

Marx and Justice Again

Norman Geras's essay 'The Controversy about Marx and Justice' is an authoritative guide to recent debates in the area indicated by its title.¹ Analytically rigorous and wholly assured in its use of both original and secondary sources, it is in its way a definitive achievement. No one will need to do this work again, and at most it will need updating in the sense of assigning fresh contributions to their place in the framework it has provided. In addition to mapping the scene, however, Geras advances a positive view of matters in dispute, and here some doubts and objections do arise. What he advances is a version of one of the most familiar themes in the literature, an alleged 'paradox' or 'inconsistency' in Marx's attitude to normative questions, including the question of justice. Geras rejects all attempts to disprove or dilute the charge, and ends by reaffirming it in the strongest terms. What Marx presents us with is, he asserts, a 'pervasive contradiction', a 'real and deep-seated inconsistency', an 'aboriginal self-contradiction and confusion' which 'Marxists should not any longer continue to propagate'. It consists in the fact that while 'Marx's impatience with the language of norms and values is global in range' he yet 'despite it, does plainly condemn capitalism—for its oppressions and unfreedoms and also . . . for its injustices'.²

Accusations of paradox seem endemic in discussions of these matters, flying about with great facility in all directions, and one would not wish to give them further currency. Yet there is a tension in Geras's own position which may aptly be described in just that way. His analysis of the controversy about Marx and justice might well be thought to supply all the grounds one could want for concluding that Marx's dealings with justice are in fact singularly free from double-mindedness or conceptual disorder. Moreover, it seems to show that the widespread belief to the contrary rests primarily on a failure to mark some key distinctions. It is a conclusion which, as we have seen, Geras does not himself share. That he does not is, it may be suggested, due ultimately to the fact that although he is fully cognizant of the notion of justice with which Marx operates he is, in ways to be

¹ Norman Geras, 'The Controversy About Marx and Justice', *NLR* 150, March–April 1985, pp. 47–85. I am grateful to Norman Geras for some incisive comments on an earlier version of this article.

² *Ibid.*, p. 85.

explained, unwilling to take that notion seriously. As he points out, Marx 'expressed himself as subscribing to an extremely narrow conception' of justice.³ It is, one may argue, largely through finding this narrowness intolerable that Geras comes to be so deeply dissatisfied with Marx's position. Yet a literal-minded tolerance may well, if it can be sustained, prove the most fruitful principle of interpretation here. It is, at any rate, true that the more our reading allows Marx to mean precisely what he says about justice the more harmonious and integrated is the picture that emerges. This is not to imply that it will be found to be wholly convincing and unobjectionable. On the contrary, it is only when the inner coherence of Marx's views is appreciated that serious critical questions can be asked of them.

Geras's account of Marx's thinking about the justice of capitalism may be seen as operating at two distinct levels. The distinction is not explicitly recognized by him but is, nevertheless, of value in coming to grips with what he says. The first level is that of the specific issue of the capitalist wage relation, and the second is that of the distributive arrangements of capitalist society more generally. At each of them a reluctance to concede the logic of Marx's use of the concept of justice makes its influence felt.

Having It Both Ways?

On the first level Geras draws attention to a complex distinction in Marx's work which might be thought to suffice of itself to dispel suggestions of inconsistency. In its basic form it holds between a 'sphere' of exchange in which labour-power is bought and sold and one of production in which surplus-value is appropriated by the capitalist. Correspondingly, there is a distinction between the 'perspective' or 'point of view' of the one sphere and that of the other.⁴ To establish an inconsistency here, if that category is being used with anything like appropriate care, requires reasonably strict conditions to be met. What is required is, roughly speaking, a single object of reference and a stable vantage point from which incompatible predicates are ascribed to it. When, however, Marx's ascriptions of justice and injustice at the level of the wage relation are properly distributed across the contrast identified by Geras, it seems obvious that these conditions are left wholly unsatisfied.

