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Has Marx a Concept of Justice?

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Abstract:

This work explores the question of whether Karl Marx has a concept of justice in his analysis of capitalism and communism. Thinkers such as Norman Geras, Ziyad Husami and, Jon Elster, among others, argue that the 'need principle' – 'from each according to his ability to each according to his needs' is fundamentally Marx's concept of justice. They aver that Marx appraises all modes of production from the standpoint of this principle. Contrary to this view, Allen Wood, Robert Tucker and, Steven Lukes, among other thinkers, argue that Marx does not have a concept of justice. Their argument hinges on the view that Marx was antagonistic to morality and moral postulates including justice which he saw as ideological and functions to maintain the interest of the ruling class. This paper, after critically examining the different views, argues that it is mistaken to consider the 'need principle' as Marx's absolute standard of justice. The 'need principle', the paper argues, is one of the principles of justice found in Marx but not Marx's absolute standard of justice. Marx does not have an absolute standard of justice. Nonetheless, there are multiple notions of justice implicit in his theory. The paper contends further that the moral content of Marx's views accounts for the evergreen status of his ideas.

Keywords: Marx, justice, capitalism, communism, needs principle, contribution principle

1. Introduction

The question of whether Marx has a concept of justice has been controversial among thinkers. The controversy stems from his thought on capitalism and other modes of production. Norman Geras, Ziyad Husami and Jon Elster, among other thinkers hold the view that the 'need principle'— "From each according to his ability to each according to his need" is fundamentally Marx's concept of justice as it forms the basis for the assessment of all modes of production. Thus, Marx has a trans-historical concept of justice in the need principle. Contrary to this position, Allen Wood, Robert Tucker, and Steven Lukes among other thinkers argue that Marx has no concept of justice. They contend that Marx repudiated morality and justice and so would not propose any principles of justice. It is, therefore, mistaken to view the need principle as Marx's fundamental principle of justice.

This paper in light of the debate aims at determining whether Karl Marx has a concept of justice. In doing so, the paper first undertakes an overview of the notion of justice, thereafter, considers the substantive question of whether Marx has a concept of justice in line with the different views of thinkers.

2. Justice: Overview

Etymologically, justice derives from the Latin word, *Jus* (meaning 'right' or 'law') which has a connection with another Latin word, *Jungere*, meaning "to join or fit, a bond or tie" (Campbell, 1998, p. 1). Justice thus could be understood as relating to custom and having to do with what is right, acceptable, and binding. It is associated with validity and legitimacy. It entails what is legally acceptable and binding, as well as a yardstick upon which other values are assessed and justified. Campbell in this connection, states that justice is often taken to mean keeping within the rules of established social relationships. Justice, therefore, could be seen as the principle that upholds and maintains the established rules governing society. It is perhaps for this reason that Raphael (1987, p. 165) affirms that justice is the foundation of social morality concerned with the general ordering of society.

The concept of justice has remained a recurring, persistent question and problem of mankind. Kelson (1971, p. 1) succinctly captures this fact in his remark: "No other question has been discussed so passionately; no other question has been the object of so much intensive thinking by the most illustrious thinkers from Plato to Kant; and yet, this question is today as unanswered as it ever was". The problematic nature of justice has induced numerous definitions, characterizations, and interpretations. Hume, for instance, views it as "a conventional device for preserving social order by settling disputes between individuals who are making incompatible claims on relatively abundant but nevertheless, scarce resources" (1951, p. 12). Justice, thus, has to do with conflict resolution and distribution of benefits and burdens, goods and services, particularly, scarce resources. Campbell, following Hume, remarks that justice is normally the language of complaint and sometimes revenge (1998, p. 1). Much of justice for him, is rooted in resented deprivation and the consciousness of having been wronged. Justice thus, as a standard, strives to uphold or maintain the existing state of affairs in society against harmful and chaotic interruptions and tendencies. Kelson (1971, p. 2) on his part, views it as 'social

happiness'. The happiness he is talking about is that which has to do with the social order. In this connection, justice concerns the proper ordering of things and persons within society.

