

Constructing Marxist Ethics

Critique, Normativity, Praxis

Edited by

Michael J. Thompson



BRILL

LEIDEN | BOSTON

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Marx as a Critic of Liberalism

Sean Sayers

Marx is well known to be a critic of liberalism, but you would hardly suspect this from much of what is written about his philosophy. In the spate of recent writing about his moral and political thought, Marx's divergence from liberal ideas is almost invariably minimized or set aside altogether.¹ The criticisms of liberalism that are implied in his philosophy are passed over and his theories are reinterpreted so as to assimilate them to some form of radical liberalism. It is time to rescue Marx from this misappropriation and defend him as a critic of liberalism. That is my purpose here.

By Liberalism, I mean the political philosophy founded on the values of liberty and equality that has been predominant in the Western world in the modern era. It has most often taken the form either of a philosophy of justice and rights or a variety of utilitarian naturalism. In what follows I am going to focus on Marx's treatment of rights and justice – I have discussed the naturalist aspect of Marx's philosophy at length elsewhere.²

In its classic, enlightenment form the fundamental values of liberalism are embodied in a number of supposedly universal and timeless 'natural' or 'human' rights. These are listed in some of the major constitutional documents of the bourgeois revolutions of the eighteenth century, such as the US 'Declaration of Independence' and the various 'Declarations of Rights of Man and Citizen' of the French Revolution. The rights claimed in these documents vary somewhat, but usually include the rights to liberty, equality and private property. These are supposed to be the basic principles of a just society. Philosophical justifications for this approach are set out by a succession of thinkers, from Locke, Rousseau, and Kant, down to Rawls in modern times.

I The Historical Materialist Approach

Marx's approach is entirely different. Appeals to principles of justice and right play little if any part in his analysis of bourgeois society or in his ideas about

1 This is true of writing not only in the analytic but also in the continental tradition, see Paul Blackledge, *Marxism and Ethics* (Albany, NY: SUNY Press, 2012).

2 Sean Sayers, *Marxism and Human Nature* (London: Routledge, 1998).

the society that will succeed it. Partly this is because his primary aim is to understand and explain bourgeois society rather than to pass moral or political judgement on it or to advocate an alternative; but it is also because his critique takes an historical form and does not invoke supposedly universal standards.

The fundamental principles that guide his thought – the basic ideas of historical materialism – are clearly set out by him in a number of places and are familiar.³

Does it require deep intuition to comprehend that man's ideas, views, and conceptions, in one word, man's consciousness, changes with every change in the conditions of his material existence, in his social relations and in his social life? What else does the history of ideas prove, than that intellectual production changes its character in proportion as material production is changed?... When people speak of the ideas that revolutionise society, they do but express that fact that within the old society the elements of a new one have been created, and that the dissolution of the old ideas keeps even pace with the dissolution of the old conditions of existence.⁴

The implications of these views for the notions of justice and right are clear enough. These – like other kinds of moral principles – are social and historical products. They arise out of, and express, the norms governing the social relations of particular societies, they are (in that sense) 'ideological'.⁵ Different kinds of society give rise to different values and principles of right. Hence, there are no universal moral principles, no timeless principles of right. Consistently with this, Marx is scornful of his socialist contemporaries who appealed to supposedly eternal principles of 'justice' and 'fairness',⁶ and he worked strenuously to try to keep such ideas out of those statements of socialist principles with which he was associated.⁷

3 Their best known expression is in Karl Marx, "Preface to *A Contribution to the Critique of Political Economy*," in Robert C. Tucker (ed.), *The Marx-Engels Reader*, 2nd edn. (New York: W.W. Norton, 1978), 3–6.

4 Karl Marx and Friederich Engels, *Manifesto of the Communist Party*, in *The Marx-Engels Reader*, 489.

5 This is the neutral as contrasted with the pejorative sense of the term 'ideology', see Sean Sayers "Philosophy and Ideology: Marxism and the Role of Religion in Contemporary Politics," in David Bates (ed.), *Marxism, Intellectuals and Politics* (London: Palgrave-Macmillan, 2007), 152–168.

6 Karl Marx, "Critique of the Gotha Program," in *The Marx-Engels Reader*, 525–541.

7 See Karl Marx and Friederich Engels, *Selected Correspondence* (Moscow: Foreign Languages Publishing House, n.d.), and Geras, "The Controversy About Marx and Justice", 50.

However, it is also evident that this is not the only way in which moral values figure in Marx's thought. For, of course, it is also the case that Marx is critical of bourgeois society. Political and ethical commitments to its abolition and to its replacement by a new and different kind of society are an essential aspect of his position. Moreover, these commitments are sometimes expressed in terms that appeal to ideas of justice and right. For example, Marx at times criticizes capitalism for involving the unjust appropriation ('theft', 'robbery') by capital of the surplus value created by labour,⁸ and he praises the principles of distribution governing communist society as constituting an 'advance' in equality.⁹

Such views, it is often said, cannot be reconciled with the relativist account implied by a social and historical conception of right, and, indeed, that they are symptomatic of a fundamental contradiction in Marx's thought. According to Geras, for example, 'Marx did condemn capitalism as unjust in the light of transhistorical norms, albeit inconsistently with his own emphatic disavowals'.¹⁰ If the notions of justice and right are the products of established social and economic relations, so it is argued, they must reflect and endorse them, and this would include Marx's own values. In so far as he criticizes bourgeois society, therefore, his criticisms *must* rely on an appeal to transhistorical standards whatever he may say to the contrary.¹¹

This argument is very questionable. It assumes that the only possible source of critical values is one that transcends the existing order. This is not the case. Existing society is not a harmonious unity. There are conflicts and contradictions within it. Critical and contradictory tendencies do not need to come from outside, they are already present within existing conditions. The Marxist critique of bourgeois society does not need to rely on transcendent principles, it arises out of forces that are present within bourgeois society itself, it is immanent in form.¹² As Marx puts it:

Nothing prevents us...from entering into real struggles and identifying ourselves with them. This does not mean that we shall confront the world

8 Geras, "The Controversy About Marx and Justice," 56–58.

9 Karl Marx and Friederich Engels, *The German Ideology: Part I*, in *The Marx-Engels Reader*, 146–200. For further references see Norman Geras, "The Controversy about Marx and Justice," *New Left Review*, I, no. 150 (1985): 47–85; and "Bringing Marx to Justice: An Addendum and a Rejoinder," *New Left Review*, I, no. 195 (1992): 37–69.