What happens in the controversy about Marx and justice is that, as Geras points out, those according to whom he sees no injustice in the wage relation privilege the first point of view, that there is an exchange of equivalents. On the other hand, most of those according to whom he regards the relation as unjust privilege the second from which no such equivalence appears. As Geras insists, however, these points of view are in no way contradictory but are mutually consistent parts of a single doctrine, the doctrine that 'labour-power is the source and substance of all value: that labour-power, sold for what it is worth as a commodity, in operation creates something that is worth more'.⁵

³ *Ibid.*, p. 70.

⁴ *Ibid.*, pp. 55–6, 63.

⁵ *Ibid.*, p. 63.

This seems conclusive enough. Yet Geras is not prepared simply to leave the matter there, with the case against Marx in ruins. He still wishes to maintain that Marx 'has it both ways' and that he 'equivocates', engages in 'prevarication' and suffers from 'confusion' over the issues.⁶ How, it may be asked, is it possible for someone who espouses a consistent, unitary doctrine to be prey to these ills? To put the question another way, how can Geras sustain such claims in the light of his own demonstration of the significance of the exchange–production distinction?

The answers lie in a kind of upward displacement of the level of the argument. Marx's problem, we are told, is not that he affirms both of the mutually consistent points of view. It is rather that 'he equivocates as to which of them is the one relevant to the moral question, so that it is legitimate in a way for each side to claim about the two different perspectives: Marx *really* means us to adopt this one'.⁷ The 'moral question' Geras has in mind is, as the context makes clear, the question of the justice of the capitalist wage relation. The suggestion is that Marx's problem arises in connection with determining the relative significance of the two points of view for this question. It is one of equivocation over the moral hierarchy of perspectives, not over the truth content of what each one discloses.

Geras proceeds immediately to lay claim to a part of what is needed to vindicate this suggestion. He notes that Marx 'does say that, so far as justice is at issue, all that matters is that equal values are exchanged, in accordance with the laws of commodity production, and he thereby legitimates the view of one side in this dispute'.⁸ This remark is wholly in the spirit of the shift in the level of argument. What one now expects, to clinch matters, is some attempt to show that Marx also sometimes says, or implies, or hints with whatever degree of obliquity, that, 'so far as justice is at issue', what matters is the absence of equality in the capitalist production process. The passages Geras cites at this point have, however, no tendency to establish anything of the sort. Neither does he make any attempt to persuade us that they do. These circumstances suggest some loosening of a grip that is elsewhere firmly maintained on the thread of the discussion.

The passages Geras cites are substantially the same as were used earlier to establish the duality of perspectives in the first place. Hence, their main effect is to remind us of the two mutually consistent parts of the one doctrine Marx subscribes to in this area. They may be searched in vain for any signs of equivocation over which perspective is morally decisive. The only additional point Geras makes in invoking them again is to draw attention to their use of the language of dialectics in characterizing the dual structure. Thus, the process by which equivalence in the sale of labour-power becomes non-equivalence in the extraction of surplus-value is said by Marx to involve a 'dialectical inversion'.⁹ It has become fashionable, following the

⁶ *Ibid.*, pp. 63–4.

⁷ *Ibid.*, p. 63.

⁸ *Ibid.*, pp. 63–4.

⁹ *Ibid.*, p. 64.

example of 'analytical Marxism', to pretend to be knocked into a state of complete incomprehension by the very mention of dialectic. While it would, of course, be unfair to associate Geras with affectations of this kind, it is hard to see that he has provided any argument here beyond pointing to the presence of a supposedly deleterious language, a language whose use serves, he claims, to smooth the path for Marx's 'confusion'.¹⁰ This is, however, just to rehearse the charge that is under consideration, not to justify it.

