

Marx's Justice?

Tracing the "Ethical" in Marx's Thought

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Abstract: This paper sets out to inquire into the ethical character of Marx's objections to capitalism by revisiting the North American debate during the 1970s. Toward this end, it probes the theoretical implications of the recent ethical turn in political theory as well as the transition from Marxism to post-Marxism. In a broader sense, the question is the possibility, necessity, and boundaries of deriving an ethical theory from Marx's thought. I argue that there is an implicit ethical dimension in his philosophical system, one that he deliberately does not make explicit. Nonetheless, this dimension can be better articulated after the recent ethical turn. However, insofar as Marx opposes any moralizing discourse and struggle vis-à-vis capitalism due to his materialist commitments, it is essential for him that the struggle remains on the ground, material, and political.

Keywords: Marxist Ethics, Fair Distribution, Functionalist Justice, Moral Realism, Radical Historicism, Ethical Turn

Öz: Bu çalışmada Marx'ın kapitalizm eleştirisinde kullandığı kınayıcı ahlâki tabirlerden yola çıkılarak kapitalizme yaptığı itirazların etik niteliği soruşturulmaktadır. Ayrıca 1970'lerde bilhassa Kuzey Amerika akademisinde geniş yer tutan tartışma, siyaset felsefesinde post-yapısalcı etik dönümün ve post-Marxizm'e geçişin ertesinde bu dönüşümlerin muhtemel teorik sonuçlarıyla birlikte yeniden ele alınmaktadır. Daha genel olarak da Marx'tan bir etik teori çıkarmanın imkânı, gereği ve sınırları araştırılmaktadır. Sonuç olarak Marx'ın özellikle öne çıkarmadığı ahlâki eleştirinin yine de felsefi sisteminde içkin olduğu ve etik dönüm sonrası daha belirgin biçimde ortaya konulabileceği savunulmaktadır. Ancak Marx'ın ahlak temelli söylem ve mücadele aleyhinde ve temelde materyalist duyarlıklarında köklenen tutumu gereği anti-kapitalist mücadelenin tabanda, maddi ve siyasi kalmasının Markist görüşte esas olduğu vurgusu yapılmaktadır.

Anahtar Kelimeler: Marxist ahlâk, adil bölüşüm, fonksiyonalist adalet, ahlâki gerçekçilik, radikal tarihselcilik, etik dönüm

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It is hard not to sense the moral outrage that Marx feels against capitalism. He portrays the proletariat's conditions of existence as "naked, shameless, direct, brutal exploitation" and oppression (Marx, Engels, 1978, p. 475). Not only does he call the bourgeoisie exploiters and oppressors (Marx, Engels, 1978, pp. 472, 474), but he also likens capital to a vampire that lives by sucking living labor (Marx, Engels, 1978, pp. 362-363). This condemnatory vocabulary extends even to the condition of workers' wives and daughters who are forced into prostitution (Marx, Engels, 1978, p. 97), *corruption* replacing *oppression* by force, and marriage, remaining as the official cloak of *prostitution*, was supplemented by "rich crops of *adultery*."¹

By his use of such fierce moral language, Marx at first glance gives the impression that he condemns capitalism for its injustice and immorality. This should not be surprising, for the intellectual tradition to which he belongs, i.e., socialism, is known for emphasizing social justice and the subjugated classes' centuries-old struggle for better living conditions. Indeed, when I asked my students in my Political Theory class if Marx was making a moral critique of capitalism for its injustice, nobody seemed to have any doubt about it. But when I asked if they could back this critique up with any direct textual evidence that Marx calls the capitalist system "unjust" or whether he maintained a moral discourse to that end, they were quite baffled.

In fact, those who are familiar with Marx's materialism and base/superstructure metaphor² might infer on the dot that ethics is superstructural. Accordingly ethics, which lacks an autonomous existence in Marx's portrait, would be merely "verbal rubbish" or "ideological nonsense," as he characterized the rights-talk in the Lasalleans' Gotha Program (Marx, Engels, 1978, p. 531). Likewise, given his scientific vigor, one might deduce that we are compelled to see Marx as not objecting to capitalism for its injustice, but as viewing it as an "inevitable" stage in history, just like its "inevitable downfall" (Marx, Engels, 1978, p. 700). In fact, Marx and Engels' task, in the latter's words, is not to "manufacture a system of society as perfect as possible, but to examine the historico-economic succession of events from which these classes, and their antagonism had of necessity sprung, and to discover in the economic conditions thus created the means of ending the conflict" (Marx, Engels, 1978, p. 700). This would turn the critique into a disinterested scientific analysis of the rise and fall of productive systems that are to be replaced by more rational and efficient -but not necessarily fairer- ones.

- 1 Emphasis added. Although this last set of "moral" terms are from Engels' *Anti-Duhring* (1877), it was published during Marx's lifetime.
- 2 The metaphor is formulated several times throughout Marx's corpus, but Engels gives a standard definition here: "the economic structure of the society always furnishes the real basis, starting from which we can alone work out the ultimate explanation of the whole superstructure of juridical and political institutions as well as of the religious, philosophical, and other ideas of a given historical period" (Marx, Engels, 1978, p. 699).

Those who take Marx's aversive stance toward justice-talk as a theoretical upshot of scientific materialism seem well-grounded, insofar as he explicitly rebuffs such talk as "vulgar socialism, the brand of socialism that employs moral language against capitalism." Note how he responds to the Gotha Program's call for a "fair distribution" with a scathing critique:

Do not the bourgeois assert that the present-day distribution is "fair"? And is it not, in fact the only "fair" distribution on the basis of the present-day mode of production? Are economic relations regulated by legal conceptions or do not, on the contrary, legal relations arise from economic ones? Have not also the socialist sectarians the most varied notions about "fair" distribution? (Marx, Engels, 1978, p. 528). [This will be referred to as the "fair distribution passage" from now on.]