Much of the modern attention to justice can be ascribed to the publication of *A Theory of Justice* (1971), the masterpiece of John Rawls. Rawls' work builds upon the social contract theory of John Locke, J.J. Rousseau, and Immanuel Kant. Fundamental to Rawls' work are the notions of equality, duty, and need. Rawls, in his theory of justice, which he calls justice as fairness, was primarily concerned with the justice of the "basic structure of society". This he defined as "the way in which the major social institutions (that is, the political constitution and the principal economic and social arrangements in society) distribute fundamental rights and duties and determine the division of advantages from social cooperation" (1971, p. 7). Rawls is notably concerned with the justification for those distributive inequalities, i.e. income, wealth, and opportunity which hold because these institutions favour some starting conditions over others. Such distributive inequalities, for example, those that people have owing to their intelligence, sex, race, class, or the family they are born into, strongly influence people's prospects in life, however, cannot be justified by an appeal to merit or desert.

From what has been done so far, it could be seen that the concept of justice is, indeed, susceptible to numerous definitions, conceptions, and interpretations. However, despite the diverse conceptions and interpretations, it remains true that it is a concept or notion of moral rightness predicated on ethics, law, religion, rationality, equity, and fairness. It is a virtue that many hold dearly and are ready to die for. Conflicts, acrimony, and wars which we often experience, majorly owe to injustice. Whether Karl Marx has his own concept of justice is controversial and hence, what this work is basically poised to determine.

3. Marx and Justice

Thinkers such as Norman Geras, Ziyad Husami, and Jon Elster argue that the 'need principle'— "From each according to his ability to each according to his need" is fundamentally Marx's concept of justice. According to them, Marx's way of describing the two principles of distribution that he foresees in a post-capitalist society is a proof that he has a concept of justice in the need principle. Geras states that the 'contribution principle' "from each according to his ability to each according to his contribution" in Marx's view, will apply during the first phase of emergent communism still stamped with the birthmarks of the capitalist society. In a higher phase of communist society (communism proper), the needs principle will be implemented wherein people will be compensated based on their needs.

In the light of Marx's characterization of the two principles of distribution in the anticipated communist state, Geras (1984, p. 47) contends that Marx considers some principles as more just than others. Marx's assertions, according to him, are statements of moral realism and not statements of moral relativism. Marx first speaks of the contribution principle as a progress over capitalism, then explicates why it is flawed and argues that the flaws are inevitable during the first phase of communism. The needs principle will ultimately set in, given the fact that the different conditions of the higher phase of communism will allow its application. The needs principle — "from each according to his ability to each according to his needs", thus, is significantly, a principle of justice in Marx's view. Geras maintains that Marx clearly considers need and effort as morally more appropriate criteria of distribution than an individual natural gift, hence, his declaration that the contribution principle admits unequal individual endowment.

Following Geras, Husami argues that Marx assesses pre-communist societies from the standpoint of communist society and shows the irrationality inherent in class societies. Marx, he was convinced, adopted the standards in communist society to evaluate both capitalism and other modes of production (1978, p. 35). Marx's assessment tends to show that the feudal system is more just than the slave system and capitalism more just than the feudal system. Marx further envisages Communist society which is superior to the capitalist system. In that society, the 'contribution' and 'need' principles hold, however, the 'need principle' is considered by Marx to be superior to the 'contribution principle' which ultimately shows that Marx has a concept of justice in the 'need principle', otherwise, it would not have been considered the supreme principle from whose standpoint other modes were assessed.

In line with Geras and Husami, Jon Elster (1978, p. 5-6) argues that since the capitalist's robbing of the worker violates the 'contribution principle', and since the 'need principle' is superior to the 'contribution principle', it follows that the 'need principle' is automatically the supreme principle of justice in Marx's view as it constitutes the fundamental principle that operates in a higher phase of communism used to appraise other modes of production.