10 Geras, "Bringing Marx to Justice: An Addendum and a Rejoinder," 37.

11 See G.A. Cohen, "Freedom, Justice, and Capitalism," *New Left Review*, I, no. 126 (1981): 3–16; and "Review of A.W. Wood, *Karl Marx*," *Mind*, vol. 92 (1983); and Geras, "Bringing Marx to Justice: An Addendum and a Rejoinder."

12 See Sayers, *Marxism and Human Nature*, Chapters 7–8.

with new doctrinaire principles and proclaim: 'Here is the truth, on your knees before it!' It means that we shall develop for the world new principles from the existing principles of the world.¹³

Hegelian Roots

The roots of these ideas are in Hegel's philosophy. This forms a bridge between the enlightenment universalism about natural rights of thinkers like Hobbes, Locke and Kant, and Marx's historical and materialist approach. Hegel's philosophy arises out of the Enlightenment liberal tradition, and he retains important aspects of it as we shall see; and yet his philosophy also puts forward a social and historical account of ethical and political values that points beyond it and which Marx draws upon.

On the one hand, Hegel retains the enlightenment idea of universal and timeless values. This is embodied in the notion of 'abstract right' which is the starting point for the *Philosophy of Right*. According to Hegel, this is the form of right which human beings possess simply in virtue of being 'persons' – free and rational beings – not mere 'things'. It is the right to exercise our wills as free agents, particularly to appropriate things.¹⁴

Hegel's abstract right is universal to all human beings and timeless. It is closely related to the liberal enlightenment idea of the natural rights of property and liberty. However, it is too simple to say *tout court* with Benhabib that, "Abstract right" is... Hegel's term for the traditional concept of "natural right".¹⁵ Hegel is reluctant to adopt the term 'natural right' because it is usually taken to imply that right exists 'ready-formed in nature' and even perhaps in a fictional 'state of nature'. By contrast Hegel insists that:

the whole law and its every article are based free personality alone – on self-determination and autonomy, which is the very contrary of determination by nature. The law of nature – strictly so-called – is for that reason the predominance of the strong and the reign of force... The social state, on the other hand, is the condition in which alone right has its actuality.¹⁶

13 Karl Marx, "Marx to Arnold Ruge, September 1843," in *The Marx-Engels Reader*, 14.

14 G.W.F. Hegel, *Elements of the Philosophy of Right*, H.B. Nisbet (trans.) (Cambridge: Cambridge University Press, 1991), §§41–53, 73–84.

15 Seyla Benhabib, "Obligation, Contract and Exchange: On the Significance of Hegel's Abstract Right," in Z.A. Pelczynski (ed.), *The State and Civil Society: Studies in Hegel's Political Philosophy* (Cambridge: Cambridge University Press, 1984), 160.

16 G.W.F. Hegel, *Philosophy of Mind*, W. Wallace and A.V. Miller (trans.) (Oxford: Clarendon Press, 1971), §502, 248.

Hegel criticizes the main liberal enlightenment philosophers – and particularly Kant – for holding that morality consists of universal rational principles by which actions and institutions can be judged. Ethical norms, he argues, are not abstract propositions that are applied externally to particular social relations. Principles of right that are detached from social relations are abstract and empty. To have life they must be embodied in concrete social relations and be recognized. They must express the norms and principles of concrete and particular social roles and institutions. Right for Hegel thus exists concretely only when it takes the form of ‘ethical life’ (*Sittlichkeit*), the social relations and practices of an ethical community, and not of mere abstract moral principles (*Moralität*).

Thus, on the one hand, Hegel retains the idea of a universal and timeless ‘abstract right’; and yet he also develops a social and historical account of right as *Sittlichkeit*. There is tension between these two aspects of Hegel’s philosophy. Some of the problems of fitting these two aspects together can be seen in his account of pre-modern – ancient and feudal – forms of society that were based on slavery and serfdom. On the one hand, Hegel insists that freedom is a universal right, which all – including slaves and serfs – have simply as persons. ‘The slave has an absolute right to free himself.’¹⁷ However, in ancient Greek and Roman society this right was not recognised, even by most slaves, it had no social or historical reality or ‘validity.’¹⁸ Indeed, Hegel maintains that ‘Slavery and tyranny are...in the history of nations a necessary stage hence *relatively* justified.’¹⁹

In this way, freedom is an abstract and hence universal right according to Hegel; and yet purely as such it has no social reality, it is a mere abstract principle – a mere ‘ought’ – of the sort that he criticizes so effectively in Kant. As Steven Smith says, Hegel’s abstract right seems ‘every bit as formal and abstract as the deontological ethic Hegel often claims to attack. The idea of personhood is itself based on an abstraction from all the empirical characteristics and attachments we develop in the course of our lives and histories.’²⁰

Thus there appears to be a conflict between these two aspects of Hegel’s philosophy – his notion of abstract right and the social account of rights embodied in the notion of *Sittlichkeit*. Hegel attempts to resolve this problem

17 Hegel, *Elements of the Philosophy of Right*, §66A, 97.

18 Hegel, *Elements of the Philosophy of Right*, §57A, 88.

19 Hegel, *Philosophy of Mind*, §435A, 175, cf. Hegel, *The Philosophy of History*, J. Sibree (trans.) (New York: Dover Publications, 1956), 99.