Along the same lines, another oft-cited passage seems to have settled this issue indisputably on behalf of rejecting capitalism's injustice: "this circumstance is, without doubt, a piece of good luck for the buyer [capitalist], but by no means an injury (*Unrecht*) to the seller [worker]" (Marx, Engels, 1978, p. 358).³ Thus some may have rested the case both by inference based upon Marx's commitment to scientific materialism and by specific textual evidence that any moral critique of capitalism is rejected.

But it seems that this did not settle things for many of the North American writers who were active during the rise of ethical concerns in the wake of John Rawls's *A Theory of Justice* (1971). As many Marxist social and political theorists turned to Marx for clarification (McBride, 1975, p. 204), a voluminous debate divided the students of Marx regarding his take on justice and his ethical theory in general (Geras, 1985, p. 48).⁴

While the controversy does not seem to have preoccupied the scholars as much afterward, much of this old debate precedes some of the critical developments in Marxism itself, such as Laclau and Mouffe's transition to post-Marxism (Laclau & Mouffe, 1985), as well as political theory, more specifically the recent ethical turn joined by such figures as William Connolly, Judith Butler and Stephen White (Apostolidis, 2008; Davis & Womack, 2001; Garber, Hanssen, & Walkowitz, 2000). In this paper, I will revisit this longstanding debate and explore certain new inquiries and investigations as I delve into its various dimensions. To begin with, although Marx never emphasizes capitalism's injustice, I ask if this should be taken as an effort to *de-emphasize* its unjust

3 "Injury" in this passage is usually translated as "injustice" in the exegetical texts I used.

4 Geras notes that some three dozen items, of overwhelmingly North American provenance, were part of this controversy. For some of the works that brought together several viewpoints on this debate, see (Cohen, Nagel, & Scanlon, 1980; Nielsen, Patten, 1981; Pennock, Chapman, 1983). For an almost exhaustive list of the works involved, see (Geras, 1985, p. 48fn, 49fn). Here, Geras groups the works as [I] Those according to whom Marx did not criticize capitalism as unjust, [II] Those according to whom Marx did criticize capitalism as unjust, and [III] more tentative, expressing reservations of one sort or another about the interpretation of [I] without directly challenging it.

character at a time when other proponents of socialism were unnecessarily and misleadingly overemphasizing capitalism's injustice? Further, given its superstructural character, does Marx reduce justice to utter non-existence or does this approach allow him to hold on to a certain kind of moral realism notwithstanding the base/superstructure model? In this respect, I will question whether this model impels him to adopt moral relativism that approaches a certain brand of nihilism. For some, materialism would require the denial of any determinative power to the superstructure; however, it remains debatable whether Marx buys into such a crude materialism. Even if he assigns a superstructural role to ethics, one could still wonder whether this would mean that the future communist stage will accordingly have its own unique communist ethics. Or, can we argue that all morality will wither away along with the state? But can we imagine any social arrangement without morality or any ethical conception in any sense of the term?

I maintain that whether Marx believed capitalism was unjust cannot be decisively determined without addressing the preceding questions. Furthermore, I seek to demonstrate that his ethical theory, whether implicit or explicit, must be acknowledged and accounted for in this regard. While the major task of this paper will be exegetical, depending on how we answer the exegetical question, the more fundamental theoretical question remains: Can Marx coherently and consistently use a moral language that would include terms such as "oppression" and "exploitation" without laying out an adequate theory of justice? Likewise, can any normative critique of capitalism be sustained without affirming any ethical conception of good? If yes, why should Marx want us to care about alienation, dehumanization, self-realization, free development, or emancipation? Could he have advanced a consistent critique of capitalism without assuming these as intrinsic moral goods or vices? Last but not least, even if we grant that an explicit or implicit normative theory of justice cannot be deduced from Marx, should he at least have had one for the sake of his grand theory's consistency? For that matter, can any political theorist undertake a similar endeavor without having to affirm certain ethical goods?

In this paper, as I address these questions, I will seek to demonstrate that capitalism's unjust character was not a trivial concern for Marx, even though he deliberately avoided any moral theorization. He adopted this approach because his major focus was to expose the *function* of morality in his social theory of morals, while his normative moral theory remained relatively and perhaps deliberately under-theorized. Marx (and especially Engels) continued to affirm moral realism from a moral historicist standpoint. Perhaps the only charge against Marx could be the underdevelopment of his normative moral theory, arguably a deontological one, as it remains implicit and under-theorized. Those interpretations that deny his normative moral theory in effect deprive Marx of theoretical consistency.

As I set out to argue for these points, I will proceed according to the following structure: In the first section of this paper, among the vast literature that Geras's survey aptly covers, I will focus on the Wood-Husami debate. I do so because I believe that it sets the terms of the discourse, so to say. Here my goal will be to explicate why we cannot dismiss a Marxist conception of justice solely on the basis of the quotes given above. In the second part, I will seek to take some steps toward a possible Marxian ethics in the wake of recent theoretical developments in Marxism and political theory. Along these lines, I will maintain that Marx's moral historicism can still signify a certain form of moral realism and that Marxian political theorists could invest in this resource to develop a more robust ethical theory. Nonetheless, I will retain his fundamental conviction that the real struggle will be waged politically on the ground, and not through some theoretical abstractions in the realm of ideas. Given the unavoidability of ethical affirmations, I will argue that a more articulate Marxian ethical theory is needed, one that must remain in line with Marx's original intent: The ethical dimension cannot overtake the anti-capitalist struggle at the expense of the real, i.e., the political.

