital exploits labour, and the workers rights are not violated by capital's appropriation of their surplus value. In Wood's view, the justice or injustice of capitalist institutions has little or no significance for Marx, explanatory or evaluative. Unjust institutions or practices are only abuses of the system, and not fundamental defects of it. At most they are symptoms of such defects.²⁶

Nielsen²⁷ agrees with Wood's claim that Marx does not condemn capitalism for being unjust or for failing to promote any moral conception. For Marx, justice is a juridical concept dependent on a definite mode of production. On Wood's reading, justice for Marx is not an abstract general standard by which human reason assesses social practices and institutions, it is rather a standard by which a mode of production measures itself. We can say that certain things are just or unjust within capitalism or socialism, but we cannot coherently make such judgments of capitalism or socialism itself or use the norms of justice of one mode of production to criticize another mode of production. It is clear that Marx firmly condemns capitalism as exploitative and dehumanizing. But he never explicitly says that capitalism is unjust or that it violates the workers' rights.

According to Lukes,²⁸ the capitalist's extraction of surplus value is

by no means an injustice to the worker. He shares with Wood in that transactions are just if they correspond to the prevailing mode of production. Judgments about justice are not made by reference to abstract principles independent of the existing mode of production, rather they are rational assessments of the justice of specific acts and institutions based on their specific mode of production. Since the exploitation of wage labour by capital is essential to the capitalist mode of production, there is nothing unjust about the transaction through which capital exploits labour.

Allen²⁹ argues that Marx never thinks that capitalism is distributively unjust. He agrees with Wood that Marx assesses capitalist distribution only in terms of standards which correspond to capitalism itself. He thinks that Wood is right in interpreting Marx's transactional justice in terms of his notion of the function of juridical institutions within a mode of production. Juridical institutions have the function of facilitating the operation of the mode of production to which they belong. Thus, economic transactions which arise as natural consequences from the relations of production are just if they correspond to the prevailing mode of production.

Young³⁰ agrees with the view that Marx never provides any standard or criterion of justice. Marx never tells us by what standard or criterion he regards the extraction of surplus value as unjust and the wage-exchange as just.³¹ His condemnation of capitalist exploitation has nothing to do with justice or injustice. However, Young does not agree with Wood's claim that Marx regards capitalist exploitation as just. He argues that there is no good reason to ascribe to Marx the conclusion that he regards capitalist exploitation as just. Similarly, there is no good reason to suppose that the extraction of surplus value is unjust. From Marx's writings Allen Wood infers that the extraction of surplus value is unjust. Young, however, argues that this inference is unwarranted. Marx, in his writings, speaks of the worker only in his role as owner and seller of labour power, not as a factor in the production process. In his role as seller, the worker is treated fairly, because the worker receives in the form of wages the value of the labour power he sells. But the worker is not treated fairly as a factor in the process of production. The transactions Marx speaks of are said to have juridical form of contract. They are exchange transactions which occur in the market. The extraction of surplus value is not an exchange, it is the

basic capitalist production relation which occurs in direct production. Hence it cannot be said to be just.

Like Young, Ryan³² does not agree with the view that capitalist exploitation is just for Marx. He claims that capitalist exploitation for Marx is not in an absolute sense just or unjust because there is no such sense. On Marx's account, capitalism is just-in-appearance according to prevailing notions of justice, but it is unjust-in-reality according to those same prevailing notions. As regards the question - 'is capitalist exploitation really unjust'? Marx's response is neither yes nor no. His denial of eternal moral truths and of any principle of justice makes the status of his own distributive principle problematic. He never thinks of this principle as a principle of socialist justice.³³ Thus, there are no socialist standards of justice. Marx does not argue that capitalism is just by its own lights and unjust by socialist lights. In so far as capitalism is unjust, it is unjust by capitalism's own lights, not by any socialist standard of justice.³⁴

Marx's Own View

In Marx's view, capitalist exploitation is not unjust; it has become a historical necessity arising out of antagonistic social relations. Capitalist exploitation arises only when there is antagonism between the productive forces and the production relations. This is the very nature of capitalism that the productive forces become increasingly antagonistic to the production relations. In Marx's own words, "Thus only for the workers is the separation of capital, landed property, and labour-an inevitable, essential and detrimental separation"³⁵. The inevitable result for the worker is over-work and premature death. The worker becomes a mere machine, a bond servant of capital.³⁶ Marx seems to suggest that the sufferings of the workers are the inevitable result of the capitalist system. He would never argue for a good life for the workers in the sense that their sufferings are bad. He is never concerned with such normative ideas like 'goodness' or 'badness'. Rather he is concerned with the very nature of the capitalist system which creates antagonistic social relations, and leads to the sufferings of the workers.