Contrary to the views of Geras, Husami, and Elster, Allen Wood and some other thinkers argue that the need principle is not Marx's concept of justice. Marx, they argue, has no concept of justice. Wood contends that Marx views the concept of justice in terms of its function within a given mode of production. The employment of this concept by human thought and its application to social practice are always dependent on the process of production. The political state and the concepts of law and rights associated with the regulation of society are thus, determined by the prevailing mode of production. They reflect production, however, in a mystified or distorted way. In line with the above, Wood in *Justice and Class Interests* writes:

I interpret Marx's concept of justice as an attempt to account for the actual extension of the words "just" and "justice" in social life, through the use of his materialist conception of history. When the concept of justice has been historically important and potent, Marx thinks, it has been so based on the prevailing economic relations. Standards of justice prevail because they serve an economic function within the prevailing mode of production. Hence whenever we are correct in calling an act or institution "just", what we are really saying about it is that it serves such a function. It follows that when we say that an act or institution is "just", we need not be giving it any commendation or positive evaluation. Marx seems in fact to have been averse to

discussing the merits and defects of capitalism in terms of rights or justice, and his concept of justice coheres well with this attitude. (1984, p. 10)

Wood tries to reveal that there's no concept of justice in Marx which forms the basis for the assessment of institutions and acts. He acknowledges that Marx makes references to justice, however, insists that it should be understood in the light of its conformity to a prevailing mode of production and not that Marx had concern for justice as a moral standard. According to him, Marx did not deal with capitalism from the stance of justice. He contends that when Marx says that a just transaction is one that corresponds to the prevailing mode of production, what he means is that it is one that plays a fundamental role in this mode.

A similar conclusion to Wood's was reached by Tucker who argues that Marx's passion was not that of justice. He argues that "the common image of Marx as a prophet of social justice is a false one and that those who have seen distributive justice as the main moral issue of his Marxism have been mistaken" (1969,37). The idea of distributive justice according to Tucker, is alien to the mental world of Marx and Engels.

In line with the views of Wood and Tucker, Lukes argues that in the higher phase of communism, not only that there will no longer be bourgeois right, but also that there will be no more *Recht*, and no more legal and moral rules. The need principle: "From each according to his ability to each according to his needs", for Lukes, would not be such a rule because (1) those abilities and needs would be limitless (i.e. cannot be limited in advance and cannot be specified by any standard or rule); (2) the former would be connected to the collective interest of all persons who have dealings with one another via what Marx called *gemeinschaftlich* relations (and 'a new and higher social', according to Lenin); "and (3) the latter would all be satisfiable, without conflicting claims, because of those relations and because of material abundance" (1987, p. 201).

Wood, Tucker, and Lukes maintain that there are no principles of justice in Marx that apply to all forms of society. Therefore, the need principle is not Marx's concept of justice. In fact, it is not even a principle of justice because Marx repudiated morality and justice and so would not propose any principles of justice. To further buttress the view that the 'need principle' is not a principle of justice, Ryan (1987, p. 131) argues that there is no assignment of rights and duties. Thus, there's no question of its imposition on the citizens of the communist society. No question of any being compelled to work on these terms. He goes further to state that it is not even a moral principle, rather, would be understood by all as a practical or rational watchword.

It is the position of this paper that the 'need principle' is not fundamentally Marx's concept of justice. It is, therefore, mistaken to view it essentially as Marx's concept of justice as seen in Geras, Husami, Elster. It is also the position of this work that it is mistaken to view it as a non-moral principle as found in Wood, Lukes, Ryan, and others. It is worth noting that the view expressed by Wood and his colleagues seems contradictory. They argued that Marx has no concept of justice because he was critical of justice, yet affirmed that justice in Marx could be viewed from the perspective of its conformity to a particular mode of production. Therefore, capitalism is a just system since the exploitation of workers conforms to the capitalist mode of production. But how could a system be considered just when there is no principle of justice on which it is predicated? The implication of the view expressed by Wood and his colleagues is that there is a concept of justice in Marx which forms the basis for viewing capitalism as a just system.

Contrary to the view of Wood and his colleagues that the 'need principle' is not a moral principle, this work affirms that the 'need principle' is a moral principle. It is a principle of justice but not Marx's fundamental concept of justice used by him to appraise all historical modes of production. It is one of the principles of justice implicit in Marx. Marx does not have an absolute concept of justice. He did not concern himself with establishing a coherent concept of justice as could be found in Plato, Aristotle, Rawls, and others. Therefore, the principles of justice found in his theory are implicit.

The 'need principle' being a distributive principle, answers the question of what the proper or right distribution is? In other words, it answers the question of the conditions under which particular distributive arrangements can be said to be just or unjust. It is thus, a principle of distributive justice. Distributing according to need is considered more appropriate than distributing according to, for instance, social status. As a type of justice, distributive justice concerns the fair, just, or equitable distribution of the benefits and burdens of economic activity among individuals in a society. Marx being concerned about how goods are to be distributed in communist society could be said to have a principle of justice even though he may not have affirmed or realised it.