Marx and Justice: The Debate on the Injustice of Capitalism

Wood and Functionalist Justice

Granting the moral tones of Marx's critique, Allen Wood nevertheless points out that Marx does not explicitly state that capitalism is unjust or inequitable. Therefore, whatever else capitalism may be for Marx, he did not view it as unjust (Wood, 1972, p. 244).⁵ The main reason Wood provides to support this assertion is the notion that justice is a legal-judicial concept and we cannot conceive of justice without a body politic. Given that Marx's fundamental originality lies in his rejection of the political-judicial conception of society, and given that these relations are rooted in the material relations of existence, justice can only be grasped within the organic whole of a mode of production. Thus morality is, among other things, a moment, a phase, and a determination of human productive activity (Wood, 1972, pp. 246-251). Hence "the concept of justice is the highest expression of the rationality of social facts from the *judicial* point of view" (Wood, 1972, p. 254).⁶ This amounts to saying that the determination of justice, as regards transactions or institutions, demands an appraisal of their function in production (Wood, 1972, p. 256), which relegates justice to being no more than a function of a particular mode of production and a certain institution, as attested to by Marx's own words. It can be called unjust, then, only when it contradicts that mode. For example, according to this view slavery is unjust only in the capitalist mode of

5 Furthermore, he traces this argument back to Robert Tucker.

6 Emphasis in the original.

production (Wood, 1972, p. 255). Likewise, under the same view, the appropriation of surplus value, which Engels regards as Marx's original contribution to explaining the basis of the worker's exploitation (Wood, 1972, p. 700), is "not only just, but any attempt to deprive capital of it would be a positive injustice" (Wood, 1972, p. 265).

Wood is widely read as affirming the justice of capitalism, since justice is devoid of any content or criteria independent of the mode of production. Such a functionalist conception, however, amounts to a relativist form of moral historicism.⁷ If this is the case, then there is no independent external and transhistorical standpoint, and no eternal truth position, from which we can judge whether an institution is unjust or not. This holds true irrespective of the mode of production, i.e., whether a mode of production is itself just or not. Capitalist relations are then, by definition and even by tautology, just; but being just, in turn, does not really mean very much.

But it is still worth asking whether the communist stage will have its own standard of justice, that is, a communist conception of justice. Notwithstanding the initial temptation to answer in the affirmative, since an appeal to justice will necessarily mean an appeal to juridical institutions (Wood, 1972, pp. 267-268), we must consider that post-capitalist society will repudiate any vision of right or justice along with the state mechanism and juridical institutions (Wood, 1972, p. 271). Then the answer should be a clear "no" as post-capitalist society will be a post-moral society.

But does not it constitute moral progress when slavery ceased to be considered as just in contrast to ancient times, when it was acceptable? If not, then why did Marx refuse to adopt a neutral stance toward its abolition instead of viewing it as part of humanity's "liberation," which can be achieved only when the material basis is ready? It seems that there is an appeal to "liberation" as an intrinsic good, which is expanded when slavery is abolished or when it will be abolished, if we take Marx's likening of capitalism to slavery in more real terms (Marx, Engels, 1978, p. 169).⁸

Husami and Distributive Justice in the Communist Stage

Ziyad Husami (1978), maybe among the first to make the case for Marxist justice, does not seem satisfied with a post-moral conception of communist society based on a juridical understanding of justice. Although his objection is not centered on the moral language that Marx employed, it does figure in his interpretation to some degree. For example, he maintains that there is no meaningful sense in which the capitalist can

7 To be clear, in Wood's view this does not mean moral relativism in the sense that all are "right" in their own context. Instead, all glorified, ideological conceptions of justice are in some respects false and misleading. In effect, justice is not the criterion to judge any institution.

8 This appeal to human liberation as a standard will be taken up below.

rob the worker but treat him justly at the same time (Husami, 1978, p. 30).⁹ His uniqueness lies especially in his ironical reading of the "piece of good luck passage" and also in his emphasis on the class conception of justice.

One must ask if Marx was really conveying his own perspective when he characterized the exploitative labor relationship as a "piece of good luck" for the capitalist but by no means an "injury" to the seller. Husami holds that this occurs in a context where Marx is plainly satirizing capitalism (Husami, 1978, p. 30). This line of thinking seems to be worth pursuing, given that Marx begins that description with a reference to the "eternal laws" (Husami, 1978, p. 357)¹⁰ of commodity exchange, which we know he repudiates. Thus, according to these "eternal laws," the capitalist sees that a particular circumstance is clearly a piece of good luck for him but not an injustice to the seller. Husami contends that the only conclusion one can derive from this passage is Marx's sarcastic description of the capitalist viewpoint, a quote that can hardly help one dismiss the concept of justice from his perspective.

Husami takes no pains to explain away the "fair distribution passage" as well, but seems predisposed to take such passages as Marx's critique of the natural justice view. In fact, he insists that Marx considered justice to be social and bound by the mode of production (Husami, 1978, s. 36). Yet his more interesting gestures become apparent when he lays out some principles of Marxist morality. At its root is the double determination of the superstructure, where the forms of consciousness or institutions are determined both by the mode of production and class interest (Husami, 1978, p. 32). Accordingly, the exploited class develops a conception of justice that differs from the prevailing one and arrives at a negative evaluation of the existing distribution of productive wealth and income. Hence, any social and moral criticism based on this class consciousness remains possible. However, there are existential constraints or prerequisites for their realization, which expresses Marx's belief that right can never be higher than the economic structure of society and its cultural development conditioned thereby.