20 Steven B. Smith, *Hegel’s Critique of Liberalism: Rights in Context* (Chicago: University of Chicago Press, 1991), 125.

in his philosophy of history. He sees history as a teleological process of the realization of freedom through the development of right. In ancient society, only some are free: the abstract right of freedom is realized only partially, it is to a degree still implicit and merely in-itself. But this implicit right is in the process of being realized and becoming explicit. Freedom is first explicitly recognized as a universal right by Christianity; it then develops gradually as a concrete reality in the 'Christian world'. It is fully realized only in modern liberal society.²¹

Marx

As I observed at the outset, many recent accounts try to interpret Marxism as a version of enlightenment liberal moral thought, but Marx's account of justice and right, and his notion of ideology, are in fact more directly developed from aspects of these Hegelian ideas and are better seen in this context. In particular, the two strands of Hegel's philosophy that I have just described provide the appropriate background against which to interpret Marx's thought. For Marx criticizes and rejects the Hegelian notion of abstract right and with it the remaining vestiges of the enlightenment idea of natural rights. Marx's social and historical account of rights is a development of the other aspect of Hegel's theory that I have been pointing to: the idea of right as socially embodied in ethical life (*Sittlichkeit*). Like Hegel, he holds that ethical norms are not abstract and separate theoretical principles, they express the norms of concrete social relations and practices, they are integral to our social life. In this way, Marx's account of right is fully and consistently social and historical.

Of course, Marx's account also differs in some fundamental ways from Hegel's. Hegel's notion of abstract right is based on the idea that human beings, just as such, are free 'persons', ontologically distinct from mere 'things'. This is a metaphysical idea which Marxism, as a form of materialism, must reject. We are natural beings, not ultimately distinct from the rest of natural creation. Our very capacity for free activity develops as our material powers and abilities develop – it does not pre-exist them as an abstract potentiality which transcends them.

Marx also rejects the Hegelian teleological idea that history is the realization of freedom and right.

For Hegel, the life process of thinking, which he even transforms into an independent subject, under the name of "the Idea," is the creator of the

21 Steven B. Smith, "Hegel on Slavery and Domination," *Review of Metaphysics*, vol. 46, no. 1 (1992), 105–109.

real world, and the real world is only the external appearance of the idea. With me the reverse is true: the ideal is nothing but the material world reflected in the mind of man, and translated into forms of thought.²²

Marx thus ‘inverts’ Hegel’s philosophy.²³ History is not the product of the ‘Idea’ realizing itself; rather, the ideas of universal freedom and right are the products of history. Moral values – indeed, ideas and ideology more generally – arise out of and depend upon social relations, not vice-versa. Marx makes this point in ‘Notes on Adolph Wagner’ [1879–80] when he writes, ‘With him [Wagner] there is first right and then intercourse; in reality it is the other way round: first there is *intercourse* then a *legal order* [*Rechtsordnung*] develops out of it.’²⁴

The principles governing the legal order are then formulated in abstract and general terms that come to have a ‘relatively’ autonomous development.²⁵ However, the idea that values and ideas have an existence on their own, prior to and independent of social relations, is ultimately an illusion. ‘Consciousness is consciousness of existing practice’, according to Marx and Engels – the thought that it is something separate arises only subsequently.²⁶

From this moment onwards consciousness can really flatter itself that it is something other than consciousness of existing practice, that it really represents something without representing something real; from now on consciousness is in a position to emancipate itself from the world and to proceed to the formation of “pure” theory, theology, philosophy, ethics, etc.²⁷

In this way, Marx agrees with the central idea of the Hegelian concept of *Sittlichkeit*, that ethical norms and social relations are necessarily related, even though Marx is a materialist and ‘inverts’ Hegel’s idealist account of this relation.

22 Karl Marx, *Capital*, vol. 1 (Harmondsworth: Penguin, 1976), 102.

23 Marx, *Capital*, vol. 1, 106.

24 Karl Marx, “Notes on Adolph Wagner (1879–80),” in *Texts on Method* (Oxford: Blackwell, 1975), 210.

25 Friederich Engels, “Letters on Historical Materialism,” in *The Marx-Engels Reader* and Sean Sayers and Richard Norman, *Hegel, Marx and Dialectic: A Debate* (Brighton: Harvester Press, 1980), 93–94; Igor Shoikhedbrod, 2013. “Karl Marx’s Radical Critique of Liberalism and the Future of Right.” Paper presented at the Marx and Philosophy Society 10th Annual Conference, London (<http://marxandphilosophy.org.uk/assets/files/society/word-docs/shoikhedbrod2013.docx>).

26 With the historical development of the division between mental and manual labour. Marx and Engels, *The German Ideology*, 159.

27 Marx and Engels, *The German Ideology*, 159.

Marx expresses his materialism using the metaphor of base and superstructure.²⁸ Although this serves well enough to emphasize the priority he gives to material factors, it is misleading in other respects. The image of ideology as something that belongs to the superstructure all too readily suggests that it is somehow detached from and 'above' the material basis of society. This is not the case, as I have argued, nor is it Marx's considered view. The Hegelian idea that values are concretely embodied in the practices of 'ethical life' provides a better way to understand Marx's views and gives a more satisfactory account of the nature of ethical values. Norms are embedded in the roles, relations and institutions of society, and are an essential aspect of their functioning. They are concrete, lived aspects of our daily social lives. This social and historical account of ethical values is an essential part of Marx's critique of the enlightenment form of liberalism.²⁹

Attitudes to Liberalism

Apart from his materialism, a second important respect in which Marx differs from Hegel concerns their attitudes to liberal society. Even though Hegel's social conception of ethics seems to conflict with the universalism of enlightenment liberalism, he is ultimately a liberal himself.

