Preliminaries towards a Marxist Theory of Justice: The Fundamental Premises

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PRELIMINARIES TOWARDS A MARXIST THEORY OF JUSTICE: 
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Abstract

The article aims to present the normative premises of a Marxist theory of justice and to argue that such an endeavor has, at its central pillar, the value of self-ownership. The article first undertakes a summary of the main strands in the literature on exploitation. It divides the literature into force-based and distributional-based conceptions of exploitation. Then, the article uses these insights in order to illuminate the Marxist texts and to argue in favor of a limited form of self-ownership combined with joint ownership of global resources and the absence of alienation as the main building blocks of a Marxist theory of justice. Finally, the article defends the idea of limited self-ownership as both internally coherent as a better approximation of Karl Marx’s works than the principle of need. While the full development of a Marxist theory of justice is left for a further work, the paper contributes an interpretation of the building blocks of such a theory.

Keywords: Marx, exploitation, alienation, self-ownership, justice.

1. Introduction

The emergence of the school of analytical Marxism in the late 1970s and early 1980s opened a wide variety of questions, which authors such as G.A. Cohen, Steven Lukes, John Roemer, Jeffrey Reiman, Jon Elster and Norman Geras attempted to answer. Analytical Marxism featured discussions on the role of functionalist explanation, strong vs. weak collectivism, the teleological nature of Marx’s theory of history and the

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grounds on which Marx condemns capitalism. While the enterprise of analyzing Marx with the tools of analytic philosophy has receded over the decades, the legacy of the school was carried on through, among others, G.A. Cohen’s critical engagement with John Rawls and Ronald Dworkin and in his ideas of equal access to advantage and the egalitarian ethos.

Although analytical Marxism was overshadowed by developments in the field of liberal-egalitarian philosophy and might, from a distance, appear as a unitary school, this is far from the case. The literature could broadly be understood as seeking to answer three interrelated but distinct questions. A basic inquiry is whether Marx’s writings can be interpreted as a moral/normative condemnation of capitalism or just as a politico-economic analysis of this mode of production. The second question discussed by the literature inquiries into how Marx’s texts can be interpreted from the point of view of justice. The central concept in this literature is exploitation and the main point of contention is to offer a coherent interpretation of its immorality. The third aspect that the literature discusses is how can a philosopher, working in the Marxist tradition, interpret Marx’s central tenets into a coherent theory of justice. This, third, question, is conceptually distinct from the previous as it asks one to depart from an exact interpretation of the Marxian opus and to offer a theory inspired by Marx, but not fully Marxian. The last work in this particular sub-strand in the literature is John Roemer’s (2017) article, which criticizes previous attempts at offering a Marxist theory of justice and argues in favor of a principle of socialist equality of opportunity coupled with a strongly egalitarian ethos.

The article will propose a reply to the second and offer the premises for a reply to the third question in the literature. The work focuses on the latter two questions for several reasons. The first question has been addressed by the author in another work (Stoian 2014) and relatively little revisiting is necessary. Secondly, while the question of whether Marx can be read as a moral philosopher is crucial, the author believes that Norman Geras’ (1984, 1992) replies, that Marx does normative work malgré lui is the correct answer to the question. Thirdly, the second and the third questions are conceptually interrelated and it would be difficult to treat them distinctly. Finally, while the investigation into whether
Marx condemns capitalism from a normative point of view is interesting only to academic philosophers, socialist proposals for societal organization have recently reappeared in political discourse. The article would also offer a contribution to this wider debate.

The article will proceed with an investigation of the concept of exploitation and with a critical summary of the interpretations offered in the literature on its role in the wider opus. Then, it will argue in favor of the claim that Marx’s views on exploitation can be interpreted as a form of strongly limited self-ownership. I call this conception “Steiner +”. Thus, the article argues that Marx’s conception of self-ownership is similar to that of Hillel Steiner (1994) but includes stronger limitations on self-ownership. As a caveat, one has to add that while the article accepts that Marx’s views might have changes across time, it works under the assumption that a coherent normative theory can be inferred from the wide Marxian opus.

This idea will be further developed in the next sections, where Marx’s normative premises (central building blocks of a normative theory) will be outlined. The article will not engage in detailing the principles of Marxist justice, but will only describe the normative premises on which these principles will be built in a further work. The overall goal of the enterprise is to build a self-ownership-based Marxist theory of justice. It will be argued that the principle of self-ownership in a Marxian theory of justice would be necessarily coupled with a very strong principle of equal access to the world’s resources. In the fourth section of the article, this interpretation will be defended as both the correct reading of Marx’s texts and as internally coherent. Finally, the idea of absence of alienation will be introduced as another crucial Marxist normative premise.