Husami sounds convincing when he argues that Wood seems inattentive to the class aspect of determination, which affords a standpoint to criticize an existing notion of justice. Indeed, Marx does not seem to refer to a general and eternal social law while relating the reduction of justice to legality or jurisprudence in the modern state. Similarly the state, a superstructural element itself, cannot be totally owned by the propertied class if the estates have not yet completely developed into classes (Marx,

9 Here he is referring to the passages in which Marx characterizes exploitation as robbery, usurpation, embezzlement, plunder, booty, theft, snatching and swindling. Even used only as a rhetorical strategy, it still imparts a strong moral sense.

10 Original in quotation.

Engels, 1978, p. 187). By the same token, during the intense transition periods or revolutionary times, the ruling ideas do not exactly match the ruling class and has “a power distinct from the power of this class,” whereas the existence of revolutionary ideas presupposes the existence of a revolutionary class. Yet this only qualifies the argument that the ruling class’s ideas are “the ideal expression of the dominant material relationships” and the ruling class regulates the production and distribution of the ideas while they are in power; “thus their ideas are the ruling ideas of the epoch” (Marx & Engels, 1978, pp. 172-173).¹¹

This nuanced view clearly leaves room for oppositional ideas to have a determinative power and even for the superstructure to have some effect on the base, contra the general perception on the epiphenomenality of the superstructure (Husami, 1978, p. 39).¹² Thus we will not observe merely one set of dominant ideas regulated and disseminated by the ruling class during the transition period, for certain oppositional ideas of the exploited class emanating from their material conditions of experience will still exist, although it still holds that “liberation is historical, not a mental act” (Marx & Engels, 1978, p. 169).

Husami, affirming the reality of moral ideas regardless of their determined character, then explicates the principles of communist justice as it appears in the *Critique of the Gotha Program*: “From each according to his ability, to each according to his needs” (Marx & Engels, 1978, p. 531). From this fundamental principle, he presents a detailed exposition of the principles of justice as they would appear in the communist stage.

Notwithstanding this argument, Wood is not willing to call Marx a critic of capitalism’s injustice. But this time, his reply to Husami (1979) reveals that his major consideration is whether exploitation, among such other considerations as self-realization, community, freedom, and equality, can be established as ethical concepts in Marx’s thought in the sense that Husami suggested (Wood, 1979, p. 273).¹³ Wood already holds that Marx conceived of equality not as an intrinsic –et alone a moral- good, apart from its consequences on freedom, community, and self-actualization. He goes even further by making a categorical distinction between justice and freedom in Marx’s thought, namely, as moral and non-moral goods. Then, according to him, Marx’s condemnation of capitalism is based on its failure to provide these non-moral goods (Wood,

11 As simply put in the *Manifesto*: “The ruling ideas of each age have ever been the ideas of the ruling class” (Marx, Engels, 1978, p. 489).

12 Husami also makes the same point regarding the superstructure’s effects on the base.

13 Referring especially to (Husami, 1978): “Marxian norms of self realization, humanism, community, freedom, equality, and justice are not reduced to insignificance merely because the institutional framework-is absent” (Wood, 1979, p. 39).

1979, pp. 281-285).¹⁴ Even so, at the end Wood feels obliged to admit that Marx morally condemns people's complacency in the face of massive and remediable non-moral evil, while he still refuses to condemn morally the non-moral evil itself (Wood, 1979, p. 290). He concludes by suggesting that ideology-critique in Marx cannot be made from within alternative foreign standards to judge the dominant mode of production, for they will not have any rational foundation (Wood, 1979, p. 291).

The Later Debate

The preceding revision of Wood's thesis posed another formidable challenge to the Marxist justice thesis. Allen Buchanan (1982), who bases his analysis on his dissatisfaction with those theses that argue for capitalism's justice, advances the argument that communism will make the issue of distributive justice otiose (Buchanan, 1982, p. 59). In other words, he credits Wood with being correct for saying that Marx does not criticize capitalism for being unjust, but maintains that he does so for the wrong reasons (Buchanan, 1982, p. 56). Moreover, his problem with Wood (as well as with Tucker) is that they fail to distinguish Marx's critique of distributive justice from his critique of civil and political justice (Buchanan, 1982, p. 52). Just like Rawls and Hume contend, principles of justice are needed only because of the circumstances of justice, namely, scarcity and conflict. Perhaps Marx would not think that these problems could be surpassed in the communist stage; however, democratic social coordination would make them less of an issue. Therefore, the basic principles of social organization would not include principles of distributive justice (Buchanan, 1982, p. 57). That is why these particular principles are only necessary because of the systematic defects of the capitalist mode of production (Buchanan, 1982, p. 59). This amounts to disputing the Rawlsian notion of society, which views justice as the first virtue of social institutions (Buchanan, 1982, p. 85), although Rawls also argues that Marxism holds a form of social order *beyond* justice as its ideal (McBride, 1975, p. 206).

Buchanan draws attention to "On the Jewish Question," which he regards as a necessary part of the Marxist explanatory theory of non-distributive justice. Here, his reading of Marx demonstrates that political emancipation falls short of genuine human emancipation (Buchanan, 1982, p. 61). Again, instead of replacing capitalist rights with communist rights, Marx drops the rights-talk altogether, inasmuch as a society in which citizens need rights to protect themselves from each other is deeply defective (Buchanan, 1982, p. 64). Persons under communism, then, would not conceive of themselves or others as bearers of rights, but rather as those who would be truly emancipated (Buchanan, 1982, p. 75).

14 Pleasure and happiness are familiar examples of non-moral goods. Wood also brings up Nietzsche, as the latter condemns all morality in favor of such non-moral goods as strength, creativity and abundant life. I will discuss later on how William Connolly incorporates this, as opposed to a commanding moral code, into his broader framework of ethical sensibility.