This may seem a surprising claim. Hegel's liberalism has been systematically obscured for many years by the cold war rhetoric of writers like Popper who lump his political philosophy together with Marxism and fascism as a form of 'totalitarianism', and portray them all as the 'enemies' of liberalism and the 'open society'.³⁰ This is a tendentious and inaccurate view of Hegel's political

28 Marx, "Preface to *A Contribution to the Critique of Political Economy*."

29 Others have also criticized the base/superstructure metaphor and interpreted Marx's account of values along similar lines. For example, Althusser stresses the ways in which ideology is embodied and lived out in social practices. However, he develops his account from an entirely different – anti-Hegelian – perspective, and his work has had the unfortunate effect of obscuring the source of Marx's ideas in the Hegelian concept of *Sittlichkeit*. See his *Lenin and Philosophy* (London: Verso, 1971). Still others have pointed out significant similarities between Marx's ideas and Aristotle's way of grounding virtues in social practices. See Alasdair MacIntyre "The Theses on Feuerbach: A Road Not Taken," in Kelvin Knight (ed.), *The MacIntyre Reader* (Cambridge: Polity Press, 1998), 223–234; Blackledge, *Marxism and Ethics*. This too has helped to counteract the view of morality as a set of abstract and timeless principles. Nevertheless, the primary source of Marx's ideas is clearly Hegel, as he himself acknowledges, and his account of justice and right as ideology is best seen in this context.

30 See Karl Popper, *The Open Society and Its Enemies*, 5th edn, 2 vols (London: Routledge and Kegan Paul, 1966).

philosophy and of Marxism too, as Smith and Rawls (2000, 349–371) have persuasively argued.³¹

To be sure, Hegel makes fundamental criticisms of some of the central tenets of enlightenment liberalism; but he makes these from what is ultimately a liberal position. In particular, as Beiser puts it, Hegel

could not accept the common liberal doctrine that the purpose of the state is only to protect natural rights and the freedoms of the market place. Such a doctrine seemed to sanction the dissolution of society into a multitude of isolated and self-seeking atoms, having no sense of belonging or responsibility for the common good.³²

To counter the fragmenting effects of the market in modern society, Hegel argues, the state and the institutions of civil society must actively foster communal allegiances and the common welfare. In his wish to temper free market liberalism in this way, and in his communitarian concerns, Hegel can be interpreted as criticising modern liberal society and even as harking back to the premodern ideal of the ancient Greek polis. Alternatively, these aspects of his philosophy can be seen as looking forward, and anticipating the social or welfare state liberalism of later Hegelians such as T.H. Green and Bernard Bosanquet. In any case, Hegel is absolutely insistent that individuality and liberty are the essential and distinctive characteristics of the modern world. He has no thought of actually returning to premodern conditions with their uncritical acceptance of customary ways and established authority. Individual liberty and ‘the right of subjective freedom’ are, he insists, definitive of modernity and inescapable features of the modern world.³³

In short, not only does Hegel believe in the universal applicability of the principles of abstract right – the liberal principles of individual freedom and justice – he also maintains that modern bourgeois liberal society has created the social and political conditions within which they can at last be realized, and in which the contradictions between individual and community can be resolved within the framework of a stable state. In these important respects at least, Hegel is a liberal.

31 Smith, *Hegel's Critique of Liberalism*; and John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge MA: Harvard University Press, 2000), 349–371. See Frederick Beiser, *Hegel* (New York: Routledge, 2005), 229–233, for a similar account but with a more sceptical emphasis as regards Hegel's liberalism.

32 Beiser, *Hegel*, 230.

33 Hegel, *Elements of the Philosophy of Right*, §124R, 51–52.

Marx is not. He questions Hegel's position on precisely these points. Although, as we shall see shortly, Marx does not reject liberal values outright, he nevertheless denies the central liberal claim that they can be realized in a satisfactory form in bourgeois society founded on liberal principles of right. In particular, Marx denies that the values of individual liberty and equality can be realized in a society based upon the private ownership of the means of production and the predominance of commodity exchange. The contradictions of bourgeois society, he insists, are an inherent and ineliminable feature of it. The realization of the ideals of liberty, equality and individuality requires a fundamental social and political transformation – a transformation that will be impelled by these contradictions themselves. For Marx maintains that these will give rise ultimately to the emergence of a new social order in which the conflicts of liberal society can be resolved and in which the liberal ideals of freedom and justice can at last be realized.

II Marx on Rights and Justice

So far I have focused on the formal theoretical framework within which Marx's views about rights and justice need to be interpreted. I will turn now to what he has to say about the content of liberal values.

Marx wrote little explicitly on this topic. The two most extensive discussions are from either end of his working life. Both accord with the account of Marx's thought that I have been giving. From them it is clear that although his ideas evolve and develop, the basic form of his thought – the historical approach – remains a feature of it throughout.

On the Jewish Question

Marx's most extensive discussion of liberal ideas of human or natural rights occurs in 'On the Jewish Question'. This is a very early article, written in 1843, before Marx thought of himself as a communist. It is a young Hegelian piece criticizing Bruno Bauer, a fellow young Hegelian, for his views on the topic of Jewish emancipation. It includes detailed analysis of the ideas of natural or human rights enshrined in a number of eighteenth century US and French constitutional documents and Declarations of Rights.