While apparently Marx can be interpreted as a simple left-libertarian (a classical Steinerian), the way he combines the theory of exploitation with the idea of reward according to need, the support for the associated producers as a just form of political economy and the requirement to eliminate alienation imposes far stronger requirements on a society for it to be just (leading to the idea of “Steiner+”).
2. Theories of exploitation and its immorality

The literature on exploitation is vast and conducting even a cursory review creates a need to synthesize and categorize. This article divides the literature in two large groups: force-based conceptions of exploitation and distributional conceptions of exploitation. The first can be distinguished by the fact that they assign normative primacy to the fact that the exploited is somehow forced to give up his labor. The central characteristic of the second is that they establish the normative primacy of the initial inequality of resources, the lack of which determines unfair transactions.

Steiner and Ferguson (2018) divide the theories of exploitation identified in the literature differently: they define historical accounts of exploitation as those that look at whether people in an exploitative transaction have been wronged previously and therefore brought in a condition of having to accept a transaction they would not have accepted otherwise. Conversely, ahistorical conceptions of exploitation are those which do not look to previous transactions but impose a criterion of fairness that has to apply to every transaction and which does not depend on previous interactions. However, the article employs its own distinction: between force-based and distributional theories of exploitation. This has been elaborated by the author after the review of the secondary literature on exploitation, which began with the 1981 publication of Richard Arneson’s article which called for a discussion on what is wrong with exploitation (Arneson 1981). Arneson did not offer any special answer because he merely elaborated the question and the concept of exploitation. However, he clearly stated that there seem to be two main ideas in Marx, which are not always compatible: one that “people should get what they deserve” and the second that people should not force and dominate each other (Arneson 1981, 205).

Simple force based theories of exploitation are held by Jeffrey Reiman and Rodney Peffer. Reiman’s arguments on force and exploitation to a large extent parallel and expand on Arneson’s. Reiman argues that there is something special in the labor of the individual, in the sense that the individual owns it. He argues that “labor done, however willingly, or even joyously is life itself spent” (Reiman 1987; 1990) and that
workers are somehow structurally coerced to sell their labor by a system in which they do not have access to the means of production and by the institution of private ownership. Reiman (1981, 10-11) calls this “structural” force and shows that, in a capitalist society, workers are forced to work for capitalists, even if they are not forced by capitalists (Reiman 1981, 10-11). Unlike in slavery and feudalism where the coercer was also doing the exploitation, in capitalism coercion is embedded in the structure of the system while the winner from the exploitative relation has his hands clean. Reiman defines structural force as: “By this I mean that such force affects individuals by imposing an array of fates on some group while leaving it open how particular individuals in that group get sorted, or sort themselves, into those fates.” (Reiman 1981, 12) Reiman’s main advance is to improve the theory of force-based exploitation to include structural coercion, but the main outlines remain the same.

Rodney Peffer (1990) accepts the definition of exploitation offered by Reiman and Holmstrom (1977) but elaborates on its moral justifiability. Peffer argues that it is force (even structural force, which he distinguishes from direct coercion and on which he quotes Reiman) which makes exploitation morally wrong but that forced unpaid labor is only *prima facie* wrong. He defends the claim that exploitation might be all-things considered justified if it is necessary for promoting a higher moral goal, such as meeting the subsistence needs of the people in a poor society. Moreover, he also believes that appropriation of surplus labor without force is not even *prima facie* wrong, because it is voluntary. Peffer offers the following tripartite scheme of the moral categorization of exploitation:

**Simple Exploitation**: the appropriation of surplus value or the direct producers not getting back the full value of what they produce

**Exploitation Proper**: forced, unpaid, surplus labor, the product of which is not under the control of the direct producers

**All-things-considered Unjustified Exploitation**: Exploitation Proper that is not justified by its promotion of some other weighty moral concern. (Peffer 1990, 146)

G.A. Cohen holds a force-based conception of exploitation, which, however, he combines with self-ownership (Cohen 1979; 1983; 1995). He believes that the wrong of exploitation is that capitalists can take by force something which rightfully belongs to the workers. Moreover, this
force is made possible by the inequality in means of production. He argues that inequality is the instrumental evil while the “robbery” of labor time, is the normatively fundamental evil. Moreover, he rejects the claim that it is merely the initial unequal distribution of assets which is morally wrong, but aims to show that any unequal distribution of productive assets it condemnable, no matter how it came about. He employs the case of clean capitalist accumulation to make his point. In this thought experiment, Cohen shows how even if initial assets are equally distributed, over some generations, unequal enough situations will emerge and some will be able to force others to work for them, and therefore exploit them. Finally, since the structure does not allow all those who are currently in a position to have to sell their work to escape this situation, workers are collectively un-free even if individually free.