Subsequent commentators have had to discuss whether such Marxian goods as freedom, self-realization, and emancipation were moral or non-moral. This is true of Peffer and particularly so for Geras, who, after he surveyed of all sides of the debate, concluded that Marx's thought has a clear normative ethical dimension but perhaps a not-fully-developed philosophical theory about morality. For Geras, the values of freedom, self-development, human wellbeing, and happiness, as well as the ideal of a just society in which these things are decently distributed, are definitely found among Marx's ethical commitments (Geras, 1985, p. 85). For Peffer, on the other hand, this ethical perspective draws on three primary moral values that Wood called non-moral goods: freedom (as self determination), human community, and self-realization, as well as on some sort of principle demanding an egalitarian distribution of these goods – or at least the good of freedom (Peffer, 1990, p. 4-5).

In fact, Peffer does not call them “moral goods” either, on the grounds that “human dignity” can only be understood as a moral good. Thus, Marx appears to be a mixed deontologist who demands not only that the primary nonmoral goods of freedom, human community, and self-realization be maximized, but also for these goods' radically egalitarian distribution (or at least the good of freedom). Furthermore, in Peffer's view, Marx takes the nonconsequentialist notion of human dignity as the ultimate court of appeal in moral reasoning, as opposed to pleasure, happiness, or human perfection (Peffer, 1990, p. 5).

Therefore, Peffer disagrees with Wood's opinion that Marx was concerned only about nonmoral goods. In his alternative picture, Marx harbors notions of human dignity and autonomy and, moreover, is arguably committed to constraints on how non-moral goods should be distributed (Peffer, 1990, p. 170). Peffer realizes that his inference of a normative ethical theory from Marxism might seem rather far-fetched, given his admission that this theory is at most implicit in Marx. And yet he does provide a justification for this implicitness by asserting that most of the metaethical questions involved in his text had not even been properly formulated, let alone answered, at that time. In a sense, Marx and Engels' reactions to the excessive metaphysical view of morality was reasonable (Peffer, 1990).¹⁵

This offers another challenge to the thesis that advances Marxism without any implicit or explicit normative conception of justice and that takes justice as simply a function-

15 Other important contributors to this debate have been left out to avoid digression from the main focus. As an interesting case in point, Shandro maintains that the concept of the historical development and construction of human needs necessitates a concept of justice even in the higher phase of communism. Moreover, the connection between the complex communist good of self-realization and community cannot be accounted for from an anti-judicial perspective. The conceptions that could reconcile these values will vary in accordance with the historical circumstances, as the spontaneous harmony of communist needs is impossible (Shandro, 1989). In this paper, my position is not to insist on the juridical notion of justice, but rather to broach a non-judicial, ethical view of justice.

alist or relativist notion without heeding Marx's moral realism. It goes without saying that Marx's base/superstructure metaphor offers a social theory of how the social world's different dimensions operate, but this does not mean that it provides no critical moral tools. Marx was distinctive for his time because he exposed how moral concepts, which were often conceived in their own right as metaphysical entities, should be treated as constructs that entrench and legitimize the existing order. But criticizing the vulgar socialist attitude of grounding one's condemnation on vague or constructed moral terms does not amount to reducing justice to a simple function of existing social arrangements. Marx's primary target was the prevalence of the rights-talk that was clouding the real basis of moral ideas. His mission, so to say, was to deconstruct the commonsensical ideas about "natural" rights, "eternal" justice, and fairness in order to unveil the underlying socio-economic structures. Thus it would follow that real emancipation could be possible only after these structures were overthrown through an actual struggle on the ground. That is why Marx and Engels attacked the idea of imposing a new social order from without by means of propaganda so fiercely (Marx & Engels, 1978, p. 687), and why they particularly emphasized the idea that "it is only possible to achieve real liberation in the real world and by employing real means... liberation is a historical, not a mental act" (Buchanan, 1982, p. 169).

Therefore, Marx's aversion to directing his critique against capitalism on the basis of a demand for justice can best be understood against the background of those ill-conceived strategies prevailing among certain factions of the socialist cause among his contemporaries. Along the same lines, his protestation against the demand for "fair distribution" on the ground that it is already "fair" stems from his materialist theory in which no "fairer" distribution could be conceivable under the existing mode of production.¹⁶

The Recent Ethical Turn and the Controversy over Marxist Justice

As the foregoing reconstruction of the dominant views on the possibility of Marxist justice has sought to demonstrate, the issue is far from settled even though the debate's ethical overtones have become far more visible over time. As the ethical turn in literary studies, philosophy, and political theory gained more ground, the long-standing post-Nietzschean and post-structuralist critique of ethics has given way to a

16 It also has to do with his strong position that the issue was first and foremost about production, not distribution; and that without such a focus, socialist demands would only divert attention. Most of the remaining moral discussions addressed in Marx's writings amount to an internal critique designed to expose how moral claims are made in the capitalist mode of production, all of which is then presented in a satirical largely fashion. From his blatant account, the reader can feel how even the most egregious oppression can be couched in moral terms as a fair exchange. After all, part of Marx's critique is based on establishing why and how the supposedly "free" sides of contracts cannot be plausibly understood as free (Buchanan, 1982, p. 71). This also underlines how, in fact, there was no free and equal relationship between property owners and the propertyless masses.

renewed interest in ethics against the background of a “de-centered subject” (Garber, et al., 2000, pp. viii-ix).