Although capital exploits labour, it does the workers no injustice and does not violate any of their rights. That is, the exploitation of labour by capital is essential to the capitalist mode of production. Exploitative

transactions between capital and labour correspond to the capitalist mode of production. They are just as long as that mode of production prevails. It becomes clear in the following passage:

The justice of transactions which go on between agents of production rests on the fact that these transactions arise out of the production relations as the natural consequence. {The content of transaction] is just whenever it corresponds to the mode of production, is adequate to it. It is unjust whenever it contradicts it.³⁷

However, Marx does not regard the justice of capitalist exploitation as any defense of it. What he wants to mean is that a transaction is just whenever it is functional within the existing mode of production. From this it follows that the exploitative transactions between capitalist and worker (and the system of capitalist distribution resulting from them) are not unjust.

In capitalist production the justice of transactions rests on the fact that they arise out of capitalist production relations, i.e. they correspond to the capitalist mode of production. In fact, capitalism is made possible by the existence of labour power as a commodity, by its use as a commodity to produce surplus value and expand capital. If there were no surplus value, labour power could not even appear as a commodity, capitalism would not even be possible. Accordingly, capitalist appropriation of surplus value (the exploitation of labour by capital) is not unjust. Marx is quite clear about this. He raises a series of rhetorical questions on this issue in the *Critique of the Gotha Program* :

What is a "fair" distribution? Do not the bourgeois assert that the present distribution is "fair"? And is not it in fact the only "fair" distribution based on the present mode of production? Are economic relations ruled by juridical concepts, or do not, on the contrary, juridical relations arise out of economic ones?³⁸

Here Marx wants to say that present-day bourgeois distribution is fair, since it is justified by the present-day mode of production. He does not suggest any specific conception of justice either for bourgeois society, for fair distribution corresponds to the prevailing mode of production. The bourgeois assert that the present distribution is just and that it is based on

the present mode of production. That is, capitalist exploitation is just by bourgeois standards. But to think this is to make the assumption that there might be standards of justice. This sort of assumption is rejected by Marx.

Marx's own view seems to be compatible with that of Wood. His notion concerning the wages of labour shows that nothing is wrong or unjust with the wages of the workers paid by the capitalist. In his own words: "Wages are determined through the antagonistic struggle between capitalist and worker. Victory goes necessarily to the capitalist."³⁹ These statements clearly show that capitalist exploitation is not unjust. The exploitation of labour by capital is a historical necessity. Wage-labour creates capital which works as a means of exploitation. As Marx claims :

Wage-labour creates capital, i.e. that kind of property which exploits wage-labour, and which cannot increase except upon condition of begetting a new supply of wage-labour for fresh exploitation.⁴⁰

Labour-power, for Marx, is sold not with a view of satisfying needs of the worker. His aim is augmentation of his capital, production of commodities containing more labour than he pays for, containing therefore a portion of value that costs him nothing. Production of surplus value is the absolute law of the capitalist mode of production. Labour-power, therefore, reproduces its own value as capital, and yields in unpaid labour a source of additional capital.

It is true that the worker is exploited to great extent when his labour-power is bought below its value. But this does not tend to show that any injustice is done to him. Marx believes that the exchange between capital and labour involves exploitation, but it does not imply that there is any injustice in the exchanges. He rejects the claim that surplus value involves an unequal exchange of commodities between worker and capitalist. He points out that the value of labour-power, like the value of any other commodity, depends on the quantity of labour necessary for its production. That is, the value of labour-power depends on what is socially necessary. Like the value of any other commodity, it depends on the level of development of productive forces and on the concrete production relations to which they correspond. Accordingly, it can go up or down, but it cannot be just or unjust.