Another advance in the theory of exploitation made by Cohen is his treatment of the labor theory of value. He goes against the utilization of the labor theory of value as a theory of price formation. Moreover, he comes to accept that workers might not produce value and that the value of the product might be actually given by the relative desire for that product on the market. However, Cohen comes to claim that:

It is, then, neither the labor theory of value (that socially necessary labor time determines value), nor its popular surrogate (that labor creates value), but the fairly obvious truth (that labor creates what has value) rehearsed in the song, which is the real basis of the Marxian imputation of exploitation [...] Yet the workers manifestly do create something. They create the product. They do not create value, but they create what has value. The small difference of phrasing covers an enormous difference of conception. What raises a charge of exploitation is not that the capitalist gets some of the value the worker produces, but that he gets some of the value of what the worker produces. (Cohen 1979, 354-358)

The main contender to the force-based theory of exploitation is the distributional theory of John Roemer. The difference between distributional and force-based theories is that while the first sees a moral wrong in the forced transfer or labor, the second condemns capitalism merely on the unequal distribution of means of production (Mayer 2007). Roemer believes that the concept of exploitation as a transfer of labor is unhelpful and that applying it can lead to paradoxical results.
Roemer develops his theories of exploitation throughout several works and brings quite a few objections to the labor theory of value and its implications for exploitation. Firstly, Roemer concedes to the neoclassical economists that Marx might be simply off the mark when he chooses labor as a special commodity to account for the value of all other commodities. In a well-known example he argues that if one is to choose corn as the ‘value numeraire’, then we could conclude that corn is exploited and that it produces surplus. Thus, Roemer chooses to abandon the labor-transfer as the measure of exploitation and to build a theory around class position in an exchange economy (Roemer 1982, 253-287).

Roemer constructs a theory of exploitation without reference to a labor relationship between an exploiter and an exploited. Roemer imagines a self-sustaining island where a group of people endowed with different capital resources work in a subsistence economy without a labor market. They trade only their final products. He argues that, given their initial capital endowments, some people will be able to work less than the average socially necessary time to produce their subsistence goods and some will need to work more. According to him, there is exploitation in this case, even if there is no labor market (Roemer 1982, 258; 1989).

Further, Roemer allows for the existence of a labor market. He defines five classes of people according to the combinations of their behavior under the initial distribution of productive assets. Those who only hire labor are pure capitalists, while those who only sell are pure proletarians. In between, there are mixed proletarians, petit bourgeois, and small capitalists. This describes the class situation in Roemer’s world. However, the situation of exploitation is given as follows: the exploiters are those that work less than the average time required to create goods necessary for subsistence while the exploited are those who work more than that (Roemer 1982, 261-262). Then, Roemer constructs the Class-Exploitation Correspondence Principle (CECP). This principle states that those who optimize by buying labor, due to their ownership of capital, also receive more social product than that produced by their own labor. According to him, the CECP holds true under situations in which agents have similar preferences for leisure and subsistence or work and accumulation. Moreover, these situations and this principle holds even when there is no institution of exchange of labor, such as
another island in which only credit and interest tracks the rewards people get from their capital endowments (Roemer 1982, 266). Roemer eventually concludes by constructing a definition of exploitation based on each group’s capacity to withdraw from society with a certain amount of a certain type of good (the types of goods depends on the type of society one is in).

From the point of view of the moral condemnation of capitalism, Roemer believes exploitation is not a proper account of the moral wrong of capitalism. His favorite examples involve situations in which there is no correspondence on the owners/non-owners and exploiters/exploited distinction. He argues that in some cases owners of means of production might be the ones that are exploited by those who do not own, as in cases in which proletarians would hire a bourgeois to work for them. Roemer comes to show that unless all people have only a particular type of labor-minimizing or capital-accumulating preferences, unequal exchange of labor might go “the wrong way”. His conclusion is that the ethical concerns of Marxism should be focused on the unequal distribution of the means of production rather than the measure of exploitation. Roemer’s underlying conception is that the account of Marxist exploitation can ground a moral wrong only when his theorem of CECP holds. When exploitation goes the wrong way, as it does when some people prefer labor and accumulation as opposed to leisure as subsistence, Roemer would claim that, although there might be exploitation, it is not a moral harm (Roemer 1985, 59).

In several works, Hillel Steiner (1984, 1987, 2013; Steiner and Ferguson 2018) argues for a liberal concept of exploitation. According to this view, the previous violation of rights places a person in a situation of vulnerability and therefore this person is forced to accept transactions they otherwise would not accept. While the theory might acquire consistency coupled with an extensive theory of rights and entitlements, it is of very little use in illuminating the Marxist texts.

While this section represented a review of the literature, the following section will argue, based on textual evidence, that Marx held a self-ownership based conception of exploitation.
3. Marx’s normative premises: limited self-ownership and equal initial access to resources (joint world ownership)

The following section will present two of the three normative premises that lie, in the view of the author, at the basis of a Marxist conception of justice: limited self-ownership or the “Steiner+” solution (the moral right to own whatever comes out of your work, but not what comes out your talents, taking into account proper deductions for social needs and equality-based transfers), and equal access to the world’s resources (joint world ownership). Together, they make up the normative framework against which a Marxist condemnation of capitalism takes place.