The intellectual transfigurations within analytical philosophy, phenomenology and structuralism also propelled a transition within Marxism itself toward post-Marxism, a transition that has been undertaken, most significantly, by Laclau and Mouffe (Laclau, & Mouffe, 1985, p. xv). As they set out to reformulate the socialist project in terms of radical and plural democracy, Laclau and Mouffe also sought to dissolve Marxism’s ontological legacy, which is Hegelian and naturalistic (Laclau, & Mouffe, 1985, p. x). What is especially significant in this transformation for our purposes is their attempt to reformulate “the political” as the act of a political institution, a self-founded event, “the ontology of the social” rather than being simply super-structural (Laclau, & Mouffe, 1985, p. xvi). Hence the widespread economism that inflected some of Marxism’s earlier versions was seriously rebuffed.

Mouffe’s later radical democratic project has increasingly engaged more with the Schmittean notion of the political, which took issue with the moralizing attitude of the liberal democratic imaginary especially in its deliberative democratic models (Mouffe, 2000, pp. 85-86). This critique was not an anti-ethical one, but was directed against its ethical view that conflated politics with morality. In her alternative, Mouffe basically pursues an ethical vision for democracy that does not collapse, but rather acknowledges, the necessary tension between the two domains (Mouffe, 2000, p. 93).

Another political theorist who has contributed to the ethical turn with his post-Nietzschean sensibilities is William Connolly. From his post-foundationalist¹⁷ perspective, Connolly makes a distinction between ethics and morality that enables him to find the moralizing temptations toward the world as unethical (Connolly, 1993, p. 12).¹⁸ For him, moralists can formulate a moral code that can be separated from other elements in social and political practice, whereas an ethical sensibility can at best be “cultivated” to inform the quality of future interpretations, actions, or relationships (Connolly, 1993, p. 140).

I would like to look afresh at the debate on Marx’s view of justice against the background of these recent transfigurations in Marxist thought and political theory in general. Speaking of Marx in the aftermath of the ethical and post-foundationalist

17 I use this term in Oliver Marchart’s sense as laid out in his work (Marchart, 2007). In this conceptualization, “postfoundationalism” refers to an attitude in which “the quest for grounds is not abandoned, but is accepted as a both impossible and indispensable enterprise” (Marchart, 2007, p. 9). This is not a denial of foundationalism, but rather a subversion of its premises (Marchart, 2007, p. 13).

18 Connolly calls a conception a morality, provided that it corresponds to a moral order, a high command, a harmonious purpose, or an intrinsic pattern. Ethics strives to inform human conduct without drawing on either (Connolly, 1993, p. 35). His task is to challenge theories of intrinsic moral order by positing a competing post-Nietzschean ethical sensibility.

turns, can one consistently espouse an ethical standpoint and remain true to Marx's authentic theoretical scheme? More specifically, at the end of the day Marx does have an ethical theory in a broader sense than just a moral code, one in which justice carries an ethical value despite his "fair distribution passage" as well as his denial of *Unrecht* to the worker.

For a Marxist Ethics

In Cornel West's *Ethical Dimensions of Marxist Thought* (1991), Marx reappears as an anti-foundationalist and radical historicist in ethics. In this interpretation, Marx's thought is the result of his passage through different stages and, finally, his move from philosophy to theory. By such a gesture, he rejected ethics as a philosophic discipline in order to reject philosophy as an autonomous discipline. As he embraced ethical functionalism in his explanatory theory, he came to terms with the function of ethical beliefs in his own theory and sought to justify them in his normative theory without foundations (West, 1991, p. 53). In this understanding, communism is not an intrinsic goal of human development, but rather a means, a stage in the "emancipation and rehabilitation of [humanity]" (West, 1991, p. 60). In other words, his goal is to embed ethical elements within particular theories of political economy, including his own (West, 1991, p. 61). West concludes that the issue of what kind of distribution is morally desirable is not to be settled by putting forward philosophic criteria. That is to say, there can be no philosophical grounds for a fair distribution, as philosophy can no longer remain captive to a quest for certainty or foundations (West, 1991, pp. 100-101).

However, does such an anti-foundationalist conception of the history of morals leave us any other option than that of moral relativism? Marx and Engels' distaste of claims to eternal truth is well known from their attempt to dislodge such ideas from the socialist ideology, many proponents of which would say:

[S]ocialism is the expression of absolute truth, reason and justice... independent of time, space and of historical development of man... With all this, absolute truth, reason, and justice are different with the founder of each different school... [T]here is not other ending possible in this conflict of absolute truths than that they shall be mutually exclusive one of the other (Marx, Engels, 1978, p. 693).

But do not Marx and Engels hold self-certainty about the "inevitably impending dissolution of modern bourgeois property" (Marx & Engels, 1978, p. 471) in their own brand of "scientific" socialism? The key element here is their unique understanding of science, which is based not on a cause-effect relationship, but on dialectical reasoning. This maintains a view in which "a system of natural and historical knowledge, embracing everything, and final for all time is a contradiction" (Marx, Engels, 1978, p. 698).

West capitalizes on these statements to develop his own distinctions. Hence he vigilantly dubs Marx a radical historicist, as opposed to a moral relativist, as the latter would still be captive to the vision of philosophy that would translate as the quest for certainty and the search for foundations. A radical historicist, on the other hand, is a moral relativist who has been liberated from this vision (West, 1991, p. 4). He holds that there are moral truths or facts, but that they are always subject to revision, relative to specific aims, goals, or objectives of particular groups, communities, cultures, and societies. It is a quest for universalization of ethical judgments without the need for philosophical foundations (West, 1991, pp. 10-11).