On Marx's account, the capitalist buys from the worker a special kind of commodity, namely 'labour-power'. Labour-power is special because it is such a commodity which creates more value (surplus value) than its production. Labour-power is the worker's capacity to work. When the capitalist buys it, he has the right to set the worker to work for whatever time the labour contract lasts and appropriate the additional value created by labour-power. This is the way the worker does unpaid labour. Marx insists that only a part of the worker's time is used to repay the cost of his subsistence, the rest goes to the capitalist, which he considers as forced labour or surplus labour. In his words :

...if the worker needs only half a working day, then, in order to keep alive as a worker, he needs to work only half a day. The second half of the labour day is forced labour, surplus labour.⁴¹

Marx, however, insists that the capitalist acts 'with full right'. That is, the worker sells his labour-power for its full value, but gives surplus value to the capitalist. The worker is forced to sell his labour-power for his subsistence and thus creates surplus value. As Marx claims: "Capital forces the workers beyond necessary labour to surplus labour. Only in this way does it realize itself, and create surplus value."⁴²

In Marx's view, production determines distribution. He looks for the truth about the exploitation of the worker in production, not in distribution. He claims that the surplus is created in production, not in distribution, it is only realized in exchange. It is not because goods are bought at less than their value, but because a surplus appears in the process of production so that the capitalist can appropriate a profit. In the process of production, labour does not belong to the intrinsic nature of the worker, it is external to him. Marx likes to say:

His labour is therefore not voluntary, but coerced: it is forced labour.

It is therefore not the satisfaction of a need, it is merely a means to satisfy needs external to it.⁴³

In support of his claim that labour is coerced or forced, Marx argues that the external character of labour for the worker appears in the fact that it is not his own, but someone else's. That is, it does not belong to him, but to another. For Marx, capital is the governing power over labour and its product.

The capitalist possesses this power as the owner of capital. Capital cares nothing for the length of life of labour-power. All that concerns it is solely the maximum of labour-power. Capital attains this end by shortening the extent of labourer's life, by robbing his labour-time.

Marx anticipates two sorts of distributional criterion for two different phases of communist society. The first includes the contribution principle and the second includes the need principle. Marx speaks of these two phases of communism as criterion of distribution, not as principles of justice. He does not condemn capitalist exploitation as unjust by applying post-capitalist or communist standards of justice. Such standards would not be applicable to capitalism. Marx believes that a communist revolution will introduce a new mode of production, and with it new standards (of right and justice) as higher than those of capitalist society. But he does not mean that they are universal moral standards, what he means is that they only belong to a society which implies a higher mode of production. A higher mode of production is not 'more just' than a lower one, it is only just in its own way.

Communist society does not develop on its own foundations, but it emerges from capitalist society, and which is still stamped with the birth marks of the old society. Accordingly, the individual producer receives back from society what he contributes to it. In Marx's sense, this is the first phase of communism, which suggests the contribution principle: "The same amount of labour which he has given to society in one form he receives back in another."⁴⁴ In this first phase, for him, equal right is still in principle - bourgeois right, it is still constantly stigmatized by a bourgeois limitation. The equality consists in the fact that measurement is made with an equal standard (labour). However, since one man is superior to another physically or mentally and so supplies more labour in the same time, this equal right is an unequal right for unequal labour. It is therefore, a right of inequality in its content. This limitation, as Marx says, is inevitable in the first phase of communism. In order to overcome this limitation he suggests a higher principle in a higher form of communism: "From each according to his ability, to each according to his needs."⁴⁵

This is the way Marx depicts the picture of a communist society.

The two phases of communism are the two aspects of the principle of distribution. Marx refers to the earlier and later phases of communist society as lower and higher phases of communism. What he believes is that one phase is a better state of affairs than the other. There seems to be moral judgement here. But Marx does not speak here as a moral philosopher. What he means to say is that one form of society is higher than another, because it is more liberating, more conducive to human self-realization and to human needs satisfaction. There is a vision of a good society and of a humanly more adequate way of distributing things in this judgement. That is, the earlier phase of communism is an improvement over capitalism and the later phase of communism is an improvement over the earlier phase. The need principle is not a principle of distributive justice. In the higher phase of communism Marx speaks of the circumstances (of scarcity and conflict) that make such principle necessary will no longer exist. The need principle is not a general or formal rule, because it does not subsume people under any equal standard. It is, therefore, evident that Marx's *Critique of the Gotha Program* does not suggest any principle of justice. The critique, however, suggest a principle of distribution, which can be understood as a practical or rational principle.