Marx argues that the 'rights of man' asserted in these documents are not the universal and eternal principles that these documents claim them to be. Rather they express the principles of the atomistic individualism of bourgeois society. 'The so-called rights of man...are simply the rights of a member of civil society,

that is, of egoistic man, of man separated from other men and from the community'.³⁴

Marx shows that a number of the specific 'natural rights' claimed in these documents – including the rights to liberty, equality, security, and private property – each has this character. As regards the right of property, for example, Marx maintains,

The right of property is...the right to enjoy one's fortune and to dispose of it as one will; without regard for other men and independently of society. It is the right of self-interest. This individual liberty, and its application, forms the basis of civil society. It leads every man to see in other men, not the *realization*, but rather the *limitation* of his own liberty.³⁵

As Leopold says, it has become an 'interpretative commonplace' to treat Marx, in passages like this, as simply condemning the liberal idea of human rights outright as illusory – as mere 'ideology' in the pejorative sense that uncritically endorses bourgeois society.³⁶ However, as Leopold rightly argues, there is no basis for this interpretation. In relating the idea of human rights to the forms of civil society and showing it to be characteristically bourgeois, Marx is not simply dismissing it. Rather his main purpose is to understand the notion of human rights in the context of the social relations that give rise to it. In short, he is taking an historical view of it. He is arguing that these rights are not the universal and eternal moral principles they are claimed to be; rather, they express the norms of a particular sort of society at particular stage of its development. They express the social and economic relations of bourgeois civil society, a society of atomistic individualism and private property. 'The so-called rights of man...are nothing but the rights of the member of civil society, that is of egoistic man, separated from other men and from the community'.³⁷

34 Karl Marx, "On the Jewish Question," in *The Marx-Engels Reader*, 42.

35 Marx, "On the Jewish Question," in *The Marx-Engels Reader*, 42.

36 David Leopold, *The Young Karl Marx: German Philosophy, Modern Politics, and Human Flourishing* (Cambridge: Cambridge University Press, 2007), 150.

37 Marx, "On the Jewish Question," in *The Marx-Engels Reader*, 42. Cf: 'None of the so-called rights of man...go beyond egoistic man, beyond man as a member of civil society – that is, an individual withdrawn into himself, into the confines of his private interests and private caprice, and separated from the community. In the rights of man, he is far from being conceived as a species-being; on the contrary, species-life itself, society, appears as a framework external to the individuals, as a restriction of their original independence'. *Ibid.*

Marx is, of course, critical of bourgeois society. But his critique of it does not appeal to supposedly universal or timeless principles, it is not a moral and absolute one, as so many recent writers have maintained, it does not condemn bourgeois society in a purely negative way. On the contrary, Marx's approach is historical and relative.³⁸

In 'On the Jewish Question', Marx contrasts the 'political freedoms' proclaimed by the bourgeois revolutions of the eighteenth century with a fuller 'human' notion of freedom. However, his purpose is not to dismiss these bourgeois freedoms. On the contrary, he acknowledges that, 'Political emancipation is...a big step forward. True, it is not the final form of human emancipation in general, but it is the final form of human emancipation within the hitherto existing world order'.³⁹

Relative to the restrictions and restraints that had existed previously, in feudal society, the political freedoms introduced by the bourgeois revolutions of the eighteenth century constituted a real advance; but a higher social order and, with it, a more developed, 'human' form of freedom will eventually be possible.

Of course, part of Marx's purpose here is to criticize liberalism and the bourgeois social order of private property and atomistic individualism upon which it is founded. It is quite wrong to gloss over this and try to rewrite Marxism as a form of radical liberalism as do many recent writers (Cohen, Geras, etc.). And yet Marx does not reject liberal rights and liberal values outright. His philosophy should not be interpreted as an abstract or absolute negation of the liberal tradition, but rather as, in some important respects, a continuation and completion of it. The notion of 'human' emancipation that Marx invokes here is a development and a realization of the limited, 'political' form of emancipation achieved in liberal society. His position implies that the central liberal value of liberty can be achieved only partially in liberal society. It can be fully realized only after a radical change in the social order.

This is the point of view from which he responds to Bauer on the issue of religious emancipation. Bauer argues that Judaism involves particularistic allegiances and commitments that are incompatible with the universalist demands of a liberal state. Full citizenship and political participation in a liberal society therefore requires the repudiation of such religious affiliations.

38 See Sean Sayers, *Marx and Alienation: Essays on Hegelian Themes* (Basingstoke and New York: Palgrave Macmillan, 2011), Ch. 6, cf. Igor, Shoikhedbrod, "Karl Marx's Radical Critique of Liberalism and the Future of Right." Paper presented at the Marx and Philosophy Society 10th Annual Conference, London, 2013 (<http://marxandphilosophy.org.uk/assets/files/society/word-docs/shoikhedbrod2013.docx>).

39 Marx, "On the Jewish Question," in *The Marx-Engels Reader*, 35.

In arguing thus, Marx objects, Bauer is confusing 'political' with 'human' emancipation. The emancipation of religion from political restraints brought about by the modern liberal state grants the freedom *of* religion. The state no longer seeks to control religious beliefs and practices, religion is treated as a purely private matter, citizens are free to believe and worship as they will. Marx argues that Bauer is wrong to think that this sort of political emancipation requires freedom *from* religion. Only full 'human' emancipation in a society of the future will lead to the complete transcendence of religion, and freedom from religion altogether.

Even so, Marx maintains, the liberal freedom of belief and worship constitutes 'a big step forward'⁴⁰ in freedom for the Jews and other non-conformist religious groups. Likewise, with other liberal rights, such as the rights to equality, property, security, and the legal institutions that embody them. Although these are characteristic of bourgeois society, they too must be judged relatively and historically. For example, the liberal right to property, Marx says, guarantees to all⁴¹ the 'freedom to own property' (a right that was restricted in feudal society), but not yet the 'freedom from property'.⁴² Thus, relative to previous social conditions, bourgeois liberal society – and the rights and liberties it creates – constitutes a genuine advance. However, the kind of freedoms it makes possible – bourgeois freedoms, merely 'political' freedoms – remain limited and imperfect. A higher 'human' form of emancipation is possible; but this will require the advent of a different form of society, a new 'world order'.⁴³

Critique of the Gotha Programme

In 'On the Jewish Question', in 1843, Marx says nothing about what shape this new social order might take. Within a year, however, he has declared himself to be a communist; and his ideas about the nature of a future society begin to develop.⁴⁴

Marx's fullest account of his conception of future communist society is given in 'Critique of the Gotha Programme', written towards end of his life

40 Marx, "On the Jewish Question," in *The Marx-Engels Reader*, 35.

41 All white men at least, at the time that Marx was writing.

42 Marx, "On the Jewish Question," in *The Marx-Engels Reader*, 45.

43 Marx, "On the Jewish Question," in *The Marx-Engels Reader*, 35. For a well worked out account of Marx's position along similar lines, see Igor Shoikhedbrod, "Karl Marx's Radical Critique of Liberalism and the Future of Right", in *Marx and Philosophy Society 10th Annual Conference*, London, 2013 (<http://marxandphilosophy.org.uk/society/events>).