The first textual argument in favor of the claim that Marx holds a self-ownership-based conception of justice is the centrality of the labor theory of value in his conception. When speaking of the employment contract, Marx argues that the worker sells his own labor-power and that is he paid only for part of what he does with his own labor. In other words, he seems to establish a moral right over one’s own labor in its entirety. However, he does not make any pronouncements directly defending such a claim. It is only in his less-known work, *Theories of Surplus Value* that Marx makes the necessary connection between being the moral master over one’s labor and being the master of the products of that labor:

Thus the ‘accumulation’ of means of subsistence by the capitalist for the worker means merely that he must possess enough money in order to pay wages with which the worker withdraws the articles of consumption he needs from the circulation reservoir (and, if we consider the [working] class as a whole, with which he buys back part of his own product.

On the other hand, these necessaries and means of labour would not operate as objective conditions of production if these things did not possess the attribute of being capital, if the product of labour, the condition of labour, did not absorb labour itself; [if] past labour did not absorb living labour, and if these things did not belong to themselves or by proxy to the capitalist instead of to the worker.

As if the division of labour was not just as possible if its conditions belonged to the associated workers (although historically it could not at first appear in this form, but can only achieve it as a result of capitalist production) and were regarded by the latter as their own products and the material elements of their own activity, which they are by their very nature. (Marx 1863, Ch XXI)
The last sentence of the second passage is Marx’s most clear statement from his work that establishes a moral right of ownership. At this particular point in the text, Marx actually makes two separate claims, which together represent his conception of just ownership. On the one hand, he is speaking about capital as congealed past labor and, on the other, as the condition for creative work. According to Marx, means of production have been created through the past labor of workers and are worked on by other workers. These two situations, having created something (their own products) or employing some means of production in one’s own work (the material elements of their own activity) lead to having a moral right over something (by their very nature, the means of production belong to the workers). Marx asserts that there is a natural right to property over something one has produced or uses in production.

The claim that means of production belong to workers ‘by their very nature’ is set in contrast with the condition of means of production accumulated by capitalists. Marx could be read as saying that, if, as a basic premise, ownership by workers is the natural state, then ownership by capitalists must be against the nature of a good that works as a means of production. Further support for the claim that those who produce a good have the right of full ownership over it comes from a few statements Marx makes soon after the passage quoted above:

Furthermore, because in the capitalist mode of production capital appropriates the surplus product of the worker, consequently, because it has appropriated the products of labour and these now confront the worker in the form of capital, it is clear that the conversion of the surplus product into conditions of labour can only be initiated by the capitalist and only in the form that he turns the products of labour – which he has appropriated without any equivalent – into means of production of new labour performed without receiving an equivalent. (Marx 1863, Ch XXI)

The conditions of ownership (having made something or working on something) might create some complications when read in conjunction. We can imagine a situation in which a group of people has produced something which can be also used as a means of production. That group does not wish to employ that particular machine in their work, but wishes to trade it. Another group takes that machine and uses it
productively. Does it belong to the first group? Can they meaningfully and justly alienate it? Marx never explains anything about a just exchange, but several claims can be made: 1. at this particular point he does not even need to discuss just trading between legitimate owners, all that he needs to do is to show that the non-workers have no legitimate ownership claims and 2. legitimate owners can trade justly if the exchange “equivalent for equivalent” or commodities of equal value.

Of course, the moral right of ownership is limited in the sense that society as a collective also has a claim over the portion of the surplus value necessary to produce those public goods which further our human development. Unlike right-libertarians, Marx does not see an absolute right of self-ownership, which blocks the claims other people have. In Marx’s view, it is incumbent on the social collective to provide education, to offer humane living conditions to those who cannot work and to regulate for emergencies and for future investment (these are derived from the second principle, of joint world ownership, outlined below). Marx does not mention other public goods, but his theory would probably accommodate a strong principle of fair equality of opportunity:

(...) If, furthermore, we reduce the surplus-labour and surplus-product to that measure which is required under prevailing conditions of production of society, on the one side to create an insurance and reserve fund, and on the other to constantly expand reproduction to the extent dictated by social needs; finally, if we include in No. 1 the necessary labour, and in No. 2 the surplus-labour, the quantity of labour which must always be performed by the able-bodied in behalf of the immature or incapacitated members of society, i.e., if we strip both wages and surplus-value, both necessary and surplus labour, of their specifically capitalist character, then certainly there remain not these forms, but merely their rudiments, which are common to all social modes of production. (Marx 1999 [1894], 595)

Let us take, first of all, the words ‘proceeds of labor’ in the sense of the product of labor; then the co-operative proceeds of labor are the total social product.