No doubt, Marx was critical of morality and ideas of justice. For instance, in the *Communist Manifesto*, he states that there are eternal truths such as "justice, etc., that are common to all states of society. But communism abolishes eternal truths, it abolishes all religion, and all morality, instead of constituting them on a new basis; it, therefore acts in contradiction to all past historical experience" (1998, p. 24). However, disparaging morality and moral postulates does not mean they cannot be found in him. In fact, Marx's condemnation of morality is itself an affirmation of morality. This is because condemnation has to do with stating that something is in some way wrong and morality has to do with rightness or wrongness of actions. And since Marx saw some wrongs with capitalist morality, it can be validly affirmed that he was involved in a moral critique of capitalism even though he did not realise it. Morality, therefore, is implicit (implied, inherent, or embedded) in his thought.

It is also important to note that the moral content of Marx's ideas accounts for the evergreen status of his works. Protests against government's policies, agitations for equity, equality, and justice, desire for a socialist or communist state in line with Marx's views, all have moral undercurrents. Morality is an ideal humans uphold and cherish (consciously and unconsciously), for which they are ready to die. This explains why protests, agitations, and criticisms against governments

and powerful individuals still go on despite the death threats and risks involved. Underlying these protests and resistance is the idea of morality which has to do with rightness or wrongness of actions.

The 'contribution principle'- 'from each according to his ability to each according to his contribution' is another principle of justice implicit in Marx's thought. It is a desert-based principle of justice. In other words, it is a principle of distributive justice that asserts that people should be given what they deserve. The 'contribution principle' as a desert-based principle of justice asserts that people should be rewarded for their work endeavour according to the value or worth of their contribution to the communal product. Marx had affirmed that in the lower phase of communism, the method of compensation and reward would be based on meritocracy in line with the principle of "from each according to his ability, to each according to his contribution". Here, we see the desert-based principle of justice implicit in Marx.

Communitarian justice is another concept of justice implicit in Marx. Aristotle had argued in his ethics that the state exists to fulfill people's needs and for the sake of the common good. He famously wrote that 'man is by nature, a political animal'. This means that people can best fulfill themselves as part of social and political groups, not as isolated individuals. In line with Aristotle's thought, Marx argues that private property is opposed to the realization of a harmonious community. Private property makes people see one another as enemies. Privacy is exalted above the common good of the community in a society founded on private property according to Marx. They hamper freedom as freedom among other things, requires the objectification of man through his activities, relations, and products. Marx maintains that freedom is something that can only be realised in and via the community, in cooperation and relationship with others. Clearly, communitarian justice is evident here. Marx thus has another concept of justice implicit in his thought, namely, 'communitarian justice'.

Another concept of justice implicit in Marx's theory is 'Libertarian justice'. Libertarian justice is inherent in Marx's theory with regard to 'freedom' which is one of the libertarian ideals. It is worth noting that libertarian justice is not wholly found in Marx, only to the extent that it concerns freedom. Libertarian justice emphasises freedom as an important ideal that human beings should have in order to be fulfilled in life. Thus man should be free to make rational choices regarding his life. Similarly, Marx affirms that freedom exists when people, through the conscious, rational control and direction of their existence, build their capacities, gifts, and talents in order to act as they please (*Economic and Philosophic Manuscript* 1959, p. 31). Marx observes that capitalism deprives people of such freedom. Again, people find themselves forced into numerous activities that institutionalize different interests. Communism, however, ensures people's freedom to operate in different spheres of activity. This view is justified by Marx's assertion:

For as soon as the distribution of labour comes into being, each man has a particular exclusive sphere of activity which is forced upon him and from which he cannot escape. He is a hunter, a fisherman, a shepherd, or a critical critic, and must remain so if he does not want to lose his means of livelihood; while in communist society, where nobody has one exclusive sphere of activity but each can become accomplished in any branch he wishes, society regulates the general production and thus, makes it possible for me to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming a hunter, fisherman, shepherd, or critic. (*The German Ideology* 2001, p. 9)