44 Karl Marx, "Private Property and Communism," in *The Marx-Engels Reader*; Karl Marx, *The Poverty of Philosophy* (Peking: Foreign Languages Press, 1978); and Marx and Engels, "Marx to Arnold Ruge, September 1843," in *The Marx-Engels Reader*.

(1875). This work also contains a detailed discussion of the principles of property right and distributive justice that Marx believes will apply in such a society. From the late 1840s onwards, Marx had argued that there will need to be a first 'transitional' stage of communism between capitalism and the creation of a fully communist society. In this first stage of communism, private ownership of the means of production (capital) will be abolished; but private property will continue to exist in the sphere of consumption. Distribution of the products of labour to individual workers (after deductions have been made centrally for necessary social expenditures) will be according to the quantity of work they do. As Marx observes, this will involve a principle of exchange of equal values similar to the economic principle governing bourgeois society (indeed, Marx calls it the principle of 'bourgeois right'), although, in such a society, unlike in bourgeois society, individuals will no longer be able to gain an income simply through the ownership of capital.

A communist society of this sort will be governed by the principle that individual workers have the right to the proceeds of their own labour (once deductions have been made for communal expenditures). A principle of this sort is often thought to provide the basis for socialist criticism of capitalism since, in it, some of the proceeds of labour are extracted by capital in the form of profit. Geras, for example, criticizes capitalism in this way when he writes that 'it violates a principle of moral equality if the efforts of some people go unrewarded whilst others enjoy benefits without having to expend any effort'.⁴⁵ And Geras treats this as a timeless moral principle and imputes it to Marx.

That is a misinterpretation. Marx's point is that this principle is one that governs economic distribution at a particular historical stage, the first stage of communism. In so far as it can be used to criticize the present capitalist system, this is because 'elements of the new society' already exist within it, and the real possibility of creating such a society has come onto the agenda.⁴⁶ Principles of right, including this one, are historical and relative: 'Right can never be higher than the economic structure of society and its cultural development conditioned thereby'.⁴⁷

A first-stage communist society of this sort, Marx suggests, will constitute an 'advance' in equality over bourgeois society in that individual income will be strictly related to work done, and it will no longer be possible to gain an income simply by owning capital. Even so, the retention of the principle of bourgeois right means that such a society will continue to be 'encumbered by

45 Geras, "Bringing Marx to Justice: An Addendum and a Rejoinder," 60.

46 Marx and Engels, *Manifesto of the Communist Party*, 489.

47 Marx, "Critique of the Gotha Program," in *The Marx-Engels Reader*, 531.

a bourgeois limitation.⁴⁸ Distribution according to the amount of work done will inevitably give rise to economic inequalities due to individual differences of circumstance and ability: some will work more than others, some will have more dependents than others, etc.⁴⁹

Eventually this limited form of right and these inequalities too will be superseded. 'In a higher phase of communist society' in which the conditions of abundance have been realized, in Marx's well known words, 'only then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: From each according to his ability, to each according to his needs!'⁵⁰

Such a society, in which distribution is according to need, will no longer be governed by the quantitative principle of distribution of equal values embodied in the principle of bourgeois right. Those with many needs will receive a greater share of the social product than those with few needs; and, because there will be abundant means to satisfy all needs, no attempt need be made to equalize these differences. In that sense the liberal concern for equality in the sphere of distribution will have been superseded.

For this reason, one might say that a communist society of this sort is 'beyond equality'. This is what I argued in *Marx and Alienation*. However, this suggests that the principle of right in full communism is a mere negation of the liberal idea of equality. I have now come to question this.⁵¹ For communist society can also be looked upon as embodying a less limited – a qualitative and not merely quantitative – form of equality; hence that such a society will not simply negate the value of equality, but on the contrary realize it more fully. That is more in line with the account of Marxism that I am developing here, and it is the interpretation that I am now inclined to think better expresses its philosophy.

Similar issues arise with respect to the norms of justice that operate in a full communist society. It is often argued that such a society will be 'beyond justice' in the sense that principles of justice and right will no longer operate in it. There are various ways in which this point can be made. Most are variations on the theme that norms of justice and right are required only when there are conflicts that need to be resolved. However, communism, as Marx envisages it, is supposed to be a society in which the abolition of private property has eliminated the basis of social divisions and conflicts, and material abundance has eliminated the sources of material inequality and conflict – thus removing the need for principles of justice. In other words, what Marx foresees, it is argued,

48 Marx, "Critique of the Gotha Program," in *The Marx-Engels Reader*, 530.

49 Marx, "Critique of the Gotha Program," in *The Marx-Engels Reader*, 530–531.

50 Marx, "Critique of the Gotha Program," in *The Marx-Engels Reader*, 531.

51 Particularly through discussion with David Marjoribanks.

is the complete transcendence of justice. Summarising these arguments (which he does not share), Reiman writes:

The very ideal of justice assumes that people will be pressing conflicting claims on one another, that they will stand in antagonistic rather than cooperative relations to one another. Communism, by contrast, is held to be an ideal of communal solidarity in which antagonistic relations have been overcome and people need no rights or justice to persuade others to cooperate with them.⁵²

Many commentators attribute such views to Marx, and some also defend them.⁵³ However, it is doubtful that such a society could ever exist, and doubtful also that Marx's account of communism should be interpreted in this way. Even if all the causes of material and social antagonism could be entirely eliminated, disputes between individuals will surely still arise. For this reason alone, some standards by which to deal with them will continue to be needed.