From this must now be deducted. First, cover for replacement of the means of production used up. Second, additional portion for expansion of production. Third, reserve or insurance funds to provide against accidents, dislocations caused by natural calamities, etc.

These deductions from the ‘undiminished’ proceeds of labor are an economic necessity, and their magnitude is to be determined according to available means and forces, and partly by computation of probabilities, but they are in no way calculable by equity.
There remains the other part of the total product, intended to serve as means of consumption. Before this is divided among the individuals, there has to be deducted again, from it: First, the general costs of administration not belonging to production. This part will, from the outset, be very considerably restricted in comparison with present-day society, and it diminishes in proportion as the new society develops. Second, that which is intended for the common satisfaction of needs, such as schools, health services, etc. From the outset, this part grows considerably in comparison with present-day society, and it grows in proportion as the new society develops. Third, funds for those unable to work, etc., in short, for what is included under so-called official poor relief today. (Marx 1875)

Marx could also be interpreted as having a principle of initial equal access to resources or a moral right of joint world ownership. This could be inferred from his description of the process of original accumulation that jump-started the development of capitalism in XVI century Britain. He dedicates a whole section of the first volume of *Capital* to analyzing original accumulation, which has been done, according to him by force. Especially, in *Value, Price and Profit*, Marx calls original accumulation:

But before doing so, we might ask, how does this strange phenomenon arise, that we find on the market a set of buyers, possessed of land, machinery, raw material, and the means of subsistence […] The inquiry into this question would be an inquiry into what the economists call – previous or original accumulation, but which ought to be called original expropriation. But, on the other hand, these new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all the guarantees of existence afforded by the old feudal arrangements. And the history of this, their expropriation, is written in the annals of mankind in letters of blood and fire. […] The last process of wholesale expropriation of the agricultural population from the soil is, finally, the so-called clearing of estates, i.e., the sweeping men off them. All the English methods hitherto considered culminated in – clearing, the sweeping men off them […] But as soon as the question of property crops up, it becomes a sacred duty to proclaim the intellectual food of the infant as the one thing fit for all ages and for all stages of development. In actual history it is notorious that conquest, enslavement, robbery, murder, briefly force, play the great part. (Marx 1887 [1867])

Thus primitive accumulation, as I have already shown, means nothing but the separation of labour and the worker from the conditions of labour, which confront him as independent forces. The course of history shows that this separation is a factor in social development. (Marx 1863, Ch XXI)
The fact that Marx uses the term ‘expropriation’ for the process of enclosures which created a mass of dispossessed peasants does not, by itself, establish that he believed that people have an original moral right of equal access to resources. After all, peasants in XVI\(^{th}\) and XVII\(^{th}\) century Britain were being ‘expropriated’ and ‘robbed’ according to the prevailing norms of property ownership of the feudal period. Moreover, according to Marx, this was a factor which promoted the development of capitalism and of (as we can see from his claims above) communism. However, Marx devotes a large amount of space to describing the violent birth of capitalism, based on taking land away from individuals and leaving them with nothing except labor to sell. If “capital comes [into the world] dripping from head to foot, from every pore, with blood and dirt” (Marx 1887[1867]), if it is a period marked in “letters of blood and fire” and was based on “enslavement, robbery, murder” it means its methods were highly violent. It left people starving and without any livelihood.

4. A defense of limited self-ownership

Given the acrimonious debates in the literature on exploitation and Marxism, the concept of limited self-ownership is in need of an elaborate defense. On the one hand, it needs defense from those engaging in the interpretation of the Marxian texts. It has to be shown that it is at least coherent with the texts, if not a better interpretation than rival ones. Secondly, it has to be given an elaboration and shown that it is not internally inconsistent. Thirdly, the section will argue that the concept of limited self-ownership answers two of the main objections in the literature on exploitation.

As mentioned above, the article defends as “Steiner+” concept of self-ownership as the correct interpretation of the Marxist texts. According to Steiner (1994) one’s self-ownership is limited by two aspects: the equal claim that all others have on the world’s resources and the fact that germ-line genetic information is such a resource, which limits one’s claim to the bodies of one’s children. Conversely, the “Steiner+” conception argues that one owns his energy but not his talents (as these are part of the available pool of genetic information).
Secondly, more closely to the classical Steinerian view, self-ownership is limited by the joint world ownership or equal access to initial resources. Thus, the claims of others might be based on their right of access to productive resources. Finally, self-ownership can be limited by the self-ownership of others, when this is interpreted as the "fair value of self-ownership". Simply based on self-ownership, one might demand enough resources to meaningfully exercise it. This limits one’s right to appropriate unowned resources and mix one’s labor with them, if, by this, one somehow limits others’ self-realization. This is a stronger understanding of the Steinerian principle of equal initial access to natural resources.