Concluding Remarks

Marx's theory of value postulates that all commodities are bought at their values. Hence the exchange between capitalist and worker is an exchange of equal values. Surplus value is appropriated by the capitalist without an equivalent value, but there is nothing in the exchange requiring him to pay any equivalent for it. Therefore, the appropriation of surplus value by the capitalist involves no unequal or unjust exchange. Wood convincingly argues :

The exchange of wages for labour power is the only exchange between capitalist and worker. It is an equal exchange,... The capitalist buys a commodity (labour power) and pays (Marx postulates) its full value, by using, exploiting, this commodity, capital acquires a greater value than it began with. The surplus belongs to the capitalist, it never belongs to anyone else.⁴⁶

This view is consistent with that of Marx. Marx says that the

circumstance in capitalism is a good fortune for the capitalist (the buyer of labour power), but no wrong or injustice to the worker (the seller of labour power). By appropriating surplus value capitalists are not engaging in an unequal exchange with the workers, but they are 'exploiting' the fruits of their 'unpaid labour'. Marx condemns this kind of exploitation. But this condemnation of capitalism cannot be taken as condemnation of injustice. For Marx, once the purchase of labour power has been effected, this commodity belongs to the capitalist as a right. Labour power ceases to belong to the worker as soon as his labour actually begins.

Geras,⁴⁷ however, attempts to establish an alternative view. He argues that whether or not the wage relation constitutes an exchange of equivalents is the dialectical play indulged in by Marx. Considered from the viewpoint of an exchange of commodities in the market, the wage relation is an exchange of equivalents. Considered from the viewpoint of a relation in production, the wage relation is not an exchange of equivalents. Those according to whom Marx sees no injustice in the wage relation belong to the view that there is an exchange of equivalents. Those according to whom he regards the wage relation as unjust belong to the view that there is no exchange of equivalents. But, argues Geras, Marx himself legitimates both of them. The two points of view are two different senses of equivalence.⁴⁸ However, Marx rejects the claim that the transaction between the worker and the capitalist involves an unequal exchange. What he wants to mean is that there is no real exchange between capitalist and worker, there is only an apparent exchange. The exchange transactions do not involve any injustice, what it involves is the exploitation of the worker by the capitalist's extraction of the surplus value which arises naturally from capitalist production relations, and hence consistent with it.

Marx, in his first volume of *Capital*, assumes that all commodities, including labour power, are bought and sold at their full value. The creation of surplus value does not require that labour power be sold below its value. But in actual price it often is, because it is subject to the vicissitudes of supply and demand. In his reply to Husami, Wood denies that the worker is done an injustice by capitalist when the price of his labour power falls below its value. he rightly says that the capitalist does not commit a wrong for which he is blameworthy. The capitalist buys labour power below its

value, because (according to the law of exchange) he has no control over the price of labour power. However, the worker does have a claim based on the law of exchange to the value of his labour power. But the law of exchange is in no sense for Marx a standard for evaluating capitalist exchanges.

Elster and Husami claim that Marx believes capitalist exploitation to be unjust. They cite passages where Marx calls the appropriation of surplus value not only "exploitation" of the worker, but even "theft" and "robbery". But Marx nowhere says that the capitalist appropriation of surplus value is an injustice to the worker. Although Marx says that the capitalist "robs" the worker, but nevertheless insists that the capitalist "earns surplus value with full right". This sort of "robbery" or "theft" involved in capitalist's exploitation of labour does not constitute an injustice to those who are robbed. For Marx, an essential feature of all economic exploitation is coercion. In capitalist exploitation, this coercion is masked by a voluntary contract between the capitalist and the worker. This is why Marx says that the capitalist not only robs but also cheats or defrauds the worker. Yet, Wood rightly argues, Marx never infers from this that the capitalist does the worker an injustice. Marx attacks the illusions built into capitalist production, particularly the illusion that wage labourers are freer than slaves, serfs or other oppressed classes.