Moreover, there are other and more philosophical grounds to believe that norms of justice will continue to be a feature of even the most harmonious of societies: indeed, that they are required in all societies. This is Rawls' position, for example; and he asserts it against what he takes to be Marx's view that communism will be 'beyond justice'. 'The absence of concern with justice is undesirable as such, because having a sense of justice is...part of understanding other people and of recognizing their claims'.⁵⁴

Rawls, like many recent commentators, treats Marx as following in the footsteps of Hume in holding that rules of justice serve the utilitarian purpose of maintaining the conditions necessary for social order and economic prosperity. They are needed only in certain 'circumstances of justice' in which peoples' 'limited altruism' combines with conditions of 'moderate scarcity' to give rise to social conflict. There are no grounds for attributing this utilitarian sort of account of justice to Marx. Marx, as I have argued, is in the Hegelian tradition;

52 Jeffrey Reiman, "Moral Philosophy: The Critique of Capitalism and the Problem of Ideology," in Terrell Carver (ed.), *The Cambridge Companion to Marx* (Cambridge: Cambridge University Press, 1991), 153.

53 For good accounts of these arguments see Robert C. Tucker, "Marx and Distributive Justice," in *The Marxian Revolutionary Idea* (London: George Allen & Unwin, 1970), 33–53; Evgenii B. Pashukanis, *Law and Marxism: A General Theory* (London: Ink Links, 1978); Reiman, "Moral Philosophy: The Critique of Capitalism and the Problem of Ideology," 153–156.

54 John Rawls, *Lectures on the History of Political Philosophy* (Cambridge MA: Belknap Press, 2001), 372.

and this brings him closer to Rawls's view than he – Rawls – appreciates. For Marx, like Hegel, regards social relations as ethical relations (*Sittlichkeit*): ethical norms are constitutive of them. *All* social relations thus involve ethical norms, including those of communist society. Concern for justice and right will not therefore be abolished in it.⁵⁵

Distribution in communist society will be according to 'need'. This is an all-too-vague phrase about which there has been a great deal of debate; but those arguments are for the most part irrelevant here. For the notion of distribution according to need – if it means anything determinate – implies the operation of certain norms. There are limits to what is needed, and things that are not needed by individuals cannot legitimately be appropriated by them. Thus, for example, products of social labour should not be squandered, wasted, or wantonly destroyed. In short, a system of property right continues to exist even in communist society – a system of communal not individual and private property to be sure, but a system of property nonetheless – with its attendant norms of justice and right.⁵⁶

In the first stage of communism, in which distribution is according work done, due to the inevitable inequalities just noted, some degree of injustice will continue, though this will be less than results from the huge inequalities created by the capitalist system. Some people will receive more than they need whereas the needs of some others will not be fully met. Full communism will eliminate these inequalities. But it will not eliminate norms of justice and right altogether, it will not be 'beyond justice'. Communism will transcend the limitations of bourgeois and earlier forms of property and justice in order to realize them more fully, rather than as an absolute negation of them. This implies again that Marx's critique of liberalism does not entail the mere negation of liberal values – it points rather to their true fulfilment in a future society.

III Relativism and the Justification of Values

I have been arguing that Marx puts forward a social and historical account of values, and this provides the framework for his account of the values that will govern a communist society of the future. But now the question arises: why prefer the norms and values of a future communist society to those of the present or past? How can they be justified? As far as I am aware, Marx himself did

55 Cf. Andrew Chitty's interesting analysis of relations of production as relations of recognition which implies this too, I think. "Recognition and Social Relations of Production," *Historical Materialism*, vol. 2, no. 1: 57–97.

56 I argue this case more fully in my *Marx and Alienation*, Ch. 7.

not explicitly address this question. However it has been much debated by subsequent Marxists.

If communist values continue and complete liberal principles of justice and right, as I have been arguing, it might be thought that some of the justifications that are given for liberalism can be adopted by Marxism too; but things are not so straightforward. Liberal values of justice and right are supposed to be universal and timeless. Their justification has posed great problems for liberal political philosophy.⁵⁷

It is sometimes said that claims to human rights are 'self-evident'.⁵⁸ Clearly this is not tenable. What seems self-evident is susceptible to large social and historical variation. To the authors of the US Declaration of Independence it seemed self-evident that 'all men are created equal'. To many of their contemporaries, not to mention Plato, Aristotle and others in ancient world, it seemed equally evident that men – and women – were created different and unequal. The claim to 'self-evidence' cannot provide a workable basis on which to justify principles of justice.

Others like Rawls maintain, in a Kantian fashion, that there is the possibility of forming a rational consensus about basic moral principles. That too is questionable.⁵⁹ It seems clear, at least, that no such consensus actually exists in modern society, and it is doubtful whether it can be created.⁶⁰ Indeed, Rawls himself came to accept this in his later work. He argues instead for a 'political' conception of justice, and he settles for the claim that there can, at best, be an 'overlapping consensus' about basic moral principles.⁶¹

Marx gives good reasons to think that even such a looser sort of consensus is ultimately unattainable in bourgeois liberal society. For this kind of society cannot create a harmonious order, it cannot provide the necessary conditions for a moral consensus. The system of the private ownership of the means of production inevitably generates irresolvable conflicts which give rise to contradictory perspectives and values. In the present form of society, according to Marxism, there cannot be an enduring and universally agreed consensus on moral matters. Moreover Marxism, unlike liberalism, does not claim to command such a consensus. It recognizes that it, too, is a product of divided and

57 These problems have been a main reason for scepticism about the idea of natural rights and support of the alternative naturalist and consequentialist approach.