The other contender for a Marxist conception of distribution is the principle of need. It asserts that distribution of material goods should be done according to the reasonable needs of those who receive it. Examples figure distribution of medical care or of public transport for retired people. For example, seeing one’s doctor once every six months is a need, seeing him every hour is not. A need has to be established and then it must be given a reasonable interpretation.

On a textual basis, two main paragraphs in Marx’s works are used to claim that he is not committed to self-ownership. The first is used by Paul Warren (1994) who points out to Marx’s criticism of the “reward according to labor contribution” principle in the *Critique of the Gotha Programme*. He relies on the following quote:

> But one man is superior to another physically, or mentally, and supplies more labor in the same time, or can labor for a longer time; and labor, to serve as a measure, must be defined by its duration or intensity, otherwise it ceases to be a standard of measurement. This *equal* right is an unequal right for unequal labor. It recognizes no class differences, because everyone is only a worker like everyone else; but it tacitly recognizes unequal individual endowment, and thus productive capacity, as a natural privilege [...] Further, one worker is married, another is not; one has more children than another, and so on and so forth. Thus, with an equal performance of labor, and hence an equal in the social consumption fund, one will in fact receive more than another, one will be richer than another, and so on. To avoid all these defects, right, instead of being equal, would have to be unequal. (Marx 1875)

Warren interprets Marx as saying that one does not deserve the full outcome of one’s talents and ability to work hard. This interpretation
closely parallels Rawls’ defense of egalitarianism against self-ownership and desert-based principles. Moreover, Warren also reads Marx as saying that reward according to labor provided does not take into account the needs of the worker, such as family. Therefore, Warren concludes that Marx denies self-ownership and affirms an asymmetrical reciprocity principle. This principle would take into account labor contribution, but also need and would offer higher rewards to those who contribute more, but not necessarily exactly proportional to labor contribution (Warren 1994, 46). A similar argument is also made by Geras (not against self-ownership, but against the idea that Marx argues for distribution according to labor contribution) (Geras 1984, 79), who also quotes the following passage (the second textual support of the anti-self-ownership claim):

But one of the most vital principles of communism, a principle which distinguishes it from all reactionary socialism, is its empirical view, based on a knowledge of man’s nature, that differences of brain and of intellectual ability do not imply any differences whatsoever in the nature of the stomach and of physical needs; therefore the false tenet, based upon existing circumstances, “to each according to his abilities”, must be changed, insofar as it relates to enjoyment in its narrower sense, into the tenet, “to each according to his need”; in other words, a different form of activity, of labour, does not justify inequality, confers no privileges in respect of possession and enjoyment. (Marx 1875)

The main argument for arguing that Marx holds a “Steiner+” conception of self-ownership is seeming incoherence of the theory of exploitation with the theory of labor rewards, as well as with his preferred political economic form of organization: the associated producers. Thus, one is compelled either to give precedence to the correctly interpreted labor theory of value and conclude that he supports of form of distribution based on some form of limited self-ownership (and interpret away the principle of need) or, alternatively to give precedence to the supposed principle of need and render passages on just distribution incoherent with those on just ownership or on the just form of political economy. The article chooses the first option over the second.

It seems hard to see how Marx could, on the one hand affirm, that labor does not offer ‘privileges’, while at the same time holding the
theory of exploitation that he does (that the worker’s time is somehow taken away). As Warren points out, Marx did not reflect adequately on the normative foundations of his work (Warren 2002, 62). Yet any theory of justice requires one of legitimate ownership. One can morally make a claim on something because this fits a pattern of just distribution or because he has produced it or because he has acquired it justly from an un-owned state. Marx's views on legitimate ownership seem to vacillate. On the one hand, in his analysis of capitalism he criticizes the taking away of some of the worker’s product. On the other, as Warren points out, Marx both praises and critiques the labor contribution principle. The critique is mounted because this principle does not take into account needs and allows for natural talents to affect contribution. So, there seems to be a paradox in Marx: the theory of ownership used to condemn capitalism is not the same as the one to apply in a just society. Further, since these theories seem to contradict each other, textual interpretation is forced to hold one of them fixed and try to work around it.

On a textual basis, there is a strong reason to believe that the theory of exploitation presupposes self-ownership. As shown by the quotes presented in the previous sections, Marx refers to the product of labor as belonging to the producers because it was produced by them:

The greater part of the yearly accruing surplus-product, embezzled, because abstracted without return of an equivalent, from the English labourer, is thus used as capital. (Marx 1887 [1867])

Marx obviously makes a direct connection between the producer and his product.

Two further textual arguments from the wider opus can be brought to support the self-ownership based conception of exploitation. The first is Marx’s attack on Lasalle in the *Critique of the Gotha Programme*. Marx disparages Lasalle’s ‘iron law of wages’ for having a sufficient moral background. According to Lasalle, the moral wrong of capitalism is the fact that it keeps people in poverty through the operation of the ‘iron law of wages’. This implies that wages always tend to the minimum for subsistence because supply of labor is always
greater than demand. According to Lasalle, workers should abolish the system of wages because these are too low.