In the capitalist mode of production, the capitalist coerces through his control over the means of production. That is, he coerces through the constant threat of depriving the worker of his means of livelihood. But this sort of coercion is not unjust for Marx. The worker is compelled to sell his labour power to the capitalist. Thus, there is an element of coercion in the wage exchange itself. In the wage exchange between the worker and the capitalist the worker becomes the capitalist property and is no longer free. The freedom the worker enjoys in exchange is therefore the freedom to choose his exploiter. Marx claims that the worker has no choice within capitalist production as to whether or not he will create surplus value. In this sense the worker is compelled to create surplus value by selling his labour power. Hence the freedom of the worker is only apparent, the compelled extraction of surplus value is hidden. It is, therefore, no more

than a freedom to choose to be robbed.

In Young's view, when Marx says that the capitalist's appropriation of surplus value is an act of theft he considers it an injustice to the worker. This view, however, is not consistent with that of Marx. Marx nowhere suggests that the appropriation of surplus value is an act of "theft" or robbery in the sense that it is a wrongful taking and hence it is an injustice to the worker. He uses these words rhetorically only when he condemns capitalist exploitation. "Theft" or "robbery" is a special feature in capitalist exploitation in the sense that the capitalist robs the worker's labour time according to bourgeois property rights.

Elster claims that Marx's conception of communism in the *Critique of the Gotha Program* entertains a principle of justice. He tries to make sense of Marx's conception of communism by imputing to him a theory of justice. However, this view is inconsistent with that of Marx. In the *Critique of the Gotha Program* Marx speaks of the two phases of communism as the two aspects of the principle of distribution. The principle of distribution is not a principle of justice. The higher phase of communism is an improvement over the earlier phase not in the sense that the former is more just than the latter, but in the sense that the former can overcome the limitation of the latter and hence it is more acceptable. Marx does not suggest any principle of justice in his two phases of communism, he never says that the one is more just than the other. His condemnation of capitalism is based on the real interests of the workers, not on their moral norms. He does not condemn capitalism by applying any communist principle of justice. Marx's vision of the future communist society is beyond the circumstances of justice, because it will rest on the collective interests of the workers.

NOTES

1. Classical Marxism claims to provide a scientific basis of history. It starts with Engel's *Anti-Duhring* in 1878. In *Anti-Duhring*, Engels attempts to systematize Marx's dialectical and materialistic conception of history as a scientific view of history. Contrary to classical Marxism, normative Marxism claims to provide a moral basis of history. Normative Marxism is a recent trend in Marxist thought. Jon Elster's *Making Sense of Marx* (1985) is the

best example of it. According to this view, Marxism can only make sense from a moral perspective.

2. Karl Marx & Frederick Engels, *The German Ideology*, (Moscow : Progress Publishers), 1976.
3. Marx & Engels, *The Communist Manifesto*, (New York : International Publishers), 1991.
4. Marx, *Critique of the Gotha Program*, in Marx-Engels, *Selected Works in Three Volumes*, (Moscow : Progress Publishers), 1968.
5. By abundance Marx means the flowering of the productive forces. That is, all goods under communism would be free goods and the demand for all goods are saturated.
6. Jon Elster, *Making Sense of Marx*, (Cambridge: Cambridge University Press), 1985.
7. Karl Marx *Capital 1*, Frederick Engels (ed.), Samuel Moore and Edward Aveling (tr.), (Moscow: Progress Publishers), 1984.
8. Jon Elster, *An Introduction to Karl Marx*, (Cambridge: Cambridge University Press), 1986 p.95
9. *Making Sense of Marx*, p. 216.
10. *Ibid.*, p. 230.
11. R. G. Peffer, *Marxism, Morality and Social Justice*, (Princeton: Princeton University Press.) 1990.
12. *Ibid.*, pp.6-7.
13. *Contribution to the Critique of Hegel's Philosophy of Right, Economic and Philosophic Manuscripts of 1844, The Holy Family, The German Ideology, Poverty of Philosophy.*
14. *Manifesto of the Communist Party, Grundrisse, A. Contribution to the Critique of Political Economy, Critique of the Gotha Programme, Capital.*
15. Peffer, *Marxism, Morality and Social Justice*, pp.339-340, Elster, *Making Sense of Marx*, p.230.
16. Thomas W. Keyes, "Does Marx Have a Concept of Justice", *Philosophical Topics*, Vol. 13, no. 2, Spring 1985.
17. Jeffrey H. Reiman, "The Possibility of a Marxian Theory of Justice",