3.1. Marx, Thus, Has Libertarian Justice Implicit in His Thought

Feminist justice is another concept of justice implicit in Marx's theory. Marx, while criticising private property, had emphasised the disparity in status which exists based on gender, age, etc. In the *German Ideology*, he talked about 'latent slavery' which holds in the family where wife and children are the slaves of the husband (2001, p. 9). Marx stated that the 'latent slavery' in the family constitutes the first property. Thus, women and children are more or less property of the men. Feminist justice is evident here. Feminist justice strives against all forms of domination and discrimination against women. As found in Mill and other feminists, it rejects the view that man is the legal head of the family. Feminists believe that a proper recognition of the position of women in society requires that women be given equal and the same rights as men have. Okin saw the family as an institution that impacts negatively on women and so declares that until justice is realised within the family, women cannot gain equality at work, in politics, and other endeavours of life.

From what has been done so far, it is apparent that Marx has some notions of justice implicit in his thought. In Marx's thought, we could find the 'need principle' which is a principle of distributive justice and the 'contribution principle' which is a desert-based principle of distributive justice. We also find implicit in Marx's thought, communitarian justice, libertarian justice, and feminist justice. These lay credence to the fact that it is mistaken to consider Marx as having no concept of justice as found in Wood, Tucker, and others who argue that Marx does not have a concept of justice because he was critical of morality and moral notions including justice. It is imperative to note that the moral disposition of Marx's theory accounts for its evergreen status. More than one hundred and fifty years down the line, Marx's ideas have remained germane and championed by numerous thinkers who are strongly convinced that in Marx lies the key to a better society. This work maintains that although Marx was critical of morality and moral notions such as justice, he has morality implicit in his thought. His condemnation of morality is an affirmation of morality given that condemnation has to do with 'rights' and 'wrongs' and Marx was involved in 'rights' and 'wrongs' talks, hence, not immune from moral proclivity. No doubt, he did not concern himself with justice as found in Plato and other thinkers and so does not have a coherent concept of justice. However, he has ideas of justice inherent in his thought. Consequently, this work avers that Marx has a *compound concept of justice* implicit in his theory.

In this connection, it is also mistaken to consider the 'need principle' as Marx's standard concept of justice as found in Geras, Husami, Elster. This work argues that the 'need principle' is one of the multiple notions of justice found in

Marx and not Marx's sole or absolute standard of justice. Marx has no absolute standard of justice. This goes further to show that it is also mistaken to think of Marx as having a trans-historical concept of justice, that is, a kind of absolute or universal concept of justice that cuts across all modes of production. This is evident in Engels' clarification of his attack on Proudhon's moralism:

And always this [ideal of justice, eternal justice] is but the ideologised, glorified expression of the existing economic relations, now from their conservative, and now from their revolutionary angle. The justice of the Greeks and Romans held slavery to be just; the justice of the bourgeois of 1789 demanded the abolition of feudalism on the ground that it was unjust. ... The conception of eternal justice, therefore, varies not only with time and place, but also with the persons concerned, and belongs among those things of which Mulberger correctly says, 'everyone understand something different'. (*Selected Works* Vol. 1, p. 624)

This confirms that it is mistaken to think of Marx as having an absolute concept of justice.

4. Conclusion

This work rejects the view that Karl Marx has an absolute concept of justice in the 'need principle'. The 'need principle', this work argues, is one of the principles of justice found in Marx and not Marx's absolute concept of justice. Therefore, Geras, Husami, and Elster and other thinkers who argue that the 'need principle'— 'from each according to his ability to each according to his needs' is Marx's absolute standard of justice, are mistaken.

This work also repudiates the position of Wood, Tucker, and Lukes, among other thinkers who argue that Marx has no concept of justice. Their position is basically premised on their conviction that Marx was critical of morality and moral postulates, including justice and so would not concern himself with the very same notion he had castigated. It is the position of this work that although Marx was critical of morality and moral notions, he had morality implicit in his thought, and this strongly accounts for the evergreen status of his works. He has multiple notions of justice inherent in his thought. It is in this regard that this work submits that Marx has a *compound concept of justice* implicit in his theory. They include the 'need principle', the 'contribution principle', 'communitarian justice', 'libertarian justice', and 'feminist justice'.

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