However, Marx believes that there is something wrong with this. He claims that it is not the low magnitude of the wages that is wrong in capitalism, but the existence of wages itself. The very idea of wage labor is exploitation, Marx argues, because it implies the appropriation of a surplus which morally belongs to its producer because it was produced by him (because he created that particular surplus). In one of Marx’s typical ironies, he states:

> It is as if, among slaves who have at last got behind the secret of slavery and broken out in rebellion, a slave still in thrall to obsolete notions were to inscribe on the program of the rebellion: Slavery must be abolished because the feeding of slaves in the system of slavery cannot exceed a certain low maximum! (Marx 1875)

Secondly, Marx’s claim that a democratic form of socialism (the associated producers) is the preferred form of politico-economic organization bears on selecting self-ownership as the preferred normative principle. A luck egalitarian conception would select maybe one or two regimes of political economy. It would exclude laissez faire capitalism, but probably not necessarily something like a Property Owning Democracy or a liberal form of socialism. However, as presented in the section on institutional proposals, a democratic form of socialism can uniquely implement the principle of self-ownership. Of course, it might be said Marx is unimaginative when it comes to institutional suggestions. Yet, his praise for the Paris commune and his criticism of utopian socialist experiments, as well as his slogan “abolition of private property” in the Communist Manifesto points to his belief that voluntary associations are useless and only wide-scale confiscation is appropriate. It can be argued that this is done to restore the connection between the working person and his product, not because a principle of distribution requires it.

A similar argument can be brought also against the needs principle. If need is the principle of distribution, then capitalism would be unjust only insofar it fails to provide for the reasonable needs of individuals. An expanded welfare state would probably meet Marx’s criteria. If contribution
and reciprocity were the distributive principles, there would be no logical connection between property-ownership and contribution. Differences in ownership of productive property would be condemnable only insofar as they permit some to work less than they receive.

The second defense of the idea of Marx supporting self-ownership is interpretive. Given the many readings of the idea of self-ownership in the literature, a particularly Marxian (or the “Steiner+”) understanding must be offered. Even more, it has to be shown that it is internally coherent. For this, it has to be specified what exactly the individual owns when one says (limited) self-ownership in a Marxian sense. In other words, which are the limits of self-ownership? The ‘self’ part of self-ownership could be said to constitute of talents (what one can do) and energy/activity/effort (what one wants to do/is willing to do – these are natural resources in the same vein as germ-line genetic information). What Marx seems to say is that one does not own his talents, which are given by nature and that distribution according to labor contribution transforms this unfair natural distribution into a social principle. However, it is crucial to note that Marx does not say “one [worker] is willing to labor for a longer time” but he claims “one [worker] can labor for a longer time”. Thus, Marx only seems to deny full self-ownership. One owns his intentions, but does not own his talents. This is the first limit of self-ownership.

Secondly, Marxian self-ownership is limited by the claims of other people, based on need. Another reason Warren claims that Marx does not support self-ownership is that Marx believes some part of the surplus product must be taken from its producers and used to satisfy the needs of the non-producers. Warren’s argument is based on Marx’s statements from *Critique of the Gotha Programme* quoted above (footnote 162). However, in a footnote, Warren himself recognizes the weakness of his position, but because his aim of attacking Cohen is not helped by exploring them, he abandons the enterprise (Warren 1994, 46n20). This article argues for the claim what Warren abandons: that self-ownership can be limited by the needs of others, such as children, disabled, old, or by the general need for public goods.

The third limit to self-ownership which can be discerned out of Marx’s texts has to do with the maximum permissible inequalities in a
society. In other parts of his work, Marx sees the labor of managers as necessary and their rewards as justified. Thus, in an ideal socialist society, there would be a maximum permitted inequality, given by the ratio of the value of the highest skilled labor to the lowest. Unlike the Rawlsian difference principle, this would not relate the gains of some to the gains of others, but would simply limit the maximum rewards of the top bracket of such a society.

This third limit offers a reply to Cohen’s arguments in favor of abandoning of self-ownership as a normative principle for Marxists. In several works, out of which two articles were later published as chapters of *Self-Ownership, Freedom and Equality*, Cohen argues that Marx is committed to self-ownership and that this should lead Marxists to abandon orthodox Marxism and move to a form of egalitarianism (Cohen and Graham 1990, 25-61; Cohen 1990; 1995). Cohen believes that self-ownership, even coupled with joint world-ownership, does not contain limits to the maximum inequality which can exist in a society. Moreover, in Cohen’s view, a theory of justice based on self-ownership would not see as acceptable the needs-based deductions from the general stock which Marx advocates. Once again, in a footnote, Cohen entertains doubts and claims “One might question any case, all of the deductions (see p. 33 above) contradict self-ownership, but some of them certainly do” (Cohen and Graham 1990, 34n21).