Regardless of any general tendency of dialectical language to confuse, Geras's account gives no reason to suppose that, for Marx, the 'inversion' in the present case yields the belief that what matters morally is non-equivalence in the capitalist production process. Yet this is what the confusion thesis requires. What the dialectic does offer is a more or less helpful way of thinking about the transition to the second perspective, the process by which the exchange of equivalents becomes 'only apparent, not an exchange of equivalents—in fact theft'.¹¹ Geras takes this outcome as legitimating the view of the other side in the dispute, that 'when all is said and done, there is no genuine equivalence or reciprocity here.'¹² It cannot, however, legitimate the other side's view in the sense relevant to the argument; that is, its conception of the moral priority of the perspectives. It simply restates the truth revealed by the second of them, and holding to this truth, as part of one consistent doctrine, was from the outset acknowledged by Geras to be legitimate. Thus, the argument that had formally undergone upward displacement to the level of perspectives in order to sustain the charge of equivocation has had to seek again the less rarefied air of substantive content in order, it may be supposed, to preserve some link with the texts. At the lower level, however, no equivocation appears, as Geras had himself made plain. The case against Marx is now left without evidential support and, hence, without a serious claim on our allegiance.

Conceptual Tact

There has emerged so far unscathed from the discussion the claim that, for Marx, all that matters, so far as justice is at issue, is that equal values are exchanged, a condition he regards as satisfied in the sale of labour-power. This claim does in a sense go to the heart of the matter, and does not need to be diluted, embroidered or made to figure in contrasts. Yet there is still some way to go in bringing out its theoretical point, and to move forward we need a little more help than Geras's account provides. That account omits part of the grounds for Marx's conceptual practices in this area and, hence, cannot do full justice to the deep consistency of his position.

A convenient starting point is given by noting that those who privilege the sphere of production in claiming that Marx regards the capitalist wage relation as unjust are building on sand. While it may be

¹⁰ Ibid., p. 65.

¹¹ Ibid., p. 64.

¹² Ibid., p. 64.

conceded that he does not, from the standpoint of that sphere, characterize the relation as just, it is at least equally significant that he does not characterize it as unjust either. That he does not do so is evident from Geras's account of the writers in question. They admit, as he points out, that Marx does not 'in so many words' say that 'the real and exploitative content of the wage relation is *unjust*, or is in violation of anyone's *rights*', but 'in effect—this case continues—he does'.¹³ It is perhaps well to be cautious about assuming that Marx, or any serious thinker, is doing 'in effect' what he or she is perfectly capable of doing 'in so many words' and yet omits to do in those words at every conceivable opportunity. Such caution would be entirely justified in the present case, for Marx has quite specific reasons for the omission.

These have to do with his 'extremely narrow' conception of justice. An aspect of its narrowness is, as Geras explains, the association of justice 'in more or less legal positivist fashion, with prevailing or conventional juridical norms, the standards internal to each social order'.¹⁴ What needs to be added is that such a conception cannot, so far as Marx is concerned, have any application to 'the real and exploitative content' of the wage relation. For that content is simply invisible from the standpoint of the capitalist order. Even its best scientific representatives, the classical political economists, are, in Marx's view, incapable of getting behind the fog of forms and appearances to the reality of the content. He explicitly connects the ability to do so with his own distinctive achievements in political economy, the discovery of the true nature of surplus-value and of the distinction between abstract and concrete labour.¹⁵ These are plainly matters that fall outside the scope of the prevailing or conventional norms. Hence, Marx makes no attempt to deal with them in terms of a concept governed by those norms. Had he attempted to do so a serious incoherence would indeed have opened up in his position. That he does not is a testimony to his conceptual tact and sense of what is and is not permitted within the theoretical framework he employs.

Marx and 'Interpretative Charity'

The conclusion to be drawn is that Marx thinks that capitalist exchange is just according to the relevant conception of justice and that the capitalist appropriation of surplus-value falls outside the field of reference of that conception altogether. This position is in itself quite consistent and unparadoxical. The truth of the matter may, however, be hidden from Geras and others by a fact alluded to earlier. It is that even if Marx does not refer to the appropriation of surplus-value as unjust he undoubtedly does, at least on occasion, refer to it by such other negatively evaluative terms as 'theft' and 'robbery'.¹⁶ If one adds the idea, to which Geras subscribes, that theft and robbery

¹³ Ibid., p. 56.

¹⁴ Ibid., pp. 70–71.