58 E.g. in the US 'Declaration of Independence'.

59 See Perry Anderson, "Review of John Rawls, *Political Liberalism*," in *Dissent* (Winter, 1994), 140–141.

60 See Alasdair MacIntyre, *After Virtue*, 2nd edn. (London: Duckworth, 1985).

61 John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 134–149.

contradictory conditions. It does not claim to be a perspective that is universally endorsed by all rational beings. Rather it recognizes that it is only the outlook of a particular class of modern industrial society.

Why then should it have any wider appeal or rational authority? We are led back to the issue of relativism. How can the values of Marxism and its critique of liberalism be justified? Various ways of answering this question have been proposed within the Marxist tradition.

One approach is advocated in the work of Sandra Harding. Writing from a feminist perspective, she accepts the Marxist view that values are social and historical products and that they always represent a particular and partial perspective. However, she maintains, not all perspectives are epistemologically equal: 'some...social locations are better than others'.⁶² The exploited, the marginalized and the oppressed have no interest in defending the existing order, unlike those in more privileged positions. As Marx and Engels put it in the *Communist Manifesto*, they have 'Nothing to lose but their chains'. Their perspective is not deformed by particular attachments, hence it is in a position to claim universal validity.

This is reminiscent of Kant's argument, in *Critique of Aesthetic Judgement*, that the 'disinterested' character of aesthetic judgements is the basis for their claim to universal validity.⁶³ Even with such an illustrious pedigree, however, this is unpersuasive. The fact that a perspective arises from a marginalized position shows, at best, only that it may be less liable to distortion through attachment to the existing order. However, it is still a particular and partial perspective, and cannot claim to be universal. Moreover, the exploited and the oppressed are not a homogeneous group, they do not speak with a single voice. Even among the marginalized, there are different social positions, and these give rise to different and conflicting perspectives.

The working class in Marx's sense (those who do not own the means of production and who must therefore sell their labour) are the great majority in the developed capitalist world. This fact points towards another way of justifying communist ideas of right. By establishing a state that rules in their interests, communism claims to be more democratic than capitalist society ruled by a

62 Sandra Harding, "Rethinking Standpoint Epistemology: What Is 'Strong Objectivity'?" in *Feminist Epistemologies*, Linda Alcoff and Elizabeth Potter (eds) (New York: Routledge, 1993), 56.

63 'If someone likes something and is conscious that he himself does so without any interest, then he cannot help judging that it must contain a basis for being liked that holds for everyone'. Kant, *Critique of Judgment: Including the First Introduction*, Werner S. Pluhar (trans.) (Indianapolis: Hackett, 1987), 54.

liberal state in the interests of the bourgeoisie. In the words of the *Manifesto*, communism will ‘win the battle of democracy’.⁶⁴ Its governing principles will thus, it can be claimed, enjoy a far greater popular legitimacy than those of bourgeois liberal society. They will be in a better position to gain a ‘political consensus’ than the liberal principles advocated by Rawls.

A more ambitious argument is put forward by Georg Lukács. He acknowledges that Marxism is the outlook of the working class, and that they are only a particular class in modern society. However, like Marx he maintains that the working class has the possibility of creating a classless society that is no longer characterized by fundamental class divisions and antagonisms. Its struggle is thus not simply for its own particular class interests; for these can ultimately be achieved only through the overcoming of all class divisions, and hence by the abolition of itself as a particular class. Its aim is thus its own overcoming. ‘The proletariat only perfects itself by annihilating and transcending itself, by creating the classless society through the successful conclusion of its own class struggle’.⁶⁵

This society will be one in which for the first time the notion of human universality will have a genuine social and historical basis. In that sense, the modern working class is what Lukács calls the ‘universal class’, and an ethic based on its perspective can have a genuinely universal character.⁶⁶

What Lukács here presents is in effect a historicized version of the Kantian idea of a rational consensus discussed earlier. For although he accepts that no such consensus is achievable in bourgeois liberal society because of its inherent class divisions, he argues that this will be possible in a future communist society. Moreover, he maintains, the forces that will create this society exist already in capitalist society, and this provides a real and present basis for communist values.

This way of justifying the Marxist moral outlook stands or falls with its account of history; and this raises a host of new problems. These should not be allowed to obscure the importance of Marx’s critique of liberalism, and in particular, the social and historical account of values on which it is based. Nevertheless, it is clear that Marx’s account of historical development is relevant to his moral outlook and cannot be ignored.

Marxism is not an *a priori* theory of history, it gives no teleological guarantee that society will develop beyond capitalism. Economic and political conditions have changed enormously since Marx wrote. There is no doubt that his

64 Marx and Engels, *Manifesto of the Communist Party*, 530.

65 Georg Lukacs, *History and Class Consciousness* (Cambridge, MA: MIT Press, 1971), 80.

66 Lukács makes a vital distinction between the actual and the ‘imputed’ outlook of the working class which I do not have the space to go into here.

analysis of capitalism needs to be modified in the light of these changes; but to discuss how is way beyond my scope here. However, this much at least should be said: if it should turn out, as some say, that capitalism and liberal society constitute the 'end of history' and there is no future beyond them, then Marx will be proven to be mistaken, and his critique of liberalism will be refuted. But there are no good reasons to take this view. The present liberal capitalist world order is riven with divisions and conflicts, it is volatile and unstable. The aspiration to create a less divided society, founded on communal principles, as Marxism envisages, is still alive and at work all over the world. And although it is not clear how or by whom this project will be taken forward, there are these historical grounds to believe that it remains valid and that it may yet prevail.

If this seems a low key and uncertain note on which to end, I can only say that this reflects the difficult and uncertain times for the left in which we now live.⁶⁷

67 An earlier draft of this paper was presented at the Marx and Philosophy Society 10th Annual Conference, London, 15 June, 2013. I am grateful for helpful feedback from participants, and particularly from Jan Kandiyali.