- Canadian Journal of Philosophy*, Supp. Vol. VII, 1981.
18. Ziyad I. Husami, "Marx on Distributive Justice", in *Marx, Justice and History*, Marshal Cohen, Thomas Nagel and Thomas Scanlon (ed.), (Princeton: Princeton University Press) 1980. Husami attempts to deduce the notion of justice from Marx's writings, particularly from *The Communist Manifesto*, *The Holy Family*, *Poverty of Philosophy*, *The German Ideology*, and *Capital* which yield the picture of a society with extreme inequalities of wealth.
 19. *Ibid.*, p. 62.
 20. *Ibid.*, p. 72.
 21. *Ibid.*, p. 73.
 22. Allen W. Wood, "The Marxian Critique of Justice", Marx on Right and Justice: A Reply to Husami", in *Marx Justice and History*, Cohen, Nagel and Scanlon (ed.), (Princeton: Princeton University Press), 1980, "Marx and Morality", in *Darwin, Marx and Freud*, Caplan and Jennings (ed.), (New York: Plenum Press), 1984, "Marxism and Morality," in *Karl Marx*, (London: Routledge & Kegan Paul), 1981.
 23. "The Marxian Critique of Justice", p.26.
 24. Wood, "Historical Materialism and Functional Explanation", *Inquiry* 29, 1986, p. 24.
 25. "Marxism and Morality", in *Karl Marx*, p. 132.
 26. "Marx On Right and Justice: A Reply to Husami", p. 110.
 27. Kai Nielsen Introduction to *Marx and Morality*, Kai Nielson and Steven C. Patten (ed.), (Guelph, Ontario : Canadian Association for Publishing in Philosophy), 1981.
 28. Steven Lukes, "Rights and Justice" in *Marxism and Morality*, (Oxford: Clarendon Press), 1985.
 29. Derek P. H. Allen, "Marx and Engels on the Distributive Justice of Capitalism," *Canadian Journal of Philosophy*, Supp. Vol. VII, 1981, in *Marxism and Morality* pp. 221-222.
 30. Gary Young, "Justice and Capitalist Production: Marx and Bourgeois Ideology", in *Marx Analysed*, Panichas (ed.), (Lanham: University Press of America), 1985.

31. *Ibid.*, p. 122.
34. *Ibid.*, p. 129.
35. Marx, *Economic and Philosophic Manuscripts of 1844*, (Moscow: Progress Publishers), 1977, p. 21.
36. *Ibid.*, p. 25.
37. Marx, *Capital*, (New York: International Publishers), 1967, pp.339-340. Quoted in Wood, "Marx Against Morality" in *A companion to Ethics*, Peter Singer (ed.), p. 517.
38. Marx, "Critique of the Gotha Program", in Marx-Engels, *Selected Works* in Three Volumes, (Moscow: Progress Publishers), 1968, pp.321-322.
39. *Manuscripts*, p. 71 *Ibid.*, p. 72.
40. Marx-Engels, *The Communist Manifesto*, (New York: International Publishers), 1991, p. 23.
41. Marx, *Grundrisse*, (Harmondsworth: Penguin Books) 1973, p. 421.
42. *Manuscripts*, p. 71.
43. *Capital*, p 252..
44. "Critique of the Gotha Program", p. 323.
45. *Ibid.*, pp.324-325.
46. "Marx On Right and Justice", p. 134.
47. Norman Geras, "The Controversy about Marx and Justice", in *Marxist Theory*, Alex Callinicos (ed.), (Oxford: Oxford University Press), 1989.
48. *Ibid.*, pp. 235-236. In so far as the laws of commodity production requires that equal values are exchanged in the market, they are. In so far as these laws allow that labour power may be sold as a commodity, they allow a relation in which the capitalist uses the worker to reap a profit over the wage, while the worker for his part simply works, just giving the portion of value that the other just takes.

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