¹⁵ K. Marx, *Theories of Surplus Value*, Part 1, London 1969, p. 40; *Capital* Volume I, London 1974, pp. 48–9; K. Marx and F. Engels, *Selected Correspondence*, Moscow, n.d., p. 232.

¹⁶ Geras, 'Controversy', pp. 56–7.

are, as such, forms of injustice, the view suggested here that capitalist exploitation lies beyond the writ of capitalist justice seems to be undermined. And to allow this is once more to risk muddying the waters of our understanding of Marx's practice.

It may be helpful to set the problem in the context of what Geras rightly calls a 'rational principle of textual interpretation'. This is the 'interpretative charity' which demands that, when we find some few formulations which seem to contradict a clear intellectual commitment in an author's work, we should 'enquire whether the inconsistency is not merely an apparent one or seek some other way of explaining the formulations in question'.¹⁷ We do not have far to look in the present case. What Marx's practice may reasonably be taken to imply is that the negatively evaluative terms noted above have, unlike 'just' and 'unjust', some element of absolute or trans-historical meaning, or at any rate of meaning which is not wholly relativized to a particular social order. It is hard to see why such an implication should not be allowed. We are, after all, under no compulsion to treat justice and robbery or theft as logically interdependent notions at the same theoretical level. Indeed, various writers on Marx have sought to exploit the fluidity of the situation precisely by holding them categorially apart for their own interpretative purposes.¹⁸ Their efforts meet with no resistance from everyday thinking. We find no strain in agreeing both that Robin Hood did indeed rob the rich to give to the poor and that what he did was just or not unjust. Marx may analogously be allowed to hold that what the capitalist does with labour-power is robbery without being committed to holding that it must be a breach of justice.¹⁹ The insistence that he is so committed rests on wilfully assuming a closer fit between the key concepts than is warranted. Hence, no great effort of interpretative charity is needed to acquit him of impropriety here. In view of the openness of texture that characterizes the conceptual field, it would be distinctly uncharitable, not to say irrational, to find him guilty of it.

Unfinished Business

It is time to move beyond the horizons of the wage relation to the second level of Geras's discussion, that of Marx's general view of the justice of capitalism. The 'elements of confusion and inconsistency' Geras sees in the texts operate at this level too. More specifically, there is found there a 'conflict' between their explicit and implicit messages.²⁰ Geras's proposal for resolving the conflict, 'the virtually mandatory conclusion in the light of all the relevant textual evidence', is this: 'Marx did think capitalism was unjust but he did not think

¹⁷ *Ibid.*, p. 68.

¹⁸ Perhaps the foremost representative of the tendency is Allen Wood; see Geras's discussion, 'Controversy', pp. 65–8.

¹⁹ It may seem odd that in the Robin Hood case it is justice which has the 'absolute' status and robbery the 'relative' one, not, as with Marx, the other way around. But this just testifies to the extreme slackness of the conceptual bonds in this area and to the corresponding need for commentators to loosen up their sense of what is and is not permissible in it. For Geras's view of Robin Hood, see 'Controversy', p. 57.

²⁰ *Ibid.*, pp. 65, 70.

he thought so.’²¹ He goes on to explain the source of this ‘confusion’ in terms of the distinction between broader and narrower conceptions of justice. Marx, he asserts, ‘obviously finds the distribution of benefits and burdens under capitalism morally objectionable’, and ‘clearly albeit *malgré lui*, challenges the moral propriety of the distributive patterns typical of capitalism’. For Geras a concern with moral propriety in such matters simply *is* a concern with justice: ‘The challenge, by its nature, cannot be anything else than a critique of injustice.’²² Yet Marx, in the grip of the narrow conception, is unable to see the situation in these terms. On that conception the distributive patterns typical of capitalism are by definition, as it were, just, inasmuch as they are the source and model for the prevailing norms of justice. Hence it is that Marx refuses to characterize capitalism as unjust, and indeed insists that it is not.