Finally, another interpretation of self-ownership can be provided. In this interpretation, self-ownership includes a right to the effective means of exercising it. In Rawlsian terms, this could be called “the fair value of self-ownership”. Thus, in addition to the claims based on equal ownership of the world, an individual might make a claim based on the fair value of self-ownership. If one is able to work and somehow makes the worst out of the productive resources to which he is entitled, one could still demand enough resources to not be forced to work for others at an exploitative wage. Moreover, this can be read as a relational concept, in the sense that it would limit inequalities, rather than only offer a sufficient threshold, such as a plot of land. Inequality could be limited to assure that no one is compelled to work for others, and thus his self-ownership is not violated. This simple modification would
harmonize the libertarian and the egalitarian strands in Marx and avoid the necessity of trying to find alternative principle which do not.

5. Marx’s normative premises 2: absence of alienation

The third Marxian normative premise is that of an absence of alienation. Presenting the theory of alienation as developed by Marx in his early works is beyond the scope of this article, so only several aspects of this premise have to be developed here. To state it simply, a socialist society should aim at minimizing the amount of alienation present in it and to maximize the opportunity for self-realization. In order to do so, such a society would need to 1. Eliminate to the greatest extent possible the assignation of monotonous and routine tasks only to some individuals 2. Increase the connection between the individual and the product which comes out from the productive activity.

The key solution for transcending alienation is workplace democracy. Several variations can be imagined: a more limited version would only require that the workers collectively control the major direction of the firm and leave minute decisions to democratically elected and democratically dismissible managers. A more comprehensive version would involve abolishing the distinction between managing tasks and execution tasks and establishing a system of democratic sharing of both. The first is suggested by David Schweickart (1996, 2012), while the second by Iris Marion Young (1990). While detailing how a society without alienation would look like is the scope for further work, at this point it can be said that the aim to abolish alienation would mandate a strong participatory right and a strong right to not have to do meaningless jobs.

However, a socialist society would probably not impose on everybody a requirement that they participate equally in productive decisions or that they abolish workplace division of labor. But, unlike in a liberal society, a socialist one would have a stronger case for perfectionist subsidies for firms where workplace democracy is a value. Further, unlike in a liberal society, the value of self-realization could be taught in state schools or could be publicly advocated by state authorities.
A distinction should be made at this point between the first two and the third premise. While they might have the same effects on institutional design, their normative fundamentals are different. The premises of limited self-ownership and equal access to initial resources govern rewards, while the absence of alienation governs control. Rewards can be interpreted in any meaningful way, but they refer to material resources. Control is a more abstract value, relating to the ability to exercise power over things or people (or to not have such power exercised on you). Of course, sometimes, to enforce the appropriate reward pattern, control is required (for example, to move towards a more egalitarian distribution of property, more decisions could be taken by direct democracy). Thus, while control might also be instrumental for ensuring appropriate reward, it is also a fundamental value in any Marxian theory.

6. Conclusion

The article has developed the building blocks for a Marxist theory of justice. By undertaking a close analysis of some key Marxist texts, the article has established that three normative premises can be discerned from the Marxist opus. The development of a fully-blown Marxist theory of justice, including both principles and institutional proposals to implement those principles will be done in a further work.

Essentially, the article argued that Marx’s works can be interpreted as an extended form of left-libertarianism or, to say it in a more accessible form, a “Steiner+” conception. The building blocks of a Marxist theory of justice are, in the view of this article: 1. a narrow concept of self-ownership, which is 2. limited by the self-ownership of others and by the fact that one owns one’s work but not his or her talents and 3. complemented by a right of equal initial access to resources, which establishes the fact that people are common owners of the world, as well as 4. the absence of alienation. The latter is grounded in Marx’s early work, the *Paris Manuscripts*, where the concept of alienation is much more emphasized that the condemnation of exploitation. The idea of absence of alienation distinguishes the interpretation proposed by this
article from the simple left-libertarian reading which the first two premises might have led to. It will be used, in further work, to ground a theory which includes a strong right to democratic workplaces.

The article also aimed to reject the principle of need as the correct interpretation of the Marxist theory of distribution. It argues, on the contrary, that supporting the principle of need is incoherent with a self-ownership based conception of justice and that the best way to address the idea of need is through the principle of equal access to resources.

Elaborating a Marxist theory of justice represents a complex undertaking which far exceeds the scope of this article. It has only aimed to outline the building blocks of the theory, to the extent to which the main normative aspects could be inferred from crucial Marxist texts. Detailing the principles of justice and the institutional proposals which implement them are to be developed in a further work.

REFERENCES