West's interpretation of Marx does not sound too far-fetched even from Engels's decidedly more "scientific" socialism, although the latter did not make the meta-philosophical move that Marx did (West, 1991, p. 168). West's representation of the materialist conception of history, then, does not get in the way of affirming ethical goods. Hence a Marxist ethicist of this type can deny eternal truths or even foundations, but still affirm ethical principles to be both universalizable and subject to revision.

It is, therefore, useless to fantasize about justice in the upcoming revolution because history will work itself out. The explanatory dimension of this vision could also enable the theorist to account for the moral progress from slavery toward its abolition without succumbing to moral relativism. In another sense, this understanding establishes that the materialism of the base/superstructure metaphor can be conceived of in a sense that would not preclude moral realism for several reasons: First, Marx cannot be portrayed as categorically denying to the superstructure any determinative role. Indeed, Peffer points to three forms of this metaphor: crude determinism, determinism in the last instance, and mutual determination (Peffer, 1990, p. 25).¹⁹ Therefore, there is no reason to explain morality away as an illusion. Second, even if we did not take mutual determination seriously, being determined would not necessarily mean lacking reality because it would only underline the primacy of the material dimension and the alterable character of morals. In this regard, Husami's argument that moral standards emanate from the proletariat's material experiences promises to be an important resource upon which a current theorist can draw. If the ruling class cannot completely contain the circulation of ideas during the transition stage, the moral standards of the subjugated classes could provide the ground for a radical critique. Perhaps the only condition Marx would stipulate would be that the ethical level should not be placed at center of the critique, for capitalism cannot be overthrown by an ethical challenge; only the material and the real will bring it down.

19 Later Marxist theorists such as Althusser and Gramsci formulated how ideology and culture, respectively, have a rather complex relationship with the base.

In short, materialism does not necessarily render morals unreal; in fact, moral realism can cohere with the Marxist notion of materialism.²⁰ In this case, the philosopher's task may be either to make the implicit explicit, as Peffer sought to do, or to wait for history to work itself out, as West and Shandro suggested. Alternatively, one might have to work on how the unacknowledged ethical sources centered upon the notions of human dignity and actualization, freedom, equality, and community can be configured for an adequately normative ethical theory.

But one might still want to hold on to the view that the future communist society will be beyond morality. If needs are culturally constructed and conflictual relations stem from capitalism's alienating and dehumanizing effects, as Marx theorizes, can people do away with justice as an adjudicative and adversarial concept under the circumstances of abundance (Buchanan, 1982, p. 83)?²¹

This question, which is of far less practical significance than of theoretical import, resembles a possible theological discussion on whether there will be justice in heaven. If we do not limit justice to an adjudicative and adversarial concept, would not one have to call such perfectly well-ordered societies "just societies"? Indeed, restricting justice to a juridical or adjudicative and adversarial notion removes a significant part of its ethical import. Accordingly, I will attempt to re-conceive ethical concepts in a non-judicial sense and broaden the scope of ethics to attend to the recent ethical turn in order to take some steps designed to resolve the conundrum in Marx.

Marx indisputably pushes for human emancipation, free development, self-actualization, and community, which Wood earlier called non-moral goods. Pleasure or happiness can perhaps be conceived of as non-moral goods (but perhaps still ethical); however, freedom and self-actualization are such central themes in Marxist thought that they provide criteria for Marx's position toward different modes of production. In Geras's words, "denied publicly, repressed, his own ethical commitments keep returning: the values of freedom, self-development, human well-being and happiness; the ideal of a just society in which these things are decently distributed" (Geras, 1985, s. 85). Likewise, as Peffer pointed out, human dignity is the fundamental good for Marx and there is no way it can be understood in non-moral terms. In short, apart from his generous use of ethical terms, such as theft, usurpation, misery, oppression, slavery, degradation, and exploitation, all of which cannot possibly be perceived of in non-ethical terms, the moment Marx affirms these goods one may argue that he has had recourse to a normative ethical theory.

20 It must also be remembered that Marxist materialism makes substantive additions and corrections to both ancient (Democritus) and modern (Feuerbach) versions. This revision has significant implications for the status of human action in any materialist conception of history.

21 Of course, this is contingent upon the argument that Marx really conceived of justice is this way, as Buchanan argues.

Marx was not only a non-practitioner of moral philosophy, but was also hostile to the explicit elaboration of socialist ethical theory (Geras, 1985, p. 62). This was, in my view, mainly because he considered the overemphasized ethical critique of capitalism to be a digression from grasping the nature of the prevailing conditions of existence as well as a misdirection of the struggle to end it. He might not even have believed that he had any normative ethical theory at all (Geras, 1985, p. 70). This again does not negate the possibility that his intellectual system contained an under-theorized and implicit one. But then should one seek to work out an adequate positive conception of justice from within a Marxist framework? A contemporary theorist should not attempt to propose a full-grown theory of justice with concrete principles, as this would subject one to an unnecessary moralizing discourse, but rather point to the theoretical resources in Marx himself for an adequate ethical perspective.

It follows from the foregoing account that one might draw contours of a Marxist ethics, just like a Marxist ontology,²² although Marx himself would not have condoned working out a comprehensive theory of Marxist justice. His reluctance to elaborate an ethical theory was most probably an upshot of his rejection of the moralizing socialist discourse of his time, much of which was “verbal rubbish” to his mind and missed the point. A true revolutionary change could come about only through a real struggle on the ground once the right time has arrived as regards the material conditions of existence. Nonetheless, Marx’s affirmation of an underlying set of ethical goods is intrinsic in his condemnation of capitalism as an exploitative and oppressive system that threatens human freedom, self-actualization, and community. His critique was not a non-ethical one, and it was prefigured by his ethical commitments. However, the primary dimension of Marxist analysis and praxis, conceived in radical historicist terms, is never ethics.