Geras’s proposal arises naturally in the context of his overall argument. What is needed is not an attempt to ‘refute’ it but rather to ensure that it is itself seen in the light of the diversity of conceptions of justice. The suggestion that Marx did not think that he thought capitalism unjust is plainly not intended to imply that he did not realize that he thought the distribution patterns of capitalist society were morally improper. This would be to attribute a quite implausible lack of self-consciousness to him, and would in any case be foreign to the spirit of Geras’s approach.²³ Hence, what we seem to have is a proposal that while Marx thought capitalism was unjust on Geras’s conception of justice, he did not think it unjust on his own. This may well be a significant and useful point to make. But what support could it possibly give for speaking of Marx, or indeed of Geras, as confused or inconsistent?

Identifying these conceptions of justice with Marx and with Geras is a piece of shorthand hardly to be avoided in the present discussion. It is not intended to personalize either conception unduly, still less to diminish it. Such an attempt would in any case be misguided, for neither is in any way deviant or eccentric. Geras’s view of justice as a general principle having to do with the morality of distributive patterns represents a tendency in contemporary philosophy whose ancestry can be traced back to Plato.²⁴ But Marx’s view also is not merely *his*. For one thing it is rooted in everyday conceptions. We do find it easy to think of justice as a context-bound, and specifically juridical, notion in a way that, say, freedom or self-realization are not. As one would expect, there are large and well-established bodies of theory which seek to articulate and build on these intuitions. Geras indicates an obvious possibility when he refers to the legal-positivist character of Marx’s conception. The point to note here is simply that neither

²¹ *Ibid.*, p. 70.

²² *Ibid.*, p. 71.

²³ Cf. ‘Marx knows all this—it is, after all, his own theory...’ *Ibid.*, p. 64.

²⁴ The chief impetus to views of this kind in the contemporary debate is, of course, the work of John Rawls. The chief source of opposition is perhaps that of Robert Nozick. On Nozick’s purely procedural conception, justice has nothing to do with patterns of distribution as such. For a penetrating criticism of this conception, see Norman Geras, ‘Marxism and Moral Advocacy’, *Discourses of Extremity*, London 1990, pp. 9–12.

Marx nor Geras have copyright on the concept of justice. Given this intellectual background, we shall have to say, and mean, that Marx is fully as entitled to his view of the matter as Geras is to his.²⁵

The first consequence that will follow if we do is that Geras cannot be justified in his ascribing to Marx a 'confusion' about 'the potential scope of the concept of justice'.²⁶ Here, as elsewhere, the scope envisaged for the concept depends on what view is taken of its core meaning, of what it standardly connotes. And on this, as we have seen, there are legitimate, unresolved disagreements. Hence, the sense of the potential scope of the concept is a treacherous instrument, not to be employed with such a degree of assurance. The effect of its employment in this case is especially unfortunate in that it tends to obscure Geras's own substantial and, one hopes, permanent achievement by imposing a superfluous and misleading gloss on it. What he has shown is that Marx makes unrestricted and systematic use of a certain conception of justice. In the light of it he takes capitalist exchange and distribution to be just and capitalist exploitation to be neither just nor unjust, falling as it does outside the domain of the category of justice. Whatever objections may be made to this position, it is logically and conceptually in good order. It does not need, or deserve, to be described as equivocal, confused or inconsistent.

In a wider context the significance of Geras's achievement is that it enables one to set aside the topic of justice in considering Marx's dealings with the moral and the normative. On this larger question, too, Geras's views are firmly stated, in the terms noted earlier of a supposed 'pervasive contradiction'. The conclusions about justice arrived at here leave that supposition essentially untouched and needing independent treatment. Yet they surely encourage a rational hope that, even at the most general level, the 'contradiction' will turn out to be an illusory and vanishing appearance when the texts are approached with due care. At the very least it must be heartening for anyone interested in this possibility to know that the spacious province of justice has already been won over for the cause of literal sense and intellectual coherence.

²⁵ It would, of course, be quite proper to inquire which one is better suited to the needs of socialist thought in our own time. Indeed, this may be taken as the paradigm of what were earlier referred to as the serious critical questions for which the present discussion is intended to clear a path.

²⁶ Geras, 'Controversy', p. 71.