Concluding Remarks

My major goal has been to demonstrate that we cannot reject a Marxist concept of justice based on either Marx’s fierce critique of the Lassallean social democrats’ ethical discourse or of his materialist social theory. In an intellectual milieu where socialism was characterized by utopian idealism or a moralizing discourse dominated by too much metaphysics, Marx adopted an adverse stance toward any critique based on the moral wrong associated with capitalism. Still, his choice of harsh words with a strong moral

22 For instance, Simon Critchley seeks to expose Marx’s ontology through a set of ontological figures, such as species being (*Gattungswesen*), being as production, being as praxis, or being as the subject’s practical self-activity (Critchley, 2005, p. 224). He also concludes that only a real, political struggle will bring about change: “We are on our own, and what we do, we have to do for ourselves. Politics requires subjective invention, imagination and endurance, not to mention cunning. No ontology or eschatological philosophy of history is going to do it for us” (Critchley, 2005, pp. 233-234).

appeal in his condemnation unavoidably implicates him in adopting an ethical standpoint toward capitalism. Furthermore, his discontent with capitalism is caused in large part by his commitment to certain ethical goods. Even if ideas of justice are taken as an offshoot of their adherents' material conditions of existence, this bolsters Husami's point that the subjugated classes will still have a better ethical perspective because of their circumstances. After all, Engels also talked about proletarian morality containing the maximum amount of truth (Marx & Engels, 1978, pp. 725-726).²³ While Marx used morally charged words to express his strong moral feelings about capitalism's injustice, he also made a deliberate effort to avoid any explicit articulation of an ethical theory.

Revisiting the debate on Marx and justice in the aftermath of the ethical turn in political theory, as well as many Marxists' transition to post-Marxism, only makes the case for the intrinsic ethics of Marx stronger. However Marx, in my interpretation, would still not endorse a morally grounded critique of capitalism that demands justice for the exploited classes. All in all, his goal was to de-emphasize exactly such a critique and to articulate the real struggle as a historical, real, political action. But, concurring with West, I would say that Marx would rather wait for historical reality to work itself out.

References

- Apostolidis, P. (2008). Politics and Connolly's ethics: Immigrant narratives, racism, and identity's contingency. *Theory & Event*, 11(3), The Johns Hopkins University Press. Retrieved December 9, 2013, from Project MUSE Database.
- Buchanan, A. E. (1982). *Marx and justice: The radical critique of liberalism*. Totowa, NJ: Rowman and Littlefield.
- Cohen, M., Nagel, T., & Scanlon, T. (1980). *Marx, justice, and history*. Princeton, NJ: Princeton University Press.
- Connolly, W. E. (1993). *The Augustinian imperative: A reflection on the politics of morality*. Newbury Park, CA: Sage Publications.
- Critchley, S. (2005). True democracy: Marx, political subjectivity and anarchic meta-politics. In L. Tonder, & L. Thomassen (Ed.), *Radical democracy: Politics between abundance and lack* (pp. 219-235). Manchester, UK: Manchester University Press.
- Davis, T. F., & Womack, K. (2001). *Mapping the ethical turn: A reader in ethics, culture, and literary theory*. Charlottesville, VA: University Press of Virginia.
- Garber, M. B., Hanssen, B., & Walkowitz, R. L. (2000). *The turn to ethics*. New York, NY: Routledge.
- Geras, N. (1985). The controversy about Marx and justice. *New Left Review*, 150(3), 47-85.
- Husami, Z. I. (1978). Marx on distributive justice. *Philosophy and Public Affairs*, 8(1), 27-64.
- Laclau, E., & Mouffe, C. (1985). *Hegemony and socialist strategy: Towards a radical democratic politics*. London: Verso.

23 From Engels, "On Morality." Even Wood admitted to himself that on this point Engels represents what he cannot reconcile with his reading of Marx (Wood, 1979, p. 291). But the readers might have little reason to see Wood as being any better than Engels in interpreting Marx.

- Marchart, O. (2007). *Post-foundational political thought: Political difference in Nancy, Lefort, Badiou and Laclau*. Edinburgh, UK: Edinburgh University Press.
- McBride, W. L. (1975). The concept of justice in Marx, Engels, and others. *Ethics*, 85(3), 204-218.
- Mouffe, C. (2000). Which ethics for democracy? In M. B. Garber, B. Hanssen, & R. L. Walkowitz (Ed.), *The turn to ethics* (pp. 85-94). New York, NY: Routledge.
- Nielsen, K., & Patten, S. C. (1981). *Marx and morality*. Guelph, Ontario: Canadian Association for Publishing in Philosophy.
- Peffer, R. G. (1990). *Marxism, morality, and social justice*. Princeton, NJ: Princeton University Press.
- Pennock, J. R., & Chapman, J. W. (1983). *Marxism*. New York, NY: New York University Press.
- Rawls, J. (1971). *A theory of justice*. Cambridge, MA: Belknap Press of Harvard University Press.
- Shandro, A. M. (1989). A Marxist theory of justice? *Canadian Journal of Political Science/Revue Canadienne de Science Politique*, 22(1), 27-47.
- Marx, K., & Engels, F. (1978). *The Marx-Engels reader* (2d ed.). R. C. Tucker (Ed.). New York, NY: Norton.
- West, C. (1991). *The ethical dimensions of Marxist thought*. New York, NY: Monthly Review Press.
- Wood, A. W. (1972). The Marxian critique of justice. *Philosophy and Public Affairs*, 1(3), 244-282.
- Wood, A. W. (1979). Marx on right and justice: A reply to Husami. *Philosophy and Public Affairs*, 8(3), 